

**WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING**

May 11, 2010

**Present:** Prudy Burt Chair, Hadden Blair, Judy Crawford, Binnie Ravitch, Peter Rodegast, Tara Whiting, Joanie Ames (for a portion of the meeting) and Maria McFarland

**Absent:** Dan Pace

**Also present for all or part of the meeting:** Charles Alton, Doug Cooper, Doug Hoehn, Simon Hickman, Attorney George Brush, Bill Wilcox, Matthew Dix, Glenn Hearn, Chris Alley, Ena Thulin, Plamen Dunchev, Barbara Courtney and Ben Reeve

Prudy Burt called the meeting to order at 5:05 P.M. [An audiotape of this meeting is available for review.]

**Map 8 Lots 1,22.12&22.14 and Map 10 Lot 194.2/ SE79-299-a** public hearing under the requirements of 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 Land Bank for property located at 165 & 200 Merry Farm Road and 81 State Road The proposed project includes the clearance and maintenance of 1,500 linear feet of walking trail within a Bordering Vegetated Wetland and Buffer Zone including ground-level and raised boardwalks or view platforms. Also proposed is the removal of invasive species covering approximately 2 acres. These properties are known as the John Presbury Norton Farm and Wompesket Preserve.

Documents submitted in addition to the Notice of Intent:

- Request for Waiver of Bylaw provisions concerning work in the No Disturbance Zone
- Consent to waiver of public hearing within the required 21 days
- Grant of Easement for Trail from Katharine P. Sterling to the Martha's Vineyard Land Bank dated August 15, 2003 recorded in Dukes Registry of Deeds Book 963, Page 873
- Relocation of Easement (Map 8 Lot 1) dated April 26, 2101 recorded in Dukes County Registry of Deeds Book 1209, Page 732
- Affidavit Under M.G. L. c.183, Sec 5B Objection to Relocation of Easement dated May 11, 2010 recorded in Dukes Registry of Deeds Book 1210, Page 988

Matthew Dix of the Land Bank took the Commission through the proposed project. These paths will connect the John Presbury Norton Farm and Wompesket Preserve via the Sterling easement.

Based on a site visit with Prudy, the project description has been revised to include 1,300 linear feet of walking trial .The trail easement over Map 8 Lot 1 runs by the property owned by Andrew Salzmann. [The easement is shown on the project plan is shown as a red and white stripe.] If the drainage ditch on the Salzmann property is jurisdictional, than the path over the easement would be in the Buffer Zone.

Issues discussed:

- Location of invasive species to be removed, maintained by mowing (NHESP review letter outstanding)
- Location of 6 feet of raised boardwalk using pin foundation system
- Location of 30 feet of ground level boardwalk
- Four feet high agricultural fencing along easement trail, if necessary to be approved by property owner
- Abutter notification to Katherine Sterling and Ben Reeve
- Jurisdiction and easement issues as it relates to the location of the path over Map 8 Lot 1
- Proposal doesn't conform to terms of the easement
- Work to be done in the winter. If access through abutter, Susie Trees, tractor will be used otherwise work will be done by hand. No chipping.
- Site Visit rescheduled to May 21st

Written Public Comment: Letter from Ben Reeve on behalf of Katherine Sterling dated May 10, 2010.

Public Comment: Ben Reeve spoke in opposition to the letter for the reasons stated in his letter.

A motion was made and seconded to continue this public hearing until May 25, 2010 at 5:30 PM in order to allow time for the Land Bank and the easement holder to work out issues with the trail location for the NHESP letter to arrive and to conduct another site visit. All in favor.

**Map 25 Lot 4.5-** a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Schofield, Barbini & Hoehn on behalf of Ena Thulin for property located at 5 Glory Hill Road. The proposed project includes the construction of a single- family dwelling, barn, and septic system, driveway, parking area, underground utilities and associated site work adjacent to the Riverfront Area.

Peter Rodegast recused himself as South Mountain Company will be building the house, and took a seat in the audience. Chris Alley of Schofield, Barbini & Hoehn presented the project. A corner of the house and screened porch is set within the outer riparian zone of the Riverfront Area. 225 sq. feet. Construction is outside the buffer zone to the BVW adjacent to the brook. Two oak trees within the footprint of the proposed house would be removed. No other proposed activities; landscaping or viewshed clearing would have to come back. House is sited to take advantage of a view of the pond and not encroach on the barn.

Issues Discussed:

- Project plan dated April 22, 2010 revised to May 18, 2010 was reviewed.
- Site Visit pictures were reviewed
- DEP file number letter and NHESP review letter are outstanding
- Well is in and septic has been approved by BOH
- Could house be moved to be completely outside the Riverfront Area?
- View shed clearing after the house was constructed
- No erosion controls proposed because of grade and vegetation.
- Will add snow fence to plan to mark limit of work line
- Will come back with a landscape plan

Public Comment:

Letter from the Land Bank dated April 28, 2010 re: no-build zone/Planning Board covenant

Letter from Ann Nelson dated May 11, 2010 in favor of the project

A motion was made and seconded to continue the public hearing on this project to May 25<sup>th</sup> at 6:00 PM. All in favor.

**Map 3 Lots 73.1 & 73.2/ SE79-298: continuation of a public hearing** under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Cooper Environmental Services, LLC on behalf of the Alton Family Limited Partnership to construct a residential driveway within a 30 ft wide Right of Way over property located at 57 Lambert's Cove Road owned by Jeremy Biggs to access property owned by the Alton Family Limited Partnership at 55 Norton Farm Road. The proposed driveway will traverse approximately 700 feet within the Buffer Zone of a Bordering Vegetated Wetland. The project has been redesigned to locate the road/driveway so that it travels through Map 3 Lot 79 owned by the Alton's and 73.1 owned by the Biggs' to access the Alton property at Map 3 Lot 73.2.

#### Issues Discussed

- Doug Cooper reviewed the revised plan showing the access coming off the existing driveway on the Alton's property at Map 3 Lot 79
- Topography added to plan
- Construction sequence notes revised
- Cross section
- Original proposal off the table
- Limit of disturbance not to exceed 16 ft.
- Is the wetland a vernal pool?
- Construct driveway at grade/contours at grade
- Drainage neutral/ free exchange of water no evidence of overland flooding
- No impact to ground or surface water
- Erosion control measures added to plan.
- Country road no excess tree cutting, very limited on adjacent vegetation cover
- Characteristics of wetland
- Tree count to be removed/layout is flexible to avoid specimen trees
- 30 ft wide driveway easement/driveway sited as far away from wetlands as possible
- Driveway nearest the wetland is 18 ft.
- Wetlands/Soils/ vegetation/conservative flagging
- Hiring consultant

#### Public Comment:

George Brush, attorney for Mr. Biggs: George requested that the Commission ask the applicant to remove the first proposed driveway from the project plan. Conditions should state that the grade of the driveway be lower than the wetland so that the driveway doesn't act as a dam.

Charles Alton: Doesn't want to remove any more trees than is necessary and agreed that the first driveway location should be removed from the final project plan. Mr. Alton agreed to pay for a consultant to be hired by the Commission to perform a third party peer review.

#### Written Public Comment:

- Letter from Amy Marshall and Will Runyon dated May 11, 2010 re: wetland delineations

After a discussion on next steps, a motion was made and seconded to hire a consultant to review the wetland boundary delineation and wetland characteristics with the applicant's consent; the cost of which shall not exceed \$1,500. All in favor.

A motion was made and seconded to grant a continuance of this hearing to June 1, 2010 at 5:10 PM. All in favor.

### **Old Business**

**Map 39 Lot 11/ SE 79-296/Edens/ update:** The DEP site visit will be held on May 18<sup>th</sup> at noon.

**Map 1 Lot 41/ Berlin:** Tabled to May 25th meeting

**Map 3 Lot 2.1/Sutula:** Update on site visit. Prudy, Maria and Kristen Fauteux of SMF met with Mr. Sutula on April 30<sup>th</sup>. Mr. Sutula's next step is to obtain an as-built survey showing the house, guest house and garage.

**Blackwater Brook/ Water quality data:** The members met with Bill Wilcox to review and discuss a plan to perform water quality testing at few locations, to be determined, along Blackwater Brook. Maria will arrange a site visit with Bill and Prudy. Depending on the number of test sites and samples the cost will run between \$1, 500 and \$1,800. Tara said she could ask if the Land Bank would be interested in contributing to the cost of the testing as they have a property abutting Duarte's Pond.

### **Administrative**

**Members:** Request to the Selectmen to appoint Joanie Ames as a full member was tabled as Joanie had to leave to attend another meeting before this matter could be discussed. Tim Boland has also expressed an interest in sitting on the board. Maria was asked to place an ad in the paper and to contact the town columnists.

**Staff:** Maria's request to carry over 33 hours of vacation time was approved.

### **Correspondence**

**In:** Copies of letters from Kent Healy to the Board of Selectmen dated May 1 and 3, 2010 regarding work on the Mill Pond and Mill Pond Dam.

There being no further business on the agenda, the meeting adjourned at 7: 10 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED