

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
June 25, 2019

Present: Brian Beall, Geraldine Brooks John Brannen, Whit Griswold, Donna Paulnock, Peter Rodegast, Michael Turnell, and Tara Whiting-Wells

Absent: Binnie Ravitch

Staff Present: Maria McFarland

Also present for all or part of the meeting: Cody Coutinho, Eleanor Neubert, Jean O'Reilly, Reid Silva, and Kristina West

Members welcomed Brian and Donna to the board as Associate Members.

The meeting was called to order at 5:05 P.M. Tara Whiting-Wells, Chairman presiding.

Minutes: The minutes of the June 11 meeting were approved as revised. Geraldine abstained.

Public Hearings:

Map 35 Lot 3.1/SE79-403: 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 the Trustees of the Priscilla P. Fischer 1994 Trust for a project located at 126 Road to Great Neck. The project consists of the relocation of a portion of an existing dirt road located within a flood hazard zone and trenching within the entire length of the dirt road to install underground utilities.

Cody Coutinho represented the applicant. He explained that utility trenching will occur within Land Subject to Coastal Storm Flowage (LSCSF) for a distance of approximately 1,000 feet and within the first 25 feet of the Buffer Zone to a Coastal Bank. Approximately 4,500 feet of existing road within the Buffer Zone will be abandoned and restored. The proposed relocated road will create 1,382 feet of permanent alteration within the Buffer Zone.

The utility trench will be dug using a 3 foot wide bucket. The trench will be 30 inches deep with conduit installed and will be backfilled as soon as it is inspected. The restoration of the existing dirt road will consist of placing the top soil removed from the new road within the existing road. There are no plans to resurface the road before or after the trenching work is done except what is necessary after the trenching is completed.

Cody said Vineyard Land Surveying did not get a chance to add the slope and profile of the new road to the project plan as was requested at the site visit nor did they have a chance to prepare a written narrative about the restoration of the section of road to be abandoned.

Commissioner's Comments/ Questions:

Tara asked if they could relocate more of the road. Cody explained that site conditions were not conducive to relocating more of the road.

The new road will maneuver around one large Oak tree that the board would like preserved. Members discussed impacts during construction of the new road such a surface runoff and erosion of the hill. It

was noted that the new road will angle up the hill which is very well vegetated. The area between the existing road and the pond is also well vegetated.

Maria asked Eleanor Neubert, one of the property owners, if the road every gets flooded when the pond is closed and there is a big storm event. She answered that the road has never flooded, not even in a hurricane.

Michael suggested that the existing road will not be filled to grade. He also noted that the Reid said the road would be pitched into the hill at the site visit. Maria asked that the specifications for the road be placed on the plan as notes.

The board agreed to close the public hearing with the revised plan and narrative to be submitted to the office before the permit is issued.

Public Comment: There was no public comment.

The public hearing was closed.

Special conditions will include site protection, preservation of the Oak tree at the base of the new section of road. Trenching to be done on the uphill side of the road and soils placed on up uphill side of trench. Jute matting will be used to retain disturbed soils in order to stabilize the hill. The new driveway will be rolled or tamped. The driveway will be pitched into the hill.

A motion was made and seconded to approve the project as presented with the required revisions to the plan and narrative to be submitted. All in favor.

Map 6 Lot 8/SE79-402: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 Milton Estates LTD for a project located at 223 John Cottle Road. The project consists of the creation of a temporary 12 foot wide access way within the Buffer Zone in order to install new leach field and trenching to connect the system to an existing single-family dwelling. The existing failed leaching trenches will be abandoned.

Reid presented the project. The property is being sold and the existing system failed the Board of Health inspection. There are wetlands on both sides of the property. The leach field will be located at the 100 foot Buffer Zone line with the trench for the line connecting the system within the Buffer Zone. The existing tank will remain in place. There are two large trees near the new leach field that will be preserved. One or two big limbs may need to be removed to get a 10 wheel truck and excavator to the site of the leach field. Reid said they may try to save on of the limbs by propping it up with 2 by 4's.

Reid said approximately 100 yards of excavated material will be taken offsite. Reid said he thought putting down mats or plywood on the grass would have more impact. The Buffer Zone is not manicured lawn; it is more of a meadow. The work will be done at a dry time of year.

The disturbed strip of land will be restored by rotovating and reseeding with a meadow mix. The plan shows a siltation/ limit of work line.

The placement of the leach field is dictated by site conditions and Board of Health setback regulations. The board's concern is impacts to the Buffer Zone (a Resource Area under the Bylaw) and the potential impacts to the Bordering Vegetated Wetland during construction.

It was noted an Order of Conditions was issued in 2011 (extended twice) for a new house within the footprint of the existing cottage. Reid did not know what the new owner plans to do with the cottage.

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

Special conditions will include placement of silt fence as shown on the project plan, a pre-construction site visit, and work to be done when there is a favorable 5 day forecast for dry weather and restoration of the access way upon completion of the project.

A motion was made and seconded to approve the project as presented. All in favor.

New Business:

Map 25 Lot 1.1/ Ag Hall/ expansion of shed: The Ag Society is seeking permission to expand an existing shed used for storage under APR See sections A. (7) and B. (1) of the restriction regarding placement of structures for use related to the non-profit educational purposes. Kristina West was present to answer any questions on the Ag Society's request. A sketch plan of the addition was reviewed by the board. The expansion is allowed by right under zoning. Vineyard Conservation Society (VCS) has already approved the expansion. Members reviewed the sketch plan for the expansion and the email from VCS was noted for the record.

In its capacity as a co-holder of the APR with VCS, a motion was made to approve the expansion of the storage shed at Map 25 Lot 1.1 All in favor.

Old Business

Deep Bottom/ Deep exploration well: At the June 11 meeting, Sheri Caseau mentioned that she was researching the requirement for a deep exploration well at Deep Bottom that was one of the conditions of the September 18, 1986 DRI on the Magid/ Rosbeck subdivision known as Deep Bottom. Maria explained that the MVC decision required the builder to install a deep exploration well within the subdivision to measure potential impacts of septic systems and use of fertilizers within the development on groundwater and Tisbury Great Pond. The location of this well was to be determined by the MVC and the West Tisbury Board of Health. The MVC and the town were to create testing project and maintain records of the test. The costs of test were to be incurred by the Town. Maria asked Bill Wilcox, the Water Quality Planner at the MVC in 1986 if he had any information on this well. Bill replied by email dated June 25 to say that the thought this requirement was met by the cluster of 3 wells just outside the split rail fence on the West Tisbury-Edgartown Road at the Rosbeck pasture and pond. Members questioned the location. Maria also asked Omar Johnson, the Board of Health Agent and Bruce Stone, the Town Accountant to check their records for test results and payment of any invoices. Maria will follow up with Sheri, Omar, and Bruce. No action was taken.

Tisbury Great Pond/subcommittee: Whit told the board he sent an email to Chris McIsaac, President of the Riparian Owners Association asking if he and John could on the agenda for the annual meeting of the Riparian Owners in August. Whit said he hasn't heard back yet but it is an open meeting that they could attend. He will follow up.

Tara said she talked to Kent about setting up a Tisbury Great Pond Foundation. Maria outlined the steps to create a subcommittee that included members not on the Conservation Commission.

In the short term Whit and John would like to define or refine the objectives of this board in connection with the board's role in protecting Tisbury Great Pond and James Pond. John said he wants to get a better

handle on the monitoring and testing in Tisbury Great Pond. A subcommittee that included outside members would be a second step. No action was taken.

Map 15 Lot 1/SE79-395/274 Indian Hill Road/ Site issues/update: Maria reported that Chris Cottrell has complied with her request to move the wood chips and all the tree limbs out of the inner Buffer Zone. Chris Alley put the distance from the stonewall to the limit of work on the project plan to help Chris Cottrell locate and install the silt fence that should have been installed before a pre-construction site visit that was not requested, (which, despite being a condition, was not required). The wood chips have been raked inside the limit of work silt fencing. He is using the access before the house for truck access. Maria will check with the Planning Board about using the second curb cut for construction access. All of the building work is more than 100 feet from the wetland. Maria said she will continue to monitor this site. No action was required.

Map 39 Lots7 (SE79-354) and 11(SE79-344) follow up on driveway relocation and restoration: Tara and Maria met with Elaine Florio and Tom Della Rocco and reported on the progress of the restoration of the original driveway and the restoration of the Buffer Zone near the cottage on lot 7. No action was required.

Administrative:

Map 32 Lot 31/62 Music Street/Single dead tree removal: Members approved the request to have Tom Robinson remove one downed tree and the briar's covering it.

There will be no meeting on July 9.

Correspondence:

In: E-mail from Sam Hart/TTOR re: NHESP conditions on New Horizons event
E-mail from Simon Athearn re water withdrawals/ Hickie fields (Map 25-5-1)
Out: TRI Letter re: Map 30 Lot 13.1
Letter to TTOR re: New Horizons event

There being no further business to conduct, the meeting adjourned at 6: 05 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED