

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
May 14, 2019

Present: Geraldine Brooks, Whit Griswold, Michael Turnell, Peter Rodegast, and Tara Whiting-Wells

Absent: John Brannen and Binnie Ravitch

Staff Present: Maria McFarland

Also present for all or part of the meeting: Brian Beall, Kristen Geagan, Andrea Hartman, Richard Knabel, Hunter Moorman, Donna Paulnock, Reid Silva and Kristina West

The meeting was called to order at 5:00 P.M. Tara Whiting-Wells, Chairman presiding.

Minutes: Approval of the minutes of the April 16 meeting was tabled to the next meeting.

Public Hearings:

Map 5 Lots 2.1 & 2.3/ SE79-399: a public hearing under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc, on behalf of Cedar Tree Neck Farm, LLC for a project located at 207 & 209 Obed Daggett Road. The project consists of upgrading the septic system and associated site work including trenching of water lines to service lot 2.3. The tank and pump chamber will be located on lot 2.3 83 feet from the wetland edge and the leach field will be located on lot 2.1 outside the Buffer Zone.

Reid Silva presented the project. The owners intend to renovate this property in the future but in the meantime they would like to upgrade the septic system from a cesspool to a Title 5 system. The camp on the property is going to be renovated in the future. There are no definite plans. The tank will be in the same location as the cesspool. The Board of Health has approved the design and location. The location is set based on wells in proximity to the proposed system. The leach field will be placed uphill in a lawn area. The only viable access to the site will be over a causeway that connects this property to Map 5 Lot 2.2. There is a wetland on either side of the causeway with a culvert underneath it that is not shown on the project plan nor is this wetland shown on the project plan. A one ton dump truck will be used to move excavated material.

Commissioner's comments/ questions:

Geraldine asked how many truck trips would be required. Reid estimated 15-20 trips. He said the culvert will be fine but crane mats or plywood could be put down to protect the ground cover. Disturbance will be limited to the causeway itself.

Peter said he was fine with the point of access.

Tara asked if Reid could talk to the owners about less mowing along the sides of the causeway.

Reid replied that the owners plan to come back with an application for work on the house itself but doesn't have any details and that the issue of mowing could be addressed at that time.

There was no public comment. Tara closed the public hearing.

Conditions will include the use of crane mats or plywood placed over the causeway to prevent erosion. Erosion control measures around the septic tank work will be installed as shown on the project plan. Crane mats or plywood will be placed over the causeway to protect the causeway. A motion was made and seconded to approve the project as presented with the above noted special conditions. All in favor.

New Business:

Sheriff's Meadow Foundation (SMF)/ Nat's Farm/ Fence and Gate/ CR approval:

Peter is a member of SMF Board of Directors. He informed the Board that he spoke to the state ethics office about whether he can represent SMF before the Commission. He cannot. He would have to file the necessary paperwork with the Board of Selectmen disclosing his association with SMF. That would allow him to participate in future hearings. He recused himself and moved to the audience.

Kristen Geagan, Director of Stewardship at SMF, explained that people drive up the farm road to access the state forest to hunt and let their dogs out. This is also area where high school kids go to hang out. Hunters and dogs are a problem for the farmer who owns the adjacent fields. The gate will be locked. The appropriate parties will have a key for access. A motion was made and seconded to approve the installation of two granite posts, locked wooden gate, and split rail fence as shown on the submitted site photo as permitted under the conservation restriction. All in favor.

Map 13/Lots 4, 5, & 6.1/SE79-364 Sheriff's Meadow Foundation/ relocation of boardwalk under special condition #4:

Kristen explained that special condition 4 of the Order of Conditions anticipated that a boardwalk may be needed on the new orange trail but the Order expired in November and she didn't know if a new order would be required. A design for the boardwalk and pictures of the area were reviewed. A motion was made and seconded to approve construction of this boardwalk without the need for a new application. All in favor.

Administrative Review/ Map 5 Lot 1/ Sheriff's Meadow Foundation/Gutter work at Cedar Tree Neck Property Manager's house

Due to flooding and moisture issues in the basement, SMF would like to repair and replace the existing gutter drain pipe that runs underground away from the caretakers house. This involves digging up the existing porous piping and replacing it with nonporous piping. One of the drainage areas is outside of the board's jurisdiction, but the drainage area on the western side of the house is inside jurisdiction approximately 75' from the wetland. Michael suggested putting some gravel at the end of the pipe to help dissipate the runoff. A motion was made and seconded to approve this work. All in favor.

Peter rejoined the meeting.

Martha's Vineyard Agricultural Society/ Follow up: Tara circulated Brendan's notes from the board's April 23 meeting with him and her notes from the May 3 meeting she had with Brendan. Both are noted for the record.

Tara opened the discussion by reading her notes which were taken at the meeting with Brendan O'Neil and the board as her individual meeting with Brendan at the VCS office. She and Brendan would like to send the Ag Society a joint letter using a couple of the suggestions in the 2019 Attorney Small letter for a template the Ag Society could follow:

- Maximum of 12 events per year on the property (not including the fair)
- Set a limit on crowd size for the events
- No more than 2 events per month

Tara's notes indicate that she would like the CC and VCS to work together to have the Ag Society come into compliance by 2021. Tara would like memorials to be treated as events as they have been listed as events before and that the Ag Society should treat them as such and leave space for them when setting their calendar.

Kristina West, Executive Director of the Ag Society said that Brendan O'Neill considers memorials to fall under the community service category and he is fine with an e-mail notice when one is to occur. Tara replied that she would like the 12 events a year to include memorials.

Kristina said that it is her understanding that the intensity of use has greatly reduced from what occurred when the society was at the grange hall and from what is on the list attached to the 1998 letter from Ron Rappaport.

Peter suggested that the letter include a definition of 'event'. Maria said she would look at the 2019 list to see how events were broken out into categories.

A motion was made and seconded to compose a letter acceptable to Vineyard Conservation Society setting forth expectations of the co-holders for reducing the use of the hall in 2020. All in favor.

Martha's Vineyard Agricultural Society/Fiesta Junina: Kristina described a new event the Brazilian language students at the high school would like to hold to celebrate their agricultural heritage. This festival is held in June to coincide with harvest time in Brazil. The harvest celebration will include square dancing, cultural music, educational displays, barn display with animals, cook out type food using corn products and a traditional harvest dance to be taught to younger kids. The music would be provided by a radio. There would not be a band. The event will be held on June 23 from 2-4 PM for an estimated 100 people. Julie Scott, who spearheads the 4H programs, will be organizing the barn display.

This would be an additional event not already on the 2019 list. Kristina said that there was no restriction on the Ag Society asking permission for additional events.

Tara said that even though this is a great event, she is not in favor of it because it is one more event.

Kristina replied that the Ag Society is trying to work with the town in good faith so to say that this is adding one more event implies that the Ag Society is not trying to come into compliance. She feels that the rules keep changing. Tara responded by saying that based on her reading of the APR and the opinion letters, the number of events is supposed to be limited (suggestion of 12 is taken from Attorney Small's letter) and adding this event would bring the number to 36 (over 40 including the memorials). She added that that this is a great event, but it is one more event. Kristina noted that the number of events has been reduced and the list of events for 2019 has already been approved.

Peter said he was in favor of approving this event. Geraldine also spoke in favor of approving this event with the understanding that there will be a lot more that will not be approved and there is flexibility to approve an event that so perfectly fits the spirit of the gift. Geraldine said that not all events are in the spirit of community, education, and youth involvement in agriculture in the way this festival is. Peter agreed.

Tara suggested that in exchange for approving this event, the Ag Society is asked to remove an event from the 2019 list such as the soccer booster or the Garden Club event. Michael said he was not in favor of that. The list has been approved for 2019 and they were told they could ask permission for additional events. Kristina said it is her understanding was that the list was approved and that the Ag Society was told they could ask for approval of additional events as they came up. To change that now would not be in good faith on the part of the Town.

Public Comment:

Andrea Hartmann asked how the list works. Maria explained that the list the board was talking about is a list that was approved by a group that included Ron Rappaport, Joe Tierney, Tara, Prudy Burt, Jen Rand and members of the Ag Society to establish a baseline of approved events for 2019. The original list referenced in the 1998 letter was an accounting of the number and types of events that were being held in 1998. Many of the events on the 1998 list are no longer held at the Ag Hall. Hunter Moorman spoke in favor of a joint letter being sent. Richard Knabel said it was good that everyone is working on better defining what events and the number of events that are allowed or not allowed.

A motion was made and seconded to approve Fiesta Junina to be held this year as a one-time event. The vote on the motion was 4-1. Tara voted no.

The discussion continued on approval of memorials.

Kristina asked for confirmation about how to handle memorials. She told the board Brendan told her he would like to receive an email notification. Tara wants to be able to vote on memorials that are scheduled for a date in the future. She said notification of memorials that come up on short notice by an email is fine.

Geraldine suggested that if Kristina gets a request for a large memorial that is planned months in advance, the Ag Society should consider declining if there is another venue where the event could be held.

Tara said we will get clarification as to whether memorials are an “event.”

Richard Knabel suggested that memorials should get an exemption.

Peter asked the abutters if memorials are a problem. Richard said no they are not a problem but parking along the road is. He added that the situation has gotten better. Memorials are a community service.

Hunter agreed that memorials are not a problem and memorials definitely fit the definition of community service.

Map 3 Lot 91/ Lambert’s Cove Beach Path/ High School Give Back Day: Peggy Stone, Board Administrator of Parks and Recreation was present to discuss a project to have high school students shovel the path where the boardwalk is place in an effort to make the path less steep. The event is scheduled for May 17. Peggy said they planned to do a bucket brigade starting at the top of the dune and working down. Peggy and two chaperones will be directing the project.

Members looked at the profile plan. Maria explained that she spoke to Vineyard Land Surveying to get some guidance. She reiterated what Reid said that the top of the dune is stable and that care should be given so that the path is not dug too far down so that the sides collapse.

Whit said the practice of placing fencing in front of the path in the winter should stop. Maria explained that the zig zag fencing in front of the path during the winter was to keep sand from accumulating on the path itself. All agreed the use of fencing should be reviewed.

Peter asked if the boardwalk could be redirected. Peggy said that they have looked at moving the bottom section of the boardwalk to the right.

Geraldine asked if there would be someone on site that could guide the work. Michael and Whit offered to meet Peggy on site on Thursday to devise a plan. Michael has grading rakes the kids can use.

Tara suggested having Greg Berman come out again to look at the dune. Maria will call him.

A motion was made and seconded to approve this work under special condition number 9 of the Order of Conditions. All in favor.

Old Business:

Map 25 Lot 1.1/MVAS/ APR:

Administrative

Associate Member: Members met with Donna Paulnock who is interested in joining the board as an associate member. A motion was made and seconded to recommend Ms. Paulnock to the Board of Selectmen for appointment to the board for a one-year term as an associate member. All in favor.

The following Certificates of Compliance were approved and signed:

Long Point/ Trustees:

- Map –Lot, 36-28,42-1, 43-8/SE79-151/prescribed burns
- Map – Lot 36-28 and 42-1/SE79-267Phragmites removal
- Map 41 Lot 1/SE79-282/ Reconstruction of duck blinds
- Map – Lot 36-18,42-1 and 43-8/SE79-299/Prescribed burns

Library/Map 32 Lot 97/ SE 79-327: The Order allows the conservation area to be mowed once a year. The area hasn't been mowed in at least a year. Their landscaper suggested that it be mowed twice this year, once now and then once in the fall to get it on track. The Order also required an As-built which is very expensive. The board agreed that Maria could work with Chris Alley to come up with a letter stating if there are any deviations.

Correspondence:

In: Copies of comment letters to EOEEA regarding Clam Point dredging ENF

- MVC
- Natural Heritage and Endangered Species Program
- Division of Marine Fisheries

Copy of letter to Skip Manter from Prudy Noon re: Ag Society APR
Certificate of EOEEA re: Clam Point dredge project

Out: Clam Point/ Fialkow/ Dredge Project in Tiah's Cove ENF Comment letter
Map 3 Lot 85.4/ Order of Conditions/ Ferry
Map 3 Lot 85.4/Certificate of Compliance & Notice of Violation/ Ferry/
Map 12 Lot 70, 70.1& 70.2/ Certificate of Compliance/Phear
Map 1 Lot 50/ Certificate of Compliance/ Sundin-Tate

There being no further business to conduct, the meeting adjourned at 7:05 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED