

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
August 8, 2023

The meeting was held via Zoom in accordance with the Governor’s order suspending certain provisions of the Open Meeting Law, G.L. c.30A sec.20. Public participation will be via remote participation (Zoom) pursuant to M. G. L. Chapter 20 of the Acts of 2021.

Present: Fred Barron, Geraldine Brooks, Whit Griswold, Chris Lyons, Ernie Thomas, and Angela Luckey arrived at 5:20 PM
and Michael Turnell

Absent: Peter Rodegast,

Staff Present: Maria McFarland

Also present for all or part of the meeting: David Horwich, Martina Brueckner ,Marilyn O’ Connell and Rebekah Thomson

Whit Griswold called the meeting to order at 5:04 PM.

The minutes of the July 11, 2023 meeting were approved as revised.

Continued Public Hearing

SE79-452: 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, for a project to remove an unpermitted revetment from the 1960’s and replace it with a 267’ rock revetment, flanked by 50’ arrays of fiber rolls and gabion baskets on the north and south ends of the revetment to protect an existing circa 1930 cottage at **271 John Cottle Road (Map 6 Lot 6) owned by Paul’s Point Area Realty, L.L.C.** Sand nourishment is also proposed.

Access to the site will be via an existing driveway on **245 John Cottle Road (Map 6 Lot 7.2), owned by Harrowby Property Co, LTD, and 257 John Cottle Road (Map 6 Lot 7.4)** owned by Dunster Realty, L.L.C. A 690 ft temporary construction access road on the beach is proposed between the existing driveway at 257 John Cottle Road and the site of the proposed shore protection.

At the applicant’s request, a motion was made and seconded to continue the public hearing on this matter to August 22 at 5:20 PM. Roll Call Vote: Angela– aye, Ernie -aye, Fred – aye, Geraldine-aye, Michael – aye, and Whit – aye.

Public Meeting

Map 6 Lot 2: a public meeting under the requirements the West Tisbury Wetlands Protection Bylaw and regulations, to consider a **Request for Determination of Applicability** filed by Vineyard Land Surveying & Engineering., on behalf of Michael Minars, Trustee of the Songwind Nominee Trust for confirmation of the resource delineation of an intermittent drainage way. The property location is 145 Obed Daggett Road.

Reid explained the history of this matter. The last time this came to the Commission under both the State and local regulations, the Commission issued a positive determination and did not accept that this stream is intermittent. The board wanted current data. The applicant appealed that decision to the SERO of DEP and received a Superseding Determination that the stream is in fact intermittent. The applicant chose not to appeal the first decision under the local bylaw to Superior Court. In order to move forward they decided to file a new request under the bylaw.

This application is the same as the first one. No new data was provided. Reid reviewed the project plan again.

After discussion, and a few questions from members a motion was made by Geraldine and seconded by Fred to issue a negative determination.

Discussion on the motion : Reid said it should be a positive determination as the state had done. Maria said she would look at it but for now it should be a negative determination. Roll Call Vote: Angela– aye, Ernie -aye, Fred -aye, Geraldine-aye, Michael – aye and Whit – aye.

New Public Hearing

Map 1 Lot 17/ SE79-453: 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 Arthur L. Horwich and Martina Brueckner for a project located at 126 Naushon Road. The project consists of after-the-fact approval of the demolition of an existing house, and the reconstruction of a new house in the buffer zone. Reid described the current condition of the site. The slab will be taken out and crawl space installed. A stairway is being added.

In Doug Cooper’s written opinion submitted to the Commission, the “wet area” was not covered by either the state or local bylaw and there is no hydrological connection between the two areas. This wet area is within the Buffer Zone to the larger bordering vegetated wetland.

Mr. Horwich explained what happened at the site. They intended to revegetate the disturbed areas. All demolition debris was taken off site so he wasn’t sure what might be left. Chris asked if Mr. Horwich put fabric filter down. He said he didn’t. Chris asked if trees were removed. Mr. Horwich replied that they didn’t remove trees. There are grasses coming up but not woody plants seem to be coming back. He can’t explain where the fabric may have come from. There were two lines of silt fencing so one row may have gotten mistakenly buried.

There was then a discussion about the pipe connecting the septic system to the leach field.

Michael commented on the plants to be used. He thought they were all fine except for the inkberry. It won’t do well in a wet area.

A motion was made by Fred, seconded by Angela to approve this project with conditions that will include the submittal of a restoration plan and removal of any buried debris. Roll Call Vote: Angela– aye, Ernie -aye, Fred -aye, Geraldine-aye, Michael – aye and Whit – aye.

New Business

Greenlands/ Use of E-Bikes. At the request of Ashley Hunter, the board took up the subject of whether to ban e- bikes in Greenlands. Maria said that the Greenlands management plan states that motorized vehicles are not allowed. The Commonwealth does not consider some e- bikes to be motorized.

Chris noted that there are 3 levels of e- bikes. Geraldine asked how much use the walking trails at Greenlands gets. Maria said she knows the neighbors use the trails but not how much which is hard to know. The board got an email from Ashley Hunter who lives on Great Plains Roads and is an abutter to Greenlands and asked if the Commission would ban the use of ebikes as they can go more than 25 miles per hour.

Whit commented that because Greenlands backs up to the State Forest, kids who ride bikes to school could be cutting through Greenlands. Maria read a description how fast each level of bike can go. A license isn't needed in Massachusetts for a class 1 or 2 e-bike. They are not allowed on trails unless approved by the local jurisdiction after public notice and a public hearing.

Geraldine suggested the board give this matter a year and see if we get an increase in complaints. Maria will follow up with Mr. Hunter to see if he can give us more information. Maria will also check with the other towns and the Land Bank and Sheriff's Meadow to see what they are doing. Discussion tabled to the next meeting.

Brandy Brow Path: Maria explained that the Complete Streets committee and others have asked her about removing the roots in the Brandy Brow Path. Maria explained the history behind Brandy Brow and how a path over this property became the way to access the center of Town without walking on State Road. The roots are a hazard. Everyone agreed that removing the roots would be expensive and kill the vegetation. After a short discussion about the cost of bringing in top soil and how to retain it, Maria was instructed to ask the Town Administrator if a sign saying "use at your own risk" can be put up. .

Old Business

Lauprete/ Map 23 Lots 3.1 and 3.2/SE79-425: Maria explained that the property owner has hired Wilkinson Ecological Restoration to take over the invasive species removal work approved under Order of Conditions SE79-425. The question is will an amendment to the Order of Conditions work for changing the method of removing the invasive plants from hand pulling to the use of herbicides or should the CC require the filing of new NOI. The applicant's representative was resistant to filing a new NOI for a new restoration Order of Conditions because of the amount of paperwork. Reid was on hand for another matter and answered a few questions from Board members. Before the board makes a decision, they asked Maria to arrange a site visit. No action was taken.

Map 15 Lot 1 /274 Indian Hill Road/Cottrell: Maria asked the Board about the letter from Town Council to the Select Board about this property. In what was intended to be a brief discussion as this was not a public hearing on this property, Maria and one of the abutters had a spirited discussion about what has transpired at the back of this property. Maria reviewed the history of this property and the evolution of site plans showing the wetlands. She reminded everyone that the Commission sent a cease and desist letter to the property owner at the beginning of March detailing the violations that arose from ignoring the terms of an Order of Conditions issued in 2019, and giving him an April deadline to hire someone to delineate the wetlands and submit a current plan. Shortly after this letter went out, Maria went out on an extended medical leave so nothing was done on this matter until late May, early June. The property owner has complied with the terms of the letter and will be filing a Notice of Intent. No action was taken.

40 Norton Farm Rd/solar violation: No update
LC Beach Path/Greg Berman: No update

There being no other business to discuss, the meeting adjourned at 7:16 PM.

Respectfully Submitted,

Maria McFarland
Board Administrator
APPROVED
9/12/2023