

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
February 11, 2020

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

**Absent:** Brian Beall, Binnie Ravitch, and Michael Turnell

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Reid Silva

The meeting was called to order at 5:07 P.M. Tara Whiting-Wells, Chair presiding.

**Minutes:** The minutes of the January 28 meeting were approved as revised. Geraldine abstained.

**New Business:**

Map 35 Lot 7: 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 Peter and Rachel Sorrentino for a project located at 71 Carl's Way. The project consists of the creation of a 3' wide brush cut path and the construction of a 54'L x 3'W elevated boardwalk through a bordering vegetated wetland and saltmarsh, and an 80'L x 3'W seasonal pier consisting of a 56' pier, an 8' ramp, and 16' float.

Outstanding paperwork includes the DEP file number letter and the comment letter from the Natural Heritage and Endangered Species Program. The DMF comment letter dated February 11, 2020 (the "DMF letter") was noted for the recorded and discussed as follows.

Reid Silva presented the applicant's proposal.

There are two piers on abutting properties that dictated the placement of this structure. Docks are required to be 300 feet apart to be in compliance with the West Tisbury Bylaw regulations. This location was not the applicant's first choice. There is a location where the vegetation for the path was already cut and which would allow for a shorter boardwalk but not necessarily a shorter ramp, dock, and float.

Reid explained that the plan does not show Mean Low Water but it does show the edge of pond as of 2003. Maria asked if this line might have changed since 2003 Reid did not provide an answer.

The dock can only be 80 feet long as measured from the mean low water mark per the regulations. It is most likely that a boat will bottom out at low pond. The purpose of the collar stops on the float is to keep it from bottoming out.

The DMF letter recommends two design changes to better protect the vegetation under the boardwalk and to keep the structure from causing turbidity and resting on the substrate. [Note: the board did not talk about the impacts to shellfish beds that might be in the area or that there should be a time of year restriction to protect tomcod spawning and juvenile development. This should be addressed at the March 10 meeting.]

The DMF letter states that, “the walkway height meets the Army Corp of Engineers minimum 1:1 height to width requirements but recent studies by DMS show that shading impacts can be further reduced by increasing the H/W ratio to 1.5:1.” Therefore, a 3’ wide walkway should be elevated at least 4.5’ above the salt marsh. Maria commented that she was trying to find out if this height was required if the decking for the boardwalk is grate. Reid said the study showed that grating isn’t as important as the height.

Margaret Curtin and Gregory Palermo surveyed and classified the vegetation along the shore line and in the No-Disturbance Zone, but did not quantify the number of each species found. Reid will submit the information he received from them.

DMF also recommends that the float stops be set at 30’ above land containing shellfish.” Reid said he is proposing they be set at 24’ of separation.

Further, the DMF letter states that the piles should not be jetted. Reid said jetting will not be used to put in the pilings. An empty pipe is driven into the substrate and that pipe remains in place. Another pipe fits into that and is removed at the end of the season. The pipe that remains is capped.

#### Commissioner’s Comments/ Questions:

Whit asked about the pier construction. He doesn’t like the idea of all the plastic being put in the pond. He suggested that an out hauler on wheels could be looked at as a possible alternative.

John asked what the rationale is for 300 feet between piers. The Bylaw performance standard #6 requires this distance in order to avoid the cumulative adverse impact of too many piers in the same area.

Geraldine asked if they determined whether the 80 foot length is less than 25% the distance to the opposite bank measured from the mean low water mark. Reid said it is.

Geraldine also asked how the applicant will comply with the performance standard that says the floats cannot be dragged through the resource area or the buffer zone at the end of the season. Tara explained that the floats are taken out at the landing at Sepiessa. Whit commented that that is a pretty strict regulation. Maria replied that this has always been a requirement.

Tara asked if Reid’s client would be amenable to a different location. Reid replied that they would be. Reid acknowledged that this is not a good place for a dock but sited it there because of the 300 foot requirement.

Tara said she thought the board would be willing to waive the requirement to be 300 feet from an adjacent dock if there was a more suitable location.

Maria asked about the pond access easement shown on the project plan. Reid said he wasn't sure what it entailed but it appears that multiple people use the Hearn dock.

It was noted that there should probably be a condition in the permit that this is not a community dock and use is limited to the owner of the property.

Geraldine suggested that Reid recommend to his client that they try a boardwalk in the location with the shortest distance to the pond. John noted that just a boardwalk would not need a waiver of the performance standard regarding the 300 feet.

At the request of the applicant, a motion was made and seconded to continue the public hearing on this matter to March 10 at 5:10 PM. All in favor.

After the meeting Tara said that at the site visit she noticed that there are a few small skiffs located on the shoreline/buffer zone at the Van Nes and Pond View Farm properties across the cove that should be removed. Peter asked if we have a regulation to back us up. Maria said she would prefer to do a site visit as it can't be determined where exactly these items are located. A motion was made and seconded to send letter to these property owners asking them to pull the boats landward and to do a site visit. All in favor.

### **Old Business:**

**Blackwater Brook Storm Runoff Assessment update:** Maria has asked Sheri Caseau about getting money to do some water quality sampling/testing at the same sites Bill Wilcox did in 2009. She will follow up with Sheri.

**Map 7 Lot 28/Blackwater Brook Farm:** Whit recapped his conversation with Alan Cottle. Whit got the impression that Mr. Cottle would not be amenable to having the Natural Resources Conservation District folks come to take a look at how site conditions could be improved. One reason being that Mr. Cottle said he is not the owner of this property; his mother is.

The board looked at the site plan submitted for the septic system upgrade. It is unclear whether the livestock can get into Blackwater Brook but they are probably in the wetlands.

John asked Whit if Alan thinks there is a problem. Whit said no. Whit agreed to continue the conversation. No action was taken.

**Map 3 Lot 65.3 Runamok Farm and Map 3 Lot 85.1 Leonard Peak:** The barn inspections for these properties did not show any issues from a Board of Health issue. Tara said according to the Animal Control Officer; the goats on the Leonard-Peak property appear to have access to the wetlands on this property. A letter could be sent requesting a site visit. Maria suggested a letter to Brian Athearn of Runamok Farm as follow-up to the work he did at his property in 2012-2013. No action was taken.

**Map 35 Lot 1.9/99 Pond View Farm Road:** Tara updated the board on the Board of Health will require a denitrifying septic system at this location and on any new systems on Tisbury Great Pond. The Board of Health is going to craft regulations. No action was required.

**Administrative:**

**Chair:** Members discussed the appointment of a new chair. Whit agreed to serve as chair for the next three months beginning with the March 10 meeting.

**Correspondence:**

There being no further business to conduct, the meeting adjourned at 6:40 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED