

**WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING**

July 13, 2010

Present: Prudy Burt Chair, Judy Crawford, Binnie Ravitch, Peter Rodegast, and Tara Whiting

Absent: Joanie Ames and Hadden Blair

Also present for all or part of the meeting: George Sourati, Thomas Robinson, Ann Nelson, Selena Roman and Reid Silva

Prudy Burt called the meeting to order at 5:08 P.M. [An audiotape of this meeting is available for review.]

The minutes of the June 22, 2010 meeting were approved as corrected.

Map 6 Lot 6 /SE79-301: 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 Sourati Engineering Group on behalf of SB Vineyard LLC owner of property located at 271 John Cottle Road, to relocate an existing driveway in the Buffer Zone to within 33 feet of the top of a coastal bank, install underground utilities in the driveway, create a path in the Buffer Zone and perform additional landscaping.

The public hearing was reopened. A letter from George Sourati dated July 13, 2010 asking for a continuance of this hearing to July 27th was read into the record. After discussion, a motion was made and seconded to grant the requested continuance to July 27th at 5:25 PM. They are reviewing a proposed revision to the project. Binnie, Peter and Tara voted in favor. Prudy abstained. Judy did not vote as she missed the last hearing on this project. The hearing is continued.

Map 23 Lot 3.2 a public meeting under the requirements of 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 Sourati Engineering Group LLC on behalf of the Early Family Real Estate LLC, owner of property located at 81 Tisbury Lane West. The project consists of the installation of a new wastewater disposal system. The septic tank and pump chamber are to be located in the buffer zone.

George Sourati reviewed the project plan and presented the recorded easement agreement with Seven Gates Farm to locate the leach field on Seven Gates property. After discussion, a motion was made and seconded to issue a Negative Determination. All in favor.

Members also signed the Emergency Certification that was approved at the June 22nd meeting.

Map 3 Lot 92, Map 4 Lot 1 and Map7 Lot 1: public meeting under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Request for a Determination of Applicability** filed by Island Timber on behalf of the Estate of William Peltz, owner of property located at 281, 283 & 285A Lambert's Cove Road. The project consists of topping and trimming of small trees, in the buffer zone to restore the view.

Tom Robinson spoke on behalf of the Peltz family. The requested limbing has been done over the years but there is no record of a permit from the Commission. The limbing involves approximately 20 trees. Normally

this work would be done in the winter and the limbs left in place. As the work will be done this July a truck will be brought onto the lawn, the downed limbs removed and chipped. It was decided that an ongoing maintenance provision would not be included in the decision as this property is on the market and any work a new owner might want to do, should be reviewed by the Commission.

A motion was made and seconded to issue a Negative Determination for work in the Buffer Zone. All in favor.

Old Business

Map 1 Lot 41/ Berlin/ Reid Silva: Reid Silva will do another set of profiles for the beach at the Berlins. He explained that the previous profiles have been done at different times of the year it is important that these profiles be done at the same time each year for consistency. He will do a profile this month and report back to the Commission.

Map 22 Lots 22 & 24/ SE79-278/Berresford/Reid Silva: Reid updated the board on the status of the water quality testing for the 401 Water Quality Certification. The original plan was to have Keenes take the dredged material offsite and add it to their loam pile and sell it. There are trace deposits of nickel found in the sediment of the Berresfords pond. In order the sediment to be taken off site and sold it would require what is called an Open Permit from DEP. Reid asked the Commission for permission to allow the Berresfords to let the dredge soils dewater on site have the spoils tested but instead of trucking them offsite as originally approved they would be left on site. This would be accomplished by stripping 10 inches of top soil over an 8,000 sq. ft area, bring the topsoil to Keenes, spread the spoils out over this area and replace 2 inches of the original top soil and reseeding the lawn.

Special Conditions 19 and 21 were reviewed. No additional conditions are required because of this change. The dewatering area will stay the same. An additional amount of buffer zone will be temporarily impacted but will be restored.

Reid was asked write a letter to the Commission detailing these proposed changes to the scope of work for this project.

SE79-298/Map 3 Lots 73.1, 73.2 & 79/Alton/ Review draft conditions: Tabled to the next meeting.

Map 5 Lot 2.1/ SE79-258/Smith: Maria reported on a site visit done today. Pictures were circulated showing the current condition of the vegetation and reminded the Commission of the status this project. The have permission for a path and to maintain a three foot area around the house for maintenance. Maria will follow up with Ms. Smith on a Certificate of Compliance.

New Business:

Lambert's Cove Beach path: The dune at the top of the path to Lambert's Cove Beach was lowered by David Merry using a bobcat sometime on July 10th – 11th. Prudy received a few calls at home. This year the sand was pushed to the back side of the dune on the Peltz side of the path. Maria was instructed to review the files in order to determine the last time Park and Rec. came to the Commission for approval to do this work. Park and Rec was notified that they do not have a current permit for this work and at a minimum the Commission should be notified whenever there is work being doing on the beach or path so that we can answer questions from the public when we get calls.

Map 25 Lot 4/ Nelson: Ann Nelson and Selena Roman requested an informal meeting with the Commission. Ms. Roman is in the process of buying lot 4 from Ann.

Issues discussed:

- Adjacent properties now owned by the Land Bank.
- Foot traffic from Courthouse Road to the pond/Land Bank will post private property signs.
- Location of public access to pond for fishing a couple of times a year.
- Walking path easement to pond recorded in January.
- Easement has been surveyed and staked.
- The dam and berm has always been there and has always been mowed.
- Liability issues/trespassers swimming in the pond/ diving into the pond from sluiceway.
- Install split rail fence to define property line and driveway.
- Pictures taken today of pump being used to withdraw water from the pond at the sluiceway by owners of lot 4.5 to irrigate fields were given to the Commission.
- Gas can located near the pond.
- Open pit for fires/grilling in the upland.

Next Steps:

- Kent Healy should be contacted regarding putting anything or planting anything on the top of the dam.
- Fencing in the wetlands would require a permit under the Bylaw.
- Wetland edges and 100 foot buffer zone needs to be shown on the project plan

Administrative:

Map 14 Lot 1/ SE79-292/ Partial Certificate of Compliance: A site visit was conducted on July 15th. Pictures of the finished dock were circulated. This is a Partial Certificate of Compliance because the Saltworks dock has not been rebuilt yet. The Order of Conditions is valid until 2014.

Bylaw Regulations: After a discussion on changing the language of the Coastal Bank Performance Standards at Section IX. I. C. of the Bylaw Regulations, it was decided that a public hearing on this revision will be advertized in the Vineyard Gazette and posted in Town Hall. [Note: The hearing will take place on August 10th at 5:10 PM.]

FY2010 Budget/State Filing Fee Fund: Maria reported that she applied \$254.34 from the expense budget for technical assistance (line Item 5300) to a portion of the LEC Environmental Consultants bill dated July 8, 2010 for assistance on the appeal of the Endofthedirtroad LLC denial for a revetment at 234 Middle Point Road. The balance of this bill in the amount of \$468.16 was paid out of the state filing fee fund as approved by the Board of Selectmen.

There being no further business on the agenda, the meeting adjourned at 6:55 PM.

Respectfully submitted,

Maria McFarland
Board Administrator