

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
September 22, 2020

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

Absent: Michael Turnell

Staff Present: Maria McFarland

Present for all or part of the meeting: Chris Alley, Bob Avakian, Derek Avakian, Hadley Boyd, Drew Cathey, Christian Demato, Sean Dougherty, Greg Erherm, Kris Horiuchi, John Parchini, and Liane Thomas

Whit Griswold called the meeting to order at 5:05P.M. 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.

Minutes: The minutes of the September 8 meeting were approved with revisions. Roll Call Vote: Binnie, Geraldine, John, Peter, Tara, and Whit voted in favor.

Continued Public Hearing:

Map 36 Lot 18/SE79-416: 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 Schofield, Barbini & Hoehn, Inc., on behalf of Duncley, LLC for approval to demolish and replace a seasonal camp with year-round single family dwelling, restore a parking area, upgrade the septic system, remove selective trees, and perform associated site work in the Buffer Zone to a coastal salt pond at 70 Taffy's Field Road.

Greg Ehrman began his presentation by reviewing the four primary concerns of the Commission expressed at the September 8 hearing including, the amount of new development in the Buffer Zone, the number of trees to be removed, how vegetation along the pond is managed, and the amount of proposed hardscape.

New Building Location: The revised proposal has exactly the same amount of square footage in the Buffer Zone as currently exists. The proposed living space will be moved 15'4" back from the existing living space. There will be a seven-foot wide-open air porch (reduced from 10 feet) set 8'4" back from the face of the existing building. The deck will be placed on sonotubes. This will result in a zero increase in the Buffer Zone. Greg noted that a significant benefit to this change is that it allowed them to move the limit of work construction fencing outside the 50-foot Buffer Zone line.

Trees in the Buffer Zone: A number of trees that are pond side of the house are a fall hazard to the new structure. Greg said the owner is open to determining the potential impact of various trees as the project proceeds. They prefer not to leave diseased trees in place to fall naturally, as they may cause more damage.

Kris stated that the height of the trees in question is approximately 60-70 feet high. They will only remove trees that pose a threat to the new house. The stumps will be flush cut.

Vegetation management: The applicant will discontinue mowing to the edge of the pond in order to restore the No-disturbance Zone. Kris provided photographs as an example of the boundary markers installed at another project. She described 5"x5"x 8" granite cobblestones set on end, approximately 3

inches above grade. This allows the landscapers to identify them. The markers are then surveyed and documented on the final landscape plan.

Hardscape: The Schofield Barbini & Hoehn, site plan was revised to show the current 1,200 square feet of undefined parking area with a note that this parking area will be removed.

A new split rail fence will extend past the existing entrance to the property. This will privatize that area a little more and discontinue use of that entrance and parking area.

With respect to the proposed patio, the hardscape has been redesigned so that 300 square feet of dry laid pervious paving will be located in the Outer Buffer Zone, and 300 feet will be completely outside the Buffer Zone. An existing shed will be relocated outside the Buffer Zone.

Commissioner's Comments / Questions

The consensus among board members was that the applicant and their representatives listened to the issues the board raised and considered their concerns when revising the project plan. The board was pleased with the revised project plan presented.

Geraldine said she still had reservations about new hardscape in the Buffer Zone stating that there is precedent for not allowing new activity in the BZ that does not mirror preexisting activity. She asked for the opinion of other board members.

Tara replied that the tradeoff of boundary markers to create a 25' wide buffer and the relocation of some of the hardscape outside the Buffer Zone made her comfortable with the amount of new hardscape.

John said he understood Geraldine's concern but they have closed off the parking area and are restoring the first 25 feet of the Buffer Zone.

Geraldine also asked if the applicant could plant new trees to replace the ones being taken down. Kris replied that their preference would be to plant some native deciduous trees rather than evergreen trees.

There being no further discussion and no public comment, the public hearing was closed.

John made a motion, seconded by Peter to approve the revised project as presented. Roll Call Vote: Binnie, Geraldine, John, Peter, Tara, and Whit voted in favor.

Special conditions

- No stockpiling of demolition debris.
- Contractor to submit construction schedule prior to the pre-construction site visit
- As mitigation for the removal of 6 trees in the No-Disturbance Zone, the applicant shall place a minimum of 6 native deciduous trees in a location of the homeowner's choice. The location of the new trees shall be shown on the landscape plan and submitted to the Commission.
- Upland areas will be cleared first in order to use those areas can be used for stockpiling of excavated materials.
- Concrete or granite boundary markers will be set in the location shown on the project plan to delineate a 25-foot no-mow zone along the pond shore.

A motion was made and seconded to approve the above special conditions. Roll Call Vote: Binnie, Geraldine, John, Peter, Tara, and Whit voted in favor.

New Public Hearing:

Map 7 Lot 153/ SE79-417: 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 Drew Cathey for the installation of a new Title 5 septic system to serve an existing single family dwelling. The leach field will be located 55 feet from the edge of a bordering vegetated wetland. The property is located at 235 Longview Road Assessors, Map 7 Lot 153 and owned by Reginald and Gloria Manning. Reid Silva was present for the applicant. The property owner was not represented.

As part of the purchase of this property, the leach field has to be replaced. The tank will remain in the current location. The leach field location was determined by the perc test, which showed that the proposed location is the only location that is feasible. Reid explained that they wanted to place the new leach field next to the tank to keep the leach field 100 feet from the wetland, but the soils on the uphill side of the lot are clay. They could not find soils that would perc that were far enough away from the well. Reid noted that the State setback for leach field to wetland is 50 feet. The local Board of Health setback is more stringent at 100 feet. The applicant has applied to the Board of Health for a variance.

Half of the materials will be placed on the north side of the hole to be dug for the leach field and the other half will be taken off site. The area between the new leach field and the wetland is wooded.

Excavation will be done from the house side of the field. Excess fill will be stockpiled on the house side of field. Half of the excavated material will be trucked off site.

The erosion control barriers will be located to allow for at least 10 feet of over dig in order to remove trees and roots. The site is wooded and drops off before the wetland. The area is already disturbed because it had to be brush cut in order to perform the perc tests.

The final logistics regarding stockpiling and location of the silt fence can be determined at the pre-construction site visit.

Whit commented that it was an imperfect but necessary solution. Peter commented that they would be replacing a failed pit so that is an improvement.

There being no further discussion or public comment, the public hearing was closed. Tara made a motion, seconded by Binnie to approve this project as presented. The usual special conditions will apply to a project to replace an existing septic system. Roll call vote: Binnie- aye, Geraldine- aye, John - aye, Peter – aye, Tara – aye, and Whit – aye. All in favor.

New Business: There was no new business to discuss.

Old Business:

Tiah's Cove Road/ Culvert Replacement grant: A letter from the Division of Ecological Conservation dated September 14, 2020 informing the Town that they did not receive a grant to replace the Tiah's Cove Road culvert was noted for the record. Members briefly discussed the grant application denial. There is an opportunity to speak to a stream crossing specialist at the Division of Ecological Restoration over the next couple of months regarding the grant application and proposed project.

The Order of Conditions was issued in January 2019 so the permit to do this project is valid until January 2022. It will be up to the Board of Selectmen and the Highway Department to ask the Town for funding at the 2021 annual town meeting. No action was required.

Revisions to Bylaw regulations on view channels and Buffer Zone: Discussion tabled to the next meeting.

Administrative:

Board Administrator Office Hours: Maria asked for permission to change her workweek to four 5-hour days. She would like to have Fridays off. The Town Administrator has approved this request. Work hours will be 12-5 Monday through Thursday with posted hours open to the public from 12-4:30 when town hall opens to the public again. The board approved this request. No vote was required.

Certificates of Compliance:

Map 13 Lots 4, 5 & 5.1/SE79-362/51/Sheriff's Meadow Foundation/ Walter Hillman Road: A motion was made and seconded to approve Certificates of Compliance for the following Orders of Condition:

Roll call vote: Binnie, Geraldine, John, Peter, Tara, and Whit voted in favor.

Correspondence:

In: DER letter dated September 14, 2020 as noted above.

Out: Map 1 Lot 39.2/SE79-48/41 Naushon Road/Daley/1988 Order
Map 7 Lot 13/SE79-365/367 Lambert's Cove Road/ Medowski
Map 39 Lot 2.1 SE79- 392/147 Middle Point Road/ Shropshire

There being no further business to conduct, the meeting adjourned at 6:23 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED
OCTOBER 13, 2020