

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
July 14, 2020

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

Staff Present: Maria McFarland

Also, present for all or part of the meeting: Simon Athearn, Sheri Caseau, David and Julie Fleischner, Travis Richie, Reid Silva and Adam Turner

Whit Griswold, called the meeting to order at 5:10 P.M. This meeting was held 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.

Minutes: The minutes of the June 30 meeting were approved with revisions. Roll Call Vote: Binnie, Geraldine, John, Michael, Peter, Tara, and Whit voted in favor.

Continued Public Hearing:

Map 3 Lot 7/SE79-414, a 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.

A revised project plan dated June 30, 2020, minutes of the June 11, 2020 ZBA meeting, and the minutes of the June 15 Planning Board meeting were noted for the record.

Reid reintroduced the project. At the last meeting, there was a discussion about the configuration and placement of the house, pool, and septic system, and how much the owners were willing to scale down the project.

The applicant submitted a new plan dated July 14 showing a 5-bedroom house, a smaller leach field to reflect the reduction in the number of bedrooms and smaller pool. The reduction in the size of the pool allowed the house to be shifted back.

Prior to the meeting Maria informed Reid and Travis that their plans had different setbacks to the top of the coastal bank and asked for clarification as to the correct distance. Reid noted the discrepancy and explained that the Vineyard Land Surveying plan shows the new setback to be 48' measured at the angle to the closest point on the coastal bank where the bank swings slightly landward, and the R& D Studio plan shows a setback of 51' measured from a point on the coastal bank perpendicular to the house.

Maria explained that because there is no definition of the "top of a coastal bank" in the state regulations, applicants are required to follow the DEP policy on the definition and delineation criteria for Coastal Banks (DWW Policy 92-1). Reid confirmed that he followed this guideline. Maria said the setback dimensions need to be the same on all project plans and that the distance should be 48'.

Commissioners Comments/Questions:

Michael asked where the pool equipment would be located. Travis answered that the pool mechanicals will be located under the house.

Peter asked if there would be regrading around the pool. Travis replied that there would be minimal grading on the landward side of the pool between the house and the pool. The existing retaining walls will be regraded and moved. Peter asked what the height difference in the grade is. The area above the pool will be brought up and leveled to accommodate a flat area around the pool. Reid said that the landward side of the pool does not need regrading. On the south side of the pool, there will be a retaining wall. The northeast side of the pool will taper into the grade as it moves northwest.

Tara said she deeply appreciated the applicant's effort to hear the board's concerns, move things around, and reduce the size of the pool. She reiterated that her concern is more for the coastal bank than the inland wetland.

She asked if the applicant asked the ZBA for sideline setback relief. Not yet.

Geraldine said she appreciated the willingness of the applicant to work with the Commission. While she agreed with Tara's concern about the coastal bank, she thought it was a big improvement. After this comment, Geraldine left the meeting.

Binnie echoed Geraldine's comment that she is concerned about bank but the design is so much better.

John asked Maria about the suggestion to have a joint meeting with the ZBA discussed at the last meeting. Maria explained that the Travis has already submitted this plan to the ZBA on the assumption that the board would approve this project tonight. If that is the case, there is no need for a joint meeting with the ZBA. Maria said she thought the plan was for the applicant to wait until this board was finished with its review before submitting a new proposal to the ZBA. Whit said he did not think a joint meeting was necessary.

Michael and Donna both agreed that the new design was a big improvement.

Peter said there is still a lot of development on a constrained site and that he is not happy approving it but he will. He questioned what would happen in fifty years with a shoreline that is retreating a half a foot a year. There is no room to move the house back and hopes that the homeowners are well informed. John added that one big storm and it will be less than fifty years.

There being no public comment the public hearing was closed.

Binnie made a motion seconded by Peter to approve the project as presented tonight. Roll call vote: Binnie – aye, Peter – aye, Whit – aye. Tara–nay and John-nay. The vote is 3-2. Motioned carried.

Special conditions will be similar to the original conditions for the Order of Conditions issued in 2019.

New Business:

Tisbury Great Pond update: Sheri Caseau, MVC Water Quality Planner was present to update the board on the results of 2019 sampling and plans for 2020. Even with COVID 19 water quality sampling is going forward. Chris MacIssac is taking Sheri out in his boat to take the samples. The first sample was taken on June 25. The testing for this sample was paid for by the board.

Sheri submitted a draft report noting that the report is missing a complete list of the dates of the pond openings. The data loggers were not working so she needs to ask Kent Healy for this information.

Sheri will also include a review of the effects of rainfall, and seasonal variations and temperature data. Sheri thinks the temperatures are fueling the algae blooms. She needs to replot the individual sites because the data was lost. She also plans to do temperature comparisons by year.

Members looked at a graph showing the averages for Total Nitrogen and Total Pigment from 2017-2019. In 2019, the averages are below the threshold. She wants to plot the averages with the openings. She pointed out that there are some “whiskers” that are higher, but on average, these numbers look better. The average Chlorophyll pigment is also going down which is an indicator of algae blooms.

Overall, the flushing has been better and the mixing is better. There is no difference between surface, mid, and bottom measurements indicating that it is mixing better and not causing the stagnant lower layer of high salinity in colder water. The pond has been open for at least a couple of weeks.

Two samples will be taken in July and August and one in September. Sheri pointed out that the September numbers have not been much different from the summer numbers because the fall has been so warm. She suggested an October sample to see if there is a seasonal change.

Peter asked why she thinks the water quality is looking better. Sheri replied that she would have a better idea after the 2020 data is collected in order to see if 2019 was a fluke. She mentioned that the change in ownership at Red Pony Farm (now White Stone) has resulted in better manure management. Also, the openings have been better, lasting longer, and getting a better flush.

She explained that she has had some conversation with Omar Johnson, Board of Health Agent regarding better management practices at the farms because horses put out a lot of nitrogen, but since March Omar has been too busy with human health issues. She also mentioned looking at opportunities for grant funding for projects for storm water management. She explained that storm water management projects could serve to improve road runoff that currently runs directly into a stream or pond.

Binnie asked if the strong winds we have been having help in any way. Sheri said the winds do help with the mixing of fresh and salt water in the pond.

Maria asked Sheri how the final Total Maximum Daily Load (TMDL) report for Pathogens on Martha's Vineyard, Nantucket, and the Elizabeth Islands dovetails with the TMDL for Total Nitrogen. Sheri responded that she was unaware of this study. She has not had a chance to review the report. It would be useful to get some clarification on this report.

Whit asked if there is anything for storm water mitigation for fields. Sheri said that green infrastructure solutions could help with that.

At this point in this conversation, Adam Turner joined the meeting. He apologized for being late. He said he did not have anything to add to Sheri's report to the board. He is happy that we were able to communicate and looking at ways to collaborate. Adam said he hopes to schedule an Up island Water Quality Planning Committee via Zoom in the next couple of weeks.

Adam told the board they applied for a grant from the EPA to study pond openings but the project did not get any funding. He will continue to work with the EPA to get a study of pond openings on the Vineyard funded.

James Pond: Sampling will continue in James Pond this year. Sheri is working with Mark Rasmussen of the Buzzards Bay Coalition (BBC) to put together a hydrogeological study of James Pond. When she has more information on this study, she will share it with the board. She explained that she also collects samples in James Pond for the BBC because it faces Vineyard Sound. The MVC and the BBC complete tests on the same samples and are seeing the same results.

Map 25 Lot 5/830 State Road/ Morning Glory Farm/Water Withdrawal application: Simon Athearn joined the meeting to present his request for withdrawal of water from Mill Brook for irrigation of 7 acres of sweet corn at the Hickie/Green fields.

He provided the board with two methods of water withdrawal. One method uses an 18 horsepower gasoline pump that drives through solid block metal pipe over the surface of the ground. He calculates the volume of the current infrastructure by measuring each sprinkler head by length of run time for a volume of 393,120 gallons. The second method is utilizing an irrigation gun at 175 gallons per minute for three full watering events between now and September for approximately 270,000 gallons. He thinks the sprinkler pipes are less efficient and prefers the irrigation gun. He will primarily use the irrigation gun but may have to use the sprinkler method if the gun is needed at another field.

The numbers originally provided in his application cover watering from August 1 to September 30. Simon will revise his application to include the irrigation gun calculations and change the start date to next week.

Tara thanked Simon for providing this information and asked Simon if he would like the Commission to provide a letter of support of his grant application. Simon explained that he applied for a grant from the MA Department of Agriculture, but the application did not get to the second round. He was told that he was not awarded a grant because he has access to water from a brook. When he explained that the town has a water withdrawal bylaw that does not exempt farming activities they said he should apply again.

He said the MA Department of Agriculture is very easy to work with compared to the USDA. Mia Halter of the Natural Resources Conservation Services (NRCS) has been working with Simon and has provided him with two applications for grant funding from NRCS.

Peter asked what the gallon per minute rate is and what percentage of the stream flow would that represent. Simon could not specifically answer this question but said that a single watering event will be 180,000 gallons. Simon hopes to get three full waterings.

Maria responded to Peter's question by explaining that the method of flow measurement is being discussed by the Mill Brook Watershed Committee. Until this is determined, it is hard to ask applicants to provide that data.

Simon will revise his application to provide measures for water withdrawals starting next week rather than August 1.

Peter mentioned the use of fertilizers as it relates to the health of the brook and Tisbury Great Pond. Simon described his process and use of slow release fertilizers.

Tara made a motion, seconded by Binnie to approve Simon's request and to provide Simon with a letter of support for future grant applications. Roll Call Vote: Binnie – aye, - John – aye, Michael – aye, Peter – aye, Whit – aye and Tara – aye. The vote was unanimous in favor.

Administrative:

Correspondence:

In: Map 38 Lots 7.7 & 7.8: Copy of letter from WT Building Inspector to Leo DeSorcy
re Walsdorf/Sarita Walker Road

Out: Map 35 Lot 6.6 /70 Plum Bush Point Road/ Certificates of Compliance:

- SE79-123 / 1995/ landscaping
- SE79-138 /1997/additional landscaping

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

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED
JULY 28, 2020