

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
July 28, 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: William Reich

Whit Griswold called the meeting to order at 5:05P.M. The 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 were taken by a roll call of the members.

Minutes: The minutes of the July 14 meeting were approved with revisions. Roll Call Vote: Binnie, Geraldine, John, Michael, Peter, Tara, and Whit voted in favor.

Public Hearing:

Map 39 Lots 9, 10 &11/SE79-415: 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 Sourati Engineering Group, LLC on behalf of Endofthedirtroad, LLC and Almostendofthedirtroad, LLC for approval of revised monitoring and maintenance provisions for a fiber roll and gabion basket array originally permitted under Order of Conditions DEP File 379-344, and for approval of nourishment and maintenance of a temporary access road located at 234, 255 and 226 Middle Point Road.

The applicant's representative requested a continuance to the next meeting date by email dated July 28. The reason for the continuance is that the Natural Heritage and Endangered Species Program (NHESP) have not issued its comment letter.

A motion was made and seconded to continue the public hearing on this application to August 11 at 5:10 PM. No testimony was taken. Roll call vote: Binnie, Geraldine, John, Michael, Peter, Tara, and Whit voted in favor.

New Business:

State Forest: Members had an informal discussion regarding a letter of non-compliance dated June 10, 2020, issued under the Massachusetts Endangered

Species Act (MESA) by the Natural Heritage and Endangered Species Program (NHESP) to Michael Berwind c/o Sheriff's Meadow Foundation (SMF). The letter addresses unpermitted vegetation cutting and other related trail construction activities that have been conducted without a permit from NHESP.

To ascertain whether the Commission has a role in this matter, Maria spoke with Jesse Leddick, Chief of Regulatory Review at NHESP, Paul Jahnige, Director of Greenways & Trail Program for the Division of Conservation and Recreation(the State Forest is owned by the Commonwealth and managed by DCR), and with Kristen Geagan, Director of Stewardship at SMF.

Mr. Leddick explained to Maria that the Commission was copied on the letter as a courtesy because Mr. Leddick was uncertain if there were wetlands in the West Tisbury portion of the State Forest where the unauthorized activities took place, and did not know if the clearing of trails had drifted into adjacent conservation land (Greenlands) owned by the Town. Because there are no wetlands in the West Tisbury portion of the State Forest, the Commission does not have a regulatory role in this matter. Maria walked the trail at Greenlands and did not observe any expansion of existing trails or new trails.

Mr. Jahnige told Maria he is working with NHESP and SMF and is waiting for the report from SMF. The next steps will be determined by NHESP.

Mrs. Geagan has inventoried all the new and expanded trails, plotted the locations using GPS, and written a report that will be submitted to NHESP.

Peter said he was aware of an ongoing project, but did not know much about it.

John asked why SMF got involved in a project in the State Forest. Tara explained that part of the reason SMF got involved is because DCR does not have the funding for equipment and island conservation organizations share equipment. It would not be unusual for SMF to help with trail work. A benefactor of SMF asked for more trails and a SMF board member worked with the former State Forest Warden. Tara said that the amount and method of clearing has created habitat fragmentation.

Tara also mentioned that she spoke with Adam Moore, Executive Director of SMF about management issues in the State Forest. Tara concluded by saying she would like to see a lot of the clearing grow back.

Geraldine asked if the board has jurisdiction because of the aquafer. Maria explained that the aquafer sits under the Greenlands property and that the Town has a Greenlands Overlay District in the Zoning Bylaw that restricts development in the surrounding area. Only passive recreation is allowed on the Greenlands property.

Michael said he has been on the new trails and likes them, but there has been significant work done.

Peter said it did seem like there was one board member who was excited about doing the trail work and worked side by side with the State Forest Superintendent on the assumption that things were being done by the book. Peter restated that SMF is working on a report and that it may take a while for this matter to be sorted out.

Tara said she knew about the letter and asked that the board discuss the matter as a point of interest especially because it does abuts the Greenlands.

Tara added that she asked Adam Moore about SMF policy on the use of E- bikes on SMF properties. She told the members that DCR is working on revising their regulations to prohibit E-bikes from soft surfaces. Tara is opposed to e- bikes.

Maria said that she corresponded with the administrator of the Trailforks website, which identified Greenlands as a place to ride E-bikes. The administrator complied with her request to remove this property from their webpage.

Whit said the board should be aware of this matter and obtain a copy of the report when it is available. No action was taken.

Tisbury Great Pond/Update from Shellfish Agent: Members had an informal discussion with Will Reich. Will provided an overview of the oyster growing operation in Tisbury Great Pond.

Prior to beginning work in West Tisbury in 2019, Will worked for five years with Isaiah Scheffer, Chilmark Shellfish Constable growing oysters in the Chilmark side of Tisbury Great Pond. They helped Ray Gale, the West Tisbury Shellfish Constable, with much of the West Tisbury work in exchange for the use of the West Tisbury shellfish boat and a share in the oyster seed.

In the last year, the Town has purchased 20 bottom cages that hold 12 bags of

Oysters. Each bag holds 120-150 oysters. Currently they have an estimated 30,000 oysters growing by this method. There are 17 floating cages that can be seen from the boat landing at Sepiessa currently holding approximately 15, 300 oysters. Today the shellfish department received 20,000 oyster seed.

Will is working to expand the operation in the pond while containing it. He would like to make boaters aware of the bottom cage area by putting up yellow buoys.

He is also working with the MV Shellfish Group on a remote set project.

John asked Will for his anecdotal observations about the water quality of the pond this year. Will replied that the water quality has been good. He has not seen algae covering the bottom as they did last year. The water is clear and the bottom is sandy. He said some fishermen that opened oysters in March told him that the meat looked good and did not have many worms. He added that adult oysters filter approximately 50 gallons of water per day, which helps to improve water quality in the pond.

Geraldine asked what the board could do to support the shellfish department's efforts. Will said they are looking to build a raft/ float in the pond. He would also like to make or purchase an aquaculture tumbler for sorting seed by size. His wish list includes also includes a dock, mushroom anchors, lumber and netting. He also talked about his desire to start growing soft shell clams.

Binnie asked Will if he was aware of any grant money. Will said he was new to this so any information on funding sources would be helpful. He mentioned that he has spent the remaining \$7, 000 of warrant article money appropriated for supplies, equipment and boat improvements.

Maria offered to help Will be sure he has the approvals he needs from the Division of Marine Fisheries and this board and suggested that the board read the regulations and handbook on land containing shellfish. No action was taken.

Administrative:

Revisions to Bylaw regulations on view channels and buffer zone: Donna and Geraldine have provided additional comments. Maria will revise the draft accordingly and redistribute.

Approval of the following Certificates of Compliance was tabled to the August 11 meeting:

- Map 39 Lot 11/ SE-344/234 Middle Point Road
- Map 39 Lot 7/SE79-354/ 208 Middle Point Road

Correspondence:

In: Copy of letter dated June 10, 2020 from NHESP to Michael Berwind c/o SMF re: State Forest
Tisbury Great Pond: Draft of 2019 Water Quality Report
DEP File # letter re: Map 39 Lots 9, 10 & 11

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

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED
August 11, 2020