

**WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING**

September 28, 2010

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

**Absent:** Joanie Ames

**Also present for all or part of the meeting:** Robert Davis, Tom Rancich, Pat Fogleson, Reid Silva and Bill Wilcox

Prudy Burt called the meeting to order at 5:02 P.M. [An audiotape of this meeting is available for review.]

The minutes of the September 14, 2010 meeting were approved as revised. Tara abstained.

**Map 13 Lot 1/ SE79-302: continuation of the public hearing on a Notice of Intent** filed by Vineyard Land Surveying and Engineering, Inc. on behalf of Michael L. and Jennifer W. Marcus, Trustees of EastCote Realty Trust, leaseholder of Site No 29 owned by Seven Gates Farm Corporation located at 44 Forest Road. The applicant seeks an Order of Conditions to construct and maintain a swimming pool, pool equipment and patio deck in the Buffer Zone and the Riverfront Area..

The following documents are noted for the record:

- Copy of ZBA Special Permit for the pool dated 9/16/2010
- NHESP comment letter dated 9/21/10/

Reid Silva presented a revised plan dated July 29, 2010 revised to September 15, 2010. The pool has been moved 10 feet further from the edge of the wetlands.

Issues Discussed:

- The applicant plans to use a salt water chlorination system. The heat in the pool will be turned up to burn off the chlorine, and then the water will be pumped into a truck and disposed of off- site.
- Initially Mr. Marcus plans to act as the pool contractor.
- Possible need for a retaining wall. Reid said there is a 1 to 2 foot grade change but did not know the total grade change. It is not significant and will not require a retaining wall. The current plan does not show elevations or a cross section.
- ZBA Special Permit conditions regarding lighting were read.
- Trenching to connect the new pool equipment to the existing pool shed.

The following conditions for approval were discussed:

- An as-built site plan with before and after elevations.
- Silt fencing located along the limit of work line shown on the plan.
- Beyond the limit of work line the existing wood chipped play area to grow back.
- No new landscaping or expansion of the lawn on the wetland side of the pool after construction of the pool. The patio around the wetland side of the pool shall be no wider than 3 feet.

There was no public comment. The public hearing was closed.

A motion was made and seconded to approve the project as shown on the revised plan subject to conditions to be approved at the October 11<sup>th</sup> meeting. Prudy, Judy, Binnie and Peter voted in favor. Tara abstained.

### **Old Business:**

**Blackwater Brook water quality testing/draft report:** Bill Wilcox discussed his preliminary findings. The final lab results from the UMASS School of Marine Science lab are pending.

There were four sampling stations:

- 1) Lambert's Cove Road crossing on the upstream side of the road.
- 2) At the point where the culverts go under Longview Road on the downstream side.
- 3) On the downstream side of Blackwater Crossing.
- 4) At the Duarte's Pond outlet.

Bill conducted two dry weather samplings on June 1st and June 30th and one rain event sampling on July 19th. The samples showed turbidity at stations one and two after the rain event. There was no change at Duarte's Pond. Station 3 showed an increase at that road crossing. Stations 1 and 2 show that there is a source of runoff upstream from Stations 1 and 2. The implication is that there is a source of runoff some where upstream from station 2 at either one of the forks but below station 4.

While Bill said he couldn't say without sampling on specific properties with certainty what sources are but possible sources include runoff at road crossings (although there was not a lot of evidence of erosion or obvious road runoff), farms in the area and the lumber yard. Possible runoff from the lumber yard's impervious surfaces may be a source of phosphorus and nitrogen before station one.

Bill reviewed the levels of carbon, total suspended solids and total Phosphorus and total Nitrogen found in the samples.

The upshot is that the farming activities at the two sites near stations one and two is having some impact on the water quality of Blackwater Brook. Remedial steps would include establishing some kind of a buffer strip between activities and the brook. Bill said it is in the farmer's interest to keep the nutrients in their fields.

There was only one sampling during a rain event so the results could have been an anomaly. More testing and access to private property would be needed.

Bill Wilcox agreed to contact Don Liptack to see if he would be willing to meet with the property owners in the area. He will finalize the report when he has the final lab results and will add the data he has on sampling done at New York Ave in Oak Bluffs.

**Map 22 Lots 22 & 24/ SE79-278/Berresford/pre-construction site visit/update:** Reid updated the board on the initial work done by John Keene. He said that John was unaware of the conditions of the Water Quality Permit. The pond was drawn down prior to diversion of the stream resulting in sedimentation downstream. Reid will submit a revised proposal detailing the plan to improve the diversion. A third conduit and sandbags will be added. The logs and brush on the face of the dam need to be cleared. Reid will submit a more detailed design of the dam with the elevations.

### **New Business:**

**Army Corp of Engineers/Tisbury Great Pond:** Bob Davis made a presentation on the Army Corp of Engineers' plans to conduct a remedial investigation/feasibility study to search for and locate military munitions in and around Tisbury Great Pond beginning sometime in 2011. Pat Fogleson of USB International, the primary explosives contractor/ supervisor, and Tom Rancich owner of VRHabillis, the local

subcontractor responsible for all the underwater work and emergency management, were also present. Mr. Davis gave the Commission a thumbnail sketch of the project and submitted a list of Frequently Asked Questions, a project schedule and a CD of the final draft Remedial Investigation Work Plan prepared by the Corp. **No action was taken.**

**Map 31 Lot 3/ Burt/ Administrative Review/ Deck:** Prudy recused herself from this discussion.

Maria reported that she met with Joe Capece who will be building the deck. The area between the house and the pond is lawn. The deck will be located approximately 140 feet+/- from the pond. Pictures from the site visit were reviewed. No further paperwork is required for this project.

**Verizon Utility Pole Maintenance:** Maria will arrange a site visit with Andy Farrissey to view several utility poles off Longview Road that require clearing of vegetation.

**CPC Committee:** Peter Rodegast updated the members on preliminary applications filed for Community Preservation funds.

**MVC/ Right to Farm Bylaw:** Christine Flynn and members of the Ag Alliance will come to the October 12<sup>th</sup> meeting.

There being no further business on the agenda, the meeting was adjourned at 6:35 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED