

**WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING**

July 27, 2010

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

**Also present for all or part of the meeting:** George Sourati, Doug Cooper, Kent Healy and Craig Saunders

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 July 7, 2010 meeting were approved as revised. Peter abstained.

The minutes of the July 13, 2010 meeting were approved as revised. Hadden abstained.

**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 and George presented a revised plan dated July 22, 2010. The landscape architect has moved the new section of driveway outside the Buffer Zone. The existing driveway within the Buffer Zone will stay in the same location. The remaining work in the Buffer Zone consists of the following:

- Trenching utilities lines from the existing transformer pad within the existing roadway.
- Landscaping to replace the existing vegetation with bluestem and to place 4 boulders in three sections totally approximately 670 feet as shown on the plan. No trees will be removed.
- Unpaved paths from the cottage to the new house.

Issues Discussed:

- Revisions to the limit of work line were reviewed.
- The plans have always included the proposed change in vegetation. The board did not focus on this aspect of the proposal as the driveway was the primary concern. George was not made aware that this would be an issue. George said he will not go back to the client again on this matter.
- The proposed landscape changes are for aesthetics.
- Machinery to place boulders will cause alteration.
- Have out of state landscape designer come in to explain plant selection.
- Under the state regulations the planting of native trees, shrubs and ground cover is an exempt activity.
- Under the local bylaw no alteration is permitted that will more likely than not to harm or eventually harm the resource area.
- Vegetation should be compatible with the existing habitat.

NHESP has signed off on the original plan which does show changing the ground cover on the entire site [see letter dated June 11, 2010].

The public hearing was closed.

After a lengthy discussion, a motion was made and seconded to approve the project as described including the paths, utility installation and areas of the Buffer Zone to be landscaped, *except* that, the proposed use of blue stem as the ground cover and installation of boulders in the Buffer Zone is not approved until the landscape designer provides the Commission with more information as to why this area requires a change in vegetation, the purpose of the boulders and the method of construction and plan to maintain the new plants. The ground cover to be used must be compatible with the existing habitat.

Prudy, Binnie, Peter and Tara voted in favor of the project. Judy and Hadden abstained. Special conditions will be drafted and approved at the August 10<sup>th</sup> meeting.

The members thanked George for all his efforts to keep the driveway in its current location.

**Map 35 Lot 4:** Public meeting on a **Request for Determination of Applicability** filed by Anne S. Fisher owner of 137 Road to Great Neck. The project consists of the installation of a new well within 23 feet of the top of a bank. No one was present for the applicant. Maria explained the project. The Board of Health issued a variance so that the distance between the well and the leach field could be reduced from 200 ft. to 150 ft. This means that the new well will be 72 ft. from the top of the bank. An auger will be used so that the installation will be dry. The members reviewed the plan and site visit pictures taken on July 22<sup>nd</sup>.

A motion was made and seconded to issue a Negative Determination pending receiving a copy of the revised plan. All in favor.

**Old Business:**

**Mill Pond Committee:** Kent and Craig addressed the Commission in regard to the list of tasks outlined in the RFP that are going to be handled by the committee rather than being farmed out to a consultant. Prudy read the list into the record. Kent has made a raft to use in the pond in order to determine the hydraulics of the pond and take test samples the bottom sediment. The raft should not be left by the pond as it could be a liability issue for the Town if someone took the raft into the pond. It will be chained and stored behind the police station.

They explained that they will do the sediment testing. Down the road these samples would need to be sent to a state certified lab for testing. The white pipes in the pond serve as markers and a point of reference for this testing.

The raft does not need a permit from the Commission as activities that are temporary and are necessary for planning and design purposes, exploratory borings, sediment samplings etc) are exempt under 310 CMR 10.02 (2)(b)(1)(d).

**Map 25 Lot 4/ Nelson:** Kent also spoke with the Commission about Ann Nelson's desire to place a fence along her property line on the edge of the pond and dam. Kent said that a fence can be placed along the top of the dam over the spillway. Kent will sort this out in more detail with Ann Nelson. No action was taken.

**Map 3 Lots 73.1, 73.2 & 79/ SE79-298/Alton/** Draft special conditions dated July 26, 2010 were reviewed and discussed. Mark Manganello of LEC Environmental assisted in the drafting. Doug Cooper participated in the review. After discussion, a motion was made and seconded to approve the special conditions for the Alton project. Prudy, Tara, Judy and Binnie voted in favor. Peter and Hadden abstained.

**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 Maria reminded the Commission of the status of this project. Ms. Smith has permission for a path to the house and to maintain a three foot area around the house for maintenance. Maria will follow up with Ms. Smith on a Certificate of Compliance.

**Map 39 Lots 9 &11/ SE79-296/Edens:** MEPA has issued its decision that a full Environmental Impact Report is not required before DEP can issue a Superseding Order of Conditions. The decision, dated July 9, 2010 is noted for the record. The last e-mail from Jim Mahala of DEP said he was hoping to draft a decision sometime in August.

**Blackwater Brook testing:** Bill emailed to say he got good samples after the heavy rains last week. He will let us know what that lab results show. The samples were very turbid.

**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 10<sup>th</sup> – 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 valid 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. Park and Rec will be asked to come to the August 10<sup>th</sup> meeting.

**Map 3 Lot 61/ 144 Lambert's cove Road/ Johnston:** Prudy and Maria met with the new owners of this property to address the recent landscaping work done within 50 feet of Blackwater Brook.

**Administrative:**

**Map 3 Lot 63/ Jones/** copy of letter from Building Inspector regarding violations.

**Board Administrators Performance Evaluation:** Discussion of 2010-11 projects and professional development goals was tabled to the next meeting.

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

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED