

WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 24, 2009

**Present:** Prudy Burt Chair, Joanie Ames, Judy Crawford, Dan Pace, Binnie Ravitch, Tara Whiting and Maria McFarland

**Absent:** Hadden Blair, Joanie Ames, and Peter Rodegast

**Also present for all or part of the meeting:**, Glenn Hearn, Mark London, Reid Silva and Bart Smith

Prudy Burt called the meeting to order at 5:00 P.M.

The minutes of the March 10th meeting were approved. Dan abstained.

**SE79-289/Map 6 Lots 7 & 7.2** – continuation of the public hearing on a **Notice of Intent** filed by Vineyard Land Surveying & Engineering on behalf of Dunster Realty, LLC and Harrowby Property Company, Ltd. owners of property located at 245 and 255 John Cottle Road. The project consists of the construction and maintenance of a foot/golf cart path in the Buffer Zone.

A letter of consent from Dunster Realty LLC was read into the record. There being no further discussion, the hearing was closed. A motion was made and seconded to approve the project as presented and to approve the special conditions. All in favor.

**Old Business**

**SE79-288/Maps 36, 41 & 43 Lots 28, 1 & 8** respectively. The special conditions were reviewed and edited. A motion was made and seconded to approve the special conditions. All in favor.

**New Business**

**Map 14 Lot 1 – Seven Gates Docks** - Reid Silva was present to ask the Commission to sign a Certificate of Compliance on the Order of Conditions issued in 1992 to repair two pre-existing docks that were damaged in Hurricane Bob and to put maintenance provisions into the Certificate of Compliance. Reid argued that because there was a maintenance provision in the 1992 order that they should not need a new Order of Conditions to totally replace the dock today.

It was explained that in order of a special condition to survive the expiration of an Order of Conditions, which is good for 3 years, there has to be language in the document that says the special condition does not expire. The Commission can not write new conditions for a Certificate of Compliance. Maria checked with the DEP circuit rider and was told that if the pilings were being replaced, it should be treated as new work in a resource area for which a new Notice of Intent was necessary. If they were just replacing decking or painting the dock, new Notice of Intent would not be required. These docks are grandfathered as they have been in existence since before the Wetlands Protection Act and the North Shore DCPC.

**Map 10 Lots 218, 219, 221, 222, 225, 229 & 230/Affordable Housing Lots** – Glenn Hearn informed the members about an article on the annual town meeting warrant to, “authorize the Board of Selectmen to grant a conservation restriction to the Commission in exchange for the

conveyance of a parcel of land identified as Map 10 Lot 228 from the Stoney Hill Farms Homeowners Trust to the Town of West Tisbury to be held for affordable housing purposes". The only question the Commission had was on the form of the conservation restriction. Glenn was not sure if it would be done by a deed from the town to the town in care of the commission or by a conservation restriction. He will check with town counsel.

**Agriculture and Food Self-Sufficiency-** Mark London of the MVC explained that the MVC has received a \$10,000 grant from the Massachusetts Department of Housing and Community Development for a study of agriculture on the island. MVC staff will conduct the study. The DHCD requires that some entity other than the regional planning authority be the recipient of the study; so Mark was hoping that the Commission would be the recipient as West Tisbury has the most land in agricultural use of any island town. The town will not be required to take any actions in connection with this study. A motion was made to endorse this study and to receive the final report. The motion was seconded and the vote in favor unanimous.

**Administrative**

**North Shore DCPC** – In light of a recent article in the Martha’s Vineyard Gazette on revetments, Prudy noted that at the time the North Shore DCPC was put in place there was a conscious decision not to include revetments and that the Wetlands Protection Act allows revetments in order to protect a house in existence on August 10, 1978.

There being no further business on the agenda, the meeting adjourned at 6:15 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED