

**WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING**

November 10, 2009

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

**Absent:** Hadden Blair

**Also present for all or part of the meeting:** Marin Street

Prudy Burt called the meeting to order at 5:00 P.M. There were no public hearings this evening.

The minutes of the October 27th meeting were approved.

**Map 3 Lots 17.1 & 17.2/ SE79-233/Goodwin/ Extension Permit/Violations**

Marin Street, son of Margot Goodwin, was present to ask the members to grant a second extension permit on Order of Conditions SE79-233 originally issued in 2003 and extended to October 31, 2009. The original order permitted the replacement of a culvert and the installation of a road/driveway. The culvert was done in 2003, but the road was not put in. In early October 2009 the Goodwins were notified by Jim Glavin DECA Construction, the original applicant's representative, that the order was about to expire. DECA is no longer the contractor for this project. It is now being done by French & Associates.

Marin explained that he thought French & Associates would be able to finish putting in the road by the 31<sup>st</sup> and would not need to file for the extension. Under 310CMR 10.05 (8) a request to extend an order is supposed to be filed 30 days prior to the expiration date; the request was submitted on October 29<sup>th</sup>.

After discussion a motion was made to grant an extension permit until May 10, 2010 for only the work necessary to complete the drainage swales around the culvert and that portion of the road/driveway within the 40' Right of Way shown on the project plan (estimated to be about 80 linear ft), and to bring the site into compliance with the current order of conditions. The motion was seconded and the vote in favor unanimous.

Next, the members turned to the violations that have occurred during the recent work on this project. Marin was informed that he was in violation of the original order because a pre-construction site visit was not held prior to the commencement of work to put in the road/driveway. This led to the extensive clearing of trees and brush cutting in the Bordering Vegetated Wetland and Buffer Zone that was not covered by the original order. Marin told the members that the trees taken down were damaged by caterpillars.

After discussion a motion was made to issue an Enforcement Order requiring the following:

- Re-delineation of the wetlands and flagged in the field.
- Delineation of the 100ft and 200ft setback lines for the Riverfront Area and Buffer Zone flagged in the field.
- Both to be done by November 19<sup>th</sup> with a site visit on that day.

- In order for the Commission to determine if a new Notice of Intent is required, a new plan shall be submitted to the Commission by December 4<sup>th</sup> showing the following:
- The aforementioned flagging.
- The total acreage of unauthorized cleared area in both the Riverfront Area and the Buffer Zone.
- The building envelopes on lots 17.1 and 17.2.

No further work is permitted on these two lots except what is covered by the extension permit. If the surveyor can not meet this deadline the Commission must be notified as soon as possible. Failure to comply with the enforcement order may result in fines.

The motion was seconded and the vote in favor unanimous.

**Administrative:**

**MVC: Draft report dated October 20, 2009 on Agricultural Self-Sufficiency of Martha's Vineyard.** No one had any comments. Maria will inform the MVC.

**Map 39 Lot 7/ Middle Point Cove/ Pease/ SE79-271:** There will be a site visit on November 12<sup>th</sup> with Mike and Mary Jane Pease. DECA Construction started work on their revetment project without a preconstruction site visit in violation of the Order. They also did some work to repair some holes in the old revetment for which the Pease's do not a permit. Maria was instructed to write a letter to Jim Glavin reminding him that he should always confirm that a client has the necessary permits before beginning work, even if the client tells him that everything is all set.

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

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED