

**WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING**

October 13, 2009

Present: Prudy Burt Chair, Joanie Ames, Hadden Blair, Judy Crawford, Peter Rodegast, Binnie Ravitch, Tara Whiting and Maria McFarland

Absent: Dan Pace

Also present for all or part of the meeting: Matthew Dix, Kent Healy, Virginia C. Jones, Craig Saunders, Robert Day, Barbara Day, Nancy Dole, Reid Silva, Bob Woodruff, Arnie Fischer, and Eleanor Neubert

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

The minutes of the September 22nd meeting were approved as corrected. Joanie and Hadden abstained.

Map 3 Lot 81: a public meeting under the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw to consider a **Request for Determination of Applicability**, filed by the Martha's Vineyard Land Bank owner of property located off Lambert's Cove Road. The project consists of clearing the face, sluiceway and downstream channel of a 50' earthen dam of woody vegetation. Matthew explained the project. The dam in question is Dam # 3 on the NOI plan. The Dam Safety Board refers to it as Duarte's Dam #1. Members reviewed photos taken at the site visit on October 8th. After a brief discussion, a motion was made and seconded to issue a **Negative Determination of Applicability**. The work may proceed without an Order of Conditions. The vote in favor was unanimous.

Mill Pond: Craig Saunders and Bob Woodruff, two of the three members of the Mill Pond committee, appointed by the Selectmen, came in to discuss the results of their independent review of the December 2006 Aquatic Control Technology survey report on the Mill Pond. Bob and Craig reviewed the memo they prepared for the Selectmen outlining the field work they have done to verify the ACT data. They agreed with the data in the report and have concluded that the time is good to do a dredging project. Bob gave the members a brief history of past dredging project at the Mill Pond. Bob said they know that they would need to stay away from the northern 5th of the pond where the water willow is mostly located.

Kent Healy, the third member of the committee read a written statement into the record calling attention to the fact that the Mill Pond Committee has not had any posted open meetings and that all three members had not met as a group. Kent stated his reasons for being opposed to dredging the Mill Pond. The pond can not be dredged near the face of the dam. Since the pond was at its lowest in 2002 the water levels have been higher. Draining the pond would impact the Maley's Fire Pond. He suggested that additional boards could be put in the sluiceway that would help keep the water level higher. His monitoring shows that there have not been any significant changes in the water levels over the years.

Nancy Dole submitted copies of letters addressed to the Selectmen dated October 1, 2009 from the Historic District Commission and the Historic Commission for the record in support of a dredging project and funding for it using CPA monies as the Mill Pond and the mill are an historic site.

Members of the Mill Pond committee were given copies of a DEP publication called, "Guidance of Aquatic Plan Management in Lakes and Ponds as it relates to the Wetlands Protection Act", dated April 2004 for their review and use in preparing a Notice of Intent for a dredging project.

The commission reminded the audience that the need for a dredging project to improve the natural capacity of a resource area must meet the performance standards to protect the interests of the Wetlands Protection Act and the town's wetlands bylaw, such as water quality, wildlife habitat, storm damage prevention, or if the vegetation present in the pond is a non-native invasive plant species that constitutes nuisance vegetation. At this time there are no non-native invasive species present in the pond. (The purple loosestrife and non native iris on the bank is being managed.) A project proposing aquatic plant management to improve the natural ability of a resource area to provide recreation, aesthetics, odor reduction or other similar interest do not qualify under 310 CMR 10.53(4) because those interests are not protected by the Wetlands Protection Act regulations or the town bylaw. As there is no application before the Commission, no action was taken.

Map5 Lot 2.1/ SE 79- 258 /Joan Smith: Ms Smith sent an email to the board asking for permission to not replant vegetation that was moved to gain access to the site of the cottage and septic. She wants to let the breezes in from the west. Maria was asked to get more details.

Map 22 Lots 22 and 24/ SE79-278/Berresford: The time frame for the work at the Beresford's was August to October. Due to a delay in receiving the 401 Water Quality Certification from DEP, Reid Silva was present to ask the members to allow an extension of the time of year this work can be completed to November 20, 2009. If the work is not started in time to be completed by then, it will be postponed until next August. A motion was made and seconded to allow the Berresford project to begin work on this project provided that the work is completed by November 20th. All in favor.

Map 1 Lot 41.1/SE 79-171/Berlin: The history of this project was revisited. There was a monitoring condition in the Order of Conditions that fell through the cracks until the Sundin revetment project application was filed in 2007. Upon review of the Berlin order it was realized that the required monitoring was never started. Sterling Wall of Tetra Tech Rizzo was hired by Dr. Berlin to see to this matter. In a letter from Sterling Wall dated June 25, 2008, a plan was detailed that would provide 405-cy of sand at elevation 7.5 along the toe of the revetment in order to be in compliance with the ongoing special conditions covering beach nourishment.

In 2008 Vineyard Land Surveying was asked to prepare a plan showing the exiting beach profiles. Reid Silva has now taken over this project and presented his opinion on the need for beach nourishment at this time and submitted his findings to the members in a letter dated October 8, 2009 along with a plan dated July 27, 2009. Reid feels that because there has been accretion at the Berlin beach there is no need for nourishment at this time. He was reminded that the sand is required to serve the down drift beaches that lose sediment due to the armoring of the coastal bank.

Judy pointed out that it is necessary to know what is happening at the same datum on the bank of the properties above and below the Berlin revetment in order to have a better understanding as to the need for more sand at this time. Reid will come in to the office to pick up a copy of the Sundin revetment plan to check where the 7.5 benchmark is in relation to the Berlin revetment. It was also suggested that VLS place similar benchmarks on the Berlin revetment. Reid will come back to the Commission with more information. No action was taken.

New Business:

Map 35 Lot 31/ Fischer: Arnie Fischer and his sister, Eleanor Neubert came to ask the Commission to fill out the necessary paperwork for them to place an APR on property at Flat Point Pond. There is a subdivision plan before the Planning Board and the MVC for review and they have been talking with various conservation agencies. Prudy will work with Maria on completing the Commission section of what is called Enclosure “E” – Information from Municipality.

Ethics Commission/ Conflict of Interest Training: Members received a packet of information from the town clerk regarding this online training. The acknowledgement slips were signed and given to Maria. She will submit them to the town clerk.

Map 1 Lots 8 & 56/Stuart: Maria reported on a site visit she had with Chris Alley on September 29th to look at a possible project on the coastal bank where a revetment was placed after Hurricane Bob. The revetment is on property owned by the Makonikey Beach and Roads Trust. The Stuart’s house is quite far from the top of the coastal bank. The Stuarts would have to work with the property owner to come up with a soft solution to the erosion, which is minimal. No action was taken.

There being no further business on the agenda, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED