

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING
April 7, 2009

Present: Prudy Burt Chair, Hadden Blair, Judy Crawford, Dan Pace, Binnie Ravitch, and Maria McFarland

Absent: Joanie Ames, Peter Rodegast and Tara Whiting

Also present for all or part of the meeting: Mitchell Pennington, Chris Alley, Mark Miller, and Rick Karney

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

The minutes of the March 24th meeting were approved. Hadden abstained.

Map 35 Lot 6.2. - a public hearing under the requirements of M.G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Notice of Intent** filed by Schofield, Barbini & Hoehn, Inc. on behalf of Mitchell Pennington owner of property located at 32 Plum Bush Point Road. The project consists of the clearing of trees and brush within the buffer zone of a Bordering Vegetated Wetland. (The DEP file number and NHESP letters were not received in time for this meeting.)

At the time the Notice of Intent was filed, the applicant was not aware of the fact that this property is located within the Riverfront Area. It is situated near the mouth of a coastal river as shown on the DEP Mouth of Coastal River Maps dated March 1, 2005. At the site visit earlier in the day, the issue of the location of the Riverfront Area was reviewed as was the need to locate the 25' no-disturbance zone in the buffer zone on the ground. Landscaping is not automatically permitted in this zone. Chris submitted a revised site plan showing the Riverfront Area, and the no disturbance zone. Chris said he used the original subdivision plan to determine the location of the brook and the shoreline of Tiah's Cove. In order to update that data, the pond level would have to lower. This needs to be determined.

The elimination of clearing in the no-disturbance zone reduces the amount of area proposed to be cleared, pruned and brush cut from 12, 500 square feet to 9,700 square feet. All the trees and shrubs except the blue flagged trees would be taken down and dead trees removed.

Abutter Mark Miller was present and the members read his letter dated March 31, 2009 in which he states his reasons for opposing this project. The letter was noted for the record. Mr. Miller gave the members some history of the area.

The applicant was asked to re-stake the original wetlands delineation and the 25' and 100' setbacks from that line in the field. Chris will also attempt to locate the stream and edge of the pond if the pond is low enough to do so. Mitch was asked to narrow the focus of this project to establish a view channel rather than totally clearing the area. A follow up site visit will be scheduled.

Mitch was told that he needed to remove the planking and platform that has been put down through the BVW. If he would like to have a boardwalk to the pond, he will need to file an NOI.

With the consent of the applicant, a motion was made and seconded to continue the public hearing on this matter to April 28th at 5:30 PM. All in favor.

Map 1 Lot 50 -a public meeting under the requirements of M.G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Request for Determination of Applicability** filed by Schofield, Barbini & Hoehn, Inc. on behalf of Eric Sundin for property owned by Beach Pebble Realty Trust at 30 Beach Pebble Road to replace a cesspool with a new Title V septic system. This work is in the buffer zone to a coastal bank.

Chris Alley represented the Sundins. The septic design has been approved by the Board of Health. The plumbing comes out of the basement slab 4 'below grade. The septic tanks will be located within 24' of the top of the coastal bank out of necessity. The leaching field has to be located where it is for separation from the well; it is outside the buffer zone. The area is already disturbed as work to construct the revetment is ongoing. The only special condition is that there is to be no stock piling of excavated materials in the buffer zone.

A motion was made and seconded to issue a Negative Determination. All in favor.

Mussel Farm Aquaculture Project - a public hearing under the requirements of M.G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by the Martha's Vineyard Shellfish Group on behalf of the Town of West Tisbury for permission to establish a 25-acre offshore aquaculture zone for submerged long line mussel culture in Vineyard Sound. The anchors for these lines will be located in Land under the Ocean.

Rick Karney is representing the towns of West Tisbury, Chilmark and Aquinnah in filing all the paperwork required to permit this project. An Army Corp of Engineers permit is required. The pilot project will not be done in West Tisbury. He outlined the procedure for site selection and from the Division of Marine Fisheries, Coastal Zone Management and others requirements for overview. Rick told the board that he has to respond to the comments received on the Army Corp permit application by April 15th. He will provide us with copies of his response letter(s). Based on what happened with two experimental sites in Rhode Island, Rick said that the Corp will require labeling of the gear and an escrow account or performance bond to remove the gear in the event the project is decommissioned.

After discussion, it was agreed that the Commission would like to see what the federal permit conditions will be and that it would make sense to coordinate the special conditions in each of the Orders of Conditions from the towns.

Maria informed the board that she was working on getting an answer about abutter notification for this type of project.

A motion was made and seconded to continue the hearing on this matter to May 12th at 5:10 PM. All in favor.

Old Business

Map 1 Lot 41.1 /Berlin - It was noted that when we were at the Sundin site visit on the septic system that the toe of the revetment on the Berlin property is exposed. Maria will contact their attorney to let them know. Maria said they are planning to do the beach nourishment work in May.

New Business

Makonikey Beach and Roads Trust – Les Cutler emailed the Commission asking for advice on signage at the Makonikey beach stairs and at the base of the bank to help keep people from dumping brush and trees on the bank and climbing on the clay cliffs. He asked if the signs could read, “No dumping [or climbing] on the coastal bank per order of the WTCC.” Maria will reply to Les and suggest that the signs be more educational by explaining the need to protect the fragile coastal bank from erosion, that the bank provides wildlife habitat and to site the Wetlands Protection Act and the local wetlands bylaw.

Map 15 Lot 6/ Donovan - This property has a pond on it and is located within the Riverfront Area. Prudy explained that she had been driving down Lambert’s Cove Road on Sunday March 22nd and came across Chris Osmers clearing this property. Prudy talked with the property owner who recently purchased the property and was clearing an area to put in a garden. She said she was not aware that the Commission has jurisdiction over any work on the property. Maria and Prudy met with Ms. Donovan at the property on March 23rd. Ms. Donovan sent in a sketch plan of the area showing the garden and a letter requesting permission to go forward without the need to file a Request for Determination. A follow up letter will be sent with a copy to Chris Osmers reminding him that he needs to be aware of the rules for clearing near wetlands.

Administrative

There being no further business on the agenda, the meeting adjourned at 6:25 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED