

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
June 9, 2020

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

Absent: Michael Turnell

Staff Present: Maria McFarland

Also, present for all or part of the meeting: Justin Corbett, Matthew, Cunningham, David and Julie Fleischner, Steven Mansfield, Travis Richie, Reid Silva and Kristina West

Whit Griswold, called the meeting to order at 5:10 P.M. This meeting was held remotely via Zoom in accordance with the Order Suspending certain provisions of the Open Meeting Law, G.L. c.30A sec.20.

All votes will be taken by roll call vote.

Minutes: The minutes of the May 26 meeting were approved with revisions. Roll Call Vote: All in favor.

Public Hearing:

Map 3 Lot 7/SE79-, a remote public hearing under the requirements of G.L. Ch.131 § 40, as amended, and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc., on behalf of Lynley Projects LLC for a project at 63 Boghouse Way. The project consists of site work within 100 feet of a coastal bank to abandon and fill in several existing septic components, install a new septic tank and leach field, demolish and remove the existing structure in order to build a new house, restore landscaping, and perform associated site work.

The following documents were reviewed and are noted here for the record:

- Project Plan dated May 11, 2020
- Basement floor plan for ZBA application dated May 20, 2020
- The DEP file number letter dated June 3, 2020 noted that an alternatives analysis should be broadened to include setting the house further landward of the coastal bank.
- An alternatives Analysis prepared by Travis Richie of R & D Studios dated June 4, 2020, stating the reasons the architect feels the house cannot be relocated further away from the top of the coastal bank.
- Request for a waiver of the buffer zone requirements for work in the No-Disturbance and No-Build Zones under the Bylaw dated June 8, 2020.
- Letter from Vineyard Land Surveying & Engineering dated June 8, 2020 that states that the long-term rate of erosion this site is listed as 0.66ft/year. Reid recapped the original application to raise the house and put a foundation under the existing structure.

In December 2019, the board issued an Order of Conditions for a project to lift the existing structure and place a new foundation under the house. The Order also covered the removal of obsolete septic components within the first 50 feet of the Buffer Zone and the location of a pool.

After closing on the purchase of the house, the new owner's representatives determined that it would be better to demolish the existing house and build a new house essentially in the same footprint, and they have no intention to reshape the entire project.

The alternatives analysis states that moving the house out of the Buffer Zone is not achievable while maintaining required Board of Health and Zoning setbacks. Reid said there was no flexibility on the setbacks for Board of Health regulations.

Reid said that even if the Commission would consider being more lenient on the separation from the inland wetland there are still the BOH and Zoning setbacks.

The zoning question is whether a house that sits in the Shore Zone can be demolished and rebuilt and if the applicant needs to demonstrate why it cannot be moved.

Reid was not sure if the demolition of the house would require more trips over Boghouse Way than what would be required if the house was lifted.

Reid said he did not think there was a significant difference in impact to the coastal bank if the house is demolished or if it is lifted.

Commissioner's Comments/Questions:

John Brannen asked if there are any problems with the foundation. Reid answered that the foundation has not had a structural inspection and described it as chopped up because of additions over the years.

Travis said the existing foundation is a mix of block work, concrete, stone and a significant portion under the kitchen that is earthen. There are serious moisture issues and some leaking. In terms of energy use, the basement is inefficient.

John also asked what happens to the current permit. Maria explained that an Order of Condition that is not used is released with the recording of a Certificate of Compliance that the project never commenced. Reid said his client did not want to request a Certificate of Compliance for the exiting permit until there is a determination on this Notice of Intent.

Geraldine asked if there is more current shoreline data noting that the data provided is from 2009. Reid replied that there is not. The shore-line transects are based on USGS maps done in the 1800's. Shoreline faces northwest so there is not the same rate of erosion that is seen on the south shore. The existing bulkhead is critical to the safety of this structure.

Geraldine then asked about anecdotal information. Pictures of the erosion on the east side of the lot are shown in the photos of the site. Maria noted that the erosion rate on the eastern side of the lot is 0.72ft/year where erosion to the bank is evident. Pictures of the coastal bank show that the bank is well vegetated except on the east side of the beach stairs. Reid did not think that the bulkhead was causing the end effect.

Geraldine said that 11-year-old data is not very reliable. Maria noted that there have not been any significant storms and there is no visible erosion except as noted and shown in the pictures.

Whit said that if approving the replacement of the basement and the demolition of the house will cause less disturbance than the original proposal than this not a moot discussion. Maria said that once a house is proposed to be demolished, it is within the boards purview to ask the applicant to look at locating the house further back from the top of a coastal bank; even if it requires set back relief from zoning, board of health or inland wetland setbacks; especially when there are potential impacts to the coastal bank during construction and the stability of the coastal bank has not been determined by a coastal geologist.

Members looked at a graphic representation of the reducing the square footage on every floor and the layout for the new basement was reviewed. That includes two bedrooms, a full bath, laundry room, pool maintenance equipment, a den, and wine cellar. A room identified as a gym was mislabeled.)

Geraldine asked if the architect considered moving the northerly masses closest to the bank inland. Travis replied that they shifted central masses but shifting the east and west ends would make the structure less conforming to zoning setbacks. The garage and western end of the house remain in the same location.

The ZBA will hear this application on June 11 and the Planning Board will hear the application on June 15.

Reid said ZBA would defer to the Commission. Maria said there is some question about whether demolition of a house and reconstruction is allowed in the Shore Zone.

The Planning Board has site plan review because the house is over 3,000 square feet. The current size of the house including the garage is 5,125 square feet. The new footprint is 4,875 sq. feet.

It was noted that there is precedent to ask an applicant to seek zoning setback relief and for the board to grant setback relief to an inland wetland. No relief from the setback to the inland wetland was considered when the request was to lift the house. Now that they plan to demolish the house, it is a legitimate request to ask that the applicant look at moving the house back.

Whit asked if they can look at moving the house the back, can they also look at changing the overall design. Travis said they are only looking for height relief for a flat dormer.

Tara said since they are asking for a completely new permit, could they remove the pool allowing them to move the house.

Travis replied that the swimming pool is very important to his client and would negate the plan to demolish the house.

Maria asked if the pool could be moved inland. Travis said the neighbor is close on that side and already expressed concern about noise issues.

Reid added that the pool has to stay 20 feet from the leach field. Whit asked if the house could be moved back and the pool placed towards the water. Reid responded that the septic setbacks are driving this project. Reid said he does not think the whole design should be redone in order to get additional setback from the coastal bank.

Reid said that the BOH would have to grant relief from the setback to a wetland and the ZBA would have to grant sideline setback relief in order to get the house further bank from the top of the coastal bank. Then the Commission could grant setback relief from the inland wetland.

Maria said the purpose of the discussion is to analyze the long-term potential impacts to the inland wetland from shorter BOH distances for the pool and the leach field versus the potential impacts to the coastal bank from a major storm event and sea level rise.

Whit said if a huge storm came along, the bulkhead and lawn might be lost and the lawn would disappear and the house would be in danger but it would not endanger the wetland as much as moving the leach field toward the wetland and that is a risk the owner is prepared to take.

Geraldine asked if there is not something that could be done to reimagine the architecture to shift the mass back from the top of the bank without losing the pool. Travis said that is exactly what they have been trying to do.

There was some discussion about the setback from the top of the coastal bank. The ZBA plan shows 32 feet and the CC plan shows 38 feet. Reid confirmed that the set back is 38 feet.

Travis said they have looked at different scenarios amid concerns about having good relations with the neighbors.

Binnie suggested planting a buffer to the neighbor. Travis said that is possible but moving this house landward would have them all lined up. This lot tapers and the houses would be too close together.

Peter said he agreed with the architect that this is a tight site with a lot going on with a lot being fit into the building envelope. He asked that since the house is being totally replaced is there a more compact footprint that might allow it to slide back as much as the Board of Health would allow. The applicant seems wedded to this very sprawling footprint.

Peter was willing to continue the public hearing so that the commission could hear from the other boards.

Public Comment:

Mrs. Fleischner said there was originally a big discussion about whether they were going to raise or raze the house. In the past few months, they have noticed that the house really is not in good shape. She wants to keep as much of the character of the house as they can and talked about preserving the history of the area.

Tara made a motion seconded by Binnie to continue the public hearing on this application to June 30 at 5:10 PM. Roll call vote: Binnie – aye, Geraldine aye- John –aye, Peter – aye, Tara- aye, and Whit – aye.

New Business:

Greenlands: Tara asked if electric bikes are allowed in Greenlands. Maria said that only passive recreation is allowed and didn't know about electric bikes. Tara said she heard that someone has been promoting the use of electric bikes and that the paths have been cut wide. Maria will check with the Land Bank as they maintain the paths in Greenlands for the Commission. It is not clear what the concerns would be about electric bikes. Maria will check if they are allowed on other conservation properties. Whit noted that the board should keep in mind that we do have a responsibility with respect to wildfire dangers within Greenlands. No action was taken.

Old Business:

Map 25 Lot 1.1/Martha's Vineyard Agricultural Society: Kristina West, Executive Director of the Agricultural Society was present to answer questions regarding plans for the High School graduation and the Farmer's Market to be held at the Ag Hall property.

Farmers Market: Members reviewed a revised layout for the Farmers Market. Kristina West explained that she and the market managers trying to make the market fit in the best possible place to comply with the Board of Health requirements. Consequently, the size of the market is substantial. She preferred it to be in the vendor area (during the Fair). Outbuildings were also an issue. She wanted to keep it out of the field but that was not possible. The access route keeps the traffic out of the field. Cars will come in off the Panhandle Road and along Jane's Fair Way. Chief Mincone wanted one entrance and exit. There will be no parking in

the field. There is also parking in a small camping area. There will be one police detail at the entrance and at the exit plus a parking lot attendant. The number of people allowed into the market will be monitored and supervised. Vendors are approximately 15 feet apart.

Whit noted that the density requirements might cause traffic backups. Geraldine said that was a BOH issue. Binnie noted that folks could wait in their cars if necessary.

This proposal has been approved by Vineyard Conservation Society, received a special permit from the ZBA and an event permit from the Board of Selectmen. At the last meeting, Tara expressed her concerns about using the field for parking.

Tara said the board voted to allow the farmers market to be held here but the board had not seen the final layout. This is a one-summer approval. No action was required.

High School Graduation: The board reviewed an updated plan for graduation. There was some confusion about whether the board voted to approve this request at the last meeting. Tara said the motion was supposed to mirror the BOS motion. Maria said she did not see the minutes of the most recent BOS meeting so she thought there had not been a vote on the graduation.

Tara said she does not like the use of the field and thought that this site should not be the plan A. Maria will go back to the tape and revise the May 26 minutes accordingly.

A motion was made by John, seconded by Peter to approve the plan presented for the high school graduation. Roll Call Vote: Binnie –aye, John – aye, Geraldine – aye, Peter – aye, and Whit aye. Tara- nay.

Map 35 Lot 7/ SE 79-412: At the last meeting, the board inadvertently neglected to vote to approve the waiver requested for work in the Buffer Zone. A motion was made and seconded to approve the waiver request after-the-fact. Roll Call vote: Roll Call Vote: Binnie –aye, John – aye, Geraldine – aye, Peter – aye, and Whit aye. Tara-aye.

Climate Change letter: A motion was made by John, seconded by Binnie seconded to approve the letter written by Whit and Donna. Roll call vote: Roll Call Vote: Binnie –aye, John – aye, Geraldine – aye, Peter – aye, and Whit aye. Tara- aye.

Buffer zone and view channel regulations: Maria explained that she is still waiting to get comments from Tim Boland and Mike Turnell on the time of year restrictions.

Tisbury Great Pond: John asked for an update. Maria said she had nothing to report at this time.

Administrative:

In:	Email dated June 1, 2020 regarding Farmers Market plan. Letter dated May 29, 2020/Map 35 Lot 1.2 dock and planting details Letter dated June 4, 2020 re: Map 3 Lot 7
Out:	Map 35 Lot 7/S79-421: Map 6 Lot 2.1/Sutula/ Boat Shed

There being no further business to conduct, the meeting adjourned at 6:25 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED

JUNE 30, 2020