

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
September 15, 2026

Present: Whit Griswold, Ernie Thomas, Chris Lyons, Robert Myhill, Peter Rodegast

Absent: Noah Froh

Staff Present: Angela Luckey

Also **present for all or part of the meeting:** Everett Jones, Mal Jones, Caitlin Jones, Laurel Lady, Carlos Montoya, James Neeb, Ben Zimmerman, Reid Silva, Steve Labranch (zoom), Sam Erickson (zoom), Edmund Cottle Jr.

Call to Order: Whit called the meeting to order at 5:03 pm

Approve Minutes – Minutes for Tuesday, August 18, 2026

Ernie made a motion to approve the minutes as amended, seconded by Peter

Roll call vote: Ernie, Chris, Robert, Whit -ayes, Peter abstained

Continued Hearing:

Whit opened public hearing at 5:14 pm

5:10 PM/ of Map 6 Lot 2.1/SE79-495: 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 **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc., on behalf of The Songwind Nominee Trust for a project located at **143 Obed Daggett Road** to permit after-the-fact installation of below ground utilities within the buffer zone to a bordering vegetated wetland.

Reid joined the table to discuss the project.

- At the last meeting the discussion covered the electrical trenching and then centered around the unpermitted camping trailer, storage containers, and materials. Questions were raised about the water source. Reid found out that the water outlet is a spigot rather than a well head, tying into the water line down the road.
- Reid spoke with the owner's representatives about moving the materials and structures out of the buffer zone. They have no issue with getting rid of the storage containers but would like to find a location where the landscape is flat for the camping trailer to be parked. The proposal on the plan was to locate the camping trailer 80 feet from the wetland. With the relocation of the camping trailer, they would like to bring electric and an underground water pipe across the road to provide service to the van.
- The disturbed area would be allowed to revegetate, and boulders could be placed to block off that area.
- The water in the bucket noted at the site visit was not sewage water but rather rainwater with leaves. There is a container in the camping trailer for sewage that is regularly pumped out.

Commissioner's comments and questions:

- Would like camping trailer moved further from the wetland, if pushed closer to the road it could be completely outside of the 100-foot buffer. Then the water and electric lines could be run primarily down the roads.
- Questions about method of sewage disposal, whether the camping trailer is being used for housing, and if a temporary camping trailer permit is required from another town department.
 - o Caretaker comes every two weeks for a couple of nights at a time.
 - o Sewage is likely pumped out by a truck.

- Board would like to make sure that the Board of Health and Building Inspector are at least notified that there is a camping trailer being used for temporary housing.

Motion to approve the electrical trenching after-the-fact, with the condition that the containers are to be removed and the camping trailer and landscaping materials are moved outside of the 100-foot buffer to the wetland. They are allowed to extend the water and electric lines as shown by the modifications that Reid made on the plan during the meeting. Building inspector and Board of Health are to be notified of the camping trailer and its usage. Ernie made the motion, seconded by Robert.

Roll call vote: Chris-aye, Robert-aye, Whit-aye, Ernie-aye. Peter was not present at the last hearing.

Whit opened the hearing at 5:40 pm

5:40 PM/ of Map 13 Lot 11/SE79-494: 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 **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc., on behalf of Alexander Pyle for a project located at **14 Ephriam Allen Road** to trim and top selected trees, maintaining a view channel to serve an existing dwelling. A portion of the work is within the buffer zone to a bordering vegetated wetland. –

WITHDRAWN BY APPLICANT

Applicant recognized that there was no support from this Board for the project and therefore decided to withdraw the application.

Chris made a motion to acknowledge the withdrawal request without prejudice, seconded by Ernie.

Roll call vote: Ernie-aye, Chris-aye, Robert-aye, Whit-aye. Peter was not present at the last hearing.

New Business:

201 Thumb Point Road De Minimis request for relocation of existing transformer.

- Reid presented newly revised plan showing limits of work around both the main house and the ADU. New electric line to go down the previously approved driveway, therefore limit of work only modified slightly to include the new location of the transformer, generator, and propane tank.
- Peter moved to approve the De Minimis request, Ernie seconded the motion.

Roll call vote: Chris-aye, Robert-aye, Peter-aye, Whit-aye, Ernie-aye

5 Scotty's Lane De Minimis request for foundation wall replacement of main house.

- **Peter recused himself**
- Ben Zimmerman and the contractor, James Neeb, joined table to discuss the request. Current foundation wall is failing. Image of plan shows the highlighted wall to be replaced with a red line showing the limit of work. Area to be disturbed is currently a garden bed. Contractor would dig down to put the footing in and then pump in the concrete.
- Ernie made a motion to approve the De Minimis request to replace the failing foundation wall, seconded by Chris. Roll call vote: Ernie-aye, Whit-aye, Robert-aye, Chris-aye

208, 216, 226, 234 Middle Point Road Sandplain Grassland Monitoring Site Visit Review

- Wilkinson Ecological is the new contractor and was present on zoom for questions.
- Board questions and comments:
 - o Questions around impacts of reseeding the bare spots and the cause.
 - o Thatcher for seeding is benign. Purpose of seeding is to discourage weeds. Hard to determine what caused the bare spots but Wilkinson Ecological speculates that it could have been from wind moving seed or excess water in certain areas.
 - o Confirmed that they will only be using island sourced little bluestem seed and following the specific protocol approved in the original Order of Conditions.
 - o Ensured that remaining work will be complete, or the status noted in the November annual monitoring report – i.e. taller plantings along the shoreline shown as cylinders on the plan.
 - o Wilkinson Ecological is not in charge of lawn care.

- During the site visit, debris of old irrigation and snapped ends of power lines and telephone lines were observed along the scoured part of the beach at the point of the cove. Board would like that debris removed.
 - Kayaks and boats are being stored at the second access point for sand nourishment. Seems like an okay temporary storage location during the season as it is a regularly disturbed area for nourishment.
 - Previous contractor, Carlos Montoya, was present as a member of the public in the audience. A commissioner asked him if there was anything that the Conservation Commission or the new contractor should be aware of. Carlos said that the new contractor should contact him. The Board recognized Carlos as a valuable resource and encouraged this connection. Steve said he would be in touch with Carlos.
 - Angela contacted DEP about acknowledging the new contractor. She will draft a letter stating that the applicant has selected a new contractor and reiterate that it is the applicant's responsibility to inform the contractor of the Order of Conditions.
 - First annual monitoring report is due November 1, 2026, with a formal discussion at a meeting following the receipt of the report.
 - Church outreach discussion
 - West Tisbury Congregational Church is doing an outreach program to various environmental groups, selecting the Conservation Commission as their first potluck discussion.
 - Meeting will be held on October 28th at 6 pm, all board members are welcome.
 - A final draft of the handout will be available for review at the October 6th meeting.
 - Additional note was made about outreach and position openings. Caitlin Jones expressed potential interest during the meeting.
 - Unpermitted trenching observed at 274 Lamberts Cove Road
 - Reid shared a plan to document where things are.
 - Trenching and underground drilling was done within the Riverfront area. A pre-existing electric source exists but they were unsure where that trenching work had previously taken place. The current trench work was done about a week and a half ago as they needed more power to the building at 274 Lamberts Cove Road. Trenching was observed and brought to the Board's attention. According to Reid, had the replacement work been in the buffer and not the Riverfront area this could have been considered an exempt activity under the Wetlands Protection Act.
 - Board asked why trenching was not done along the road and why the Conservation Commission was not consulted prior to work being done. Mr. Cottle said he thought that the electrician, Wired MV, had pulled all necessary permits. The Board impressed upon Mr. Cottle that he should have confirmed whether the Conservation Commission was notified as we had just gone through a violation process with him on this property. The Board reiterated that his entire lot is within Conservation Commission jurisdiction.
 - Mr. Cottle was also hoping to put in a mill stone as a decorative lawn ornament with a wooden arch and mulch once the stone was set. During the site visit there were excavation trucks observed in this area, they ended up digging a 20-foot circle to get the roots of a previously felled tree out of the ground to bury and stabilize the stone.
 - Peter made a motion for the filing of an after-the-fact Notice of Intent (NOI) with the condition that the trench be backfilled and restored immediately and no additional work is to be done until the NOI has been filed. Currently there is only conduit in the trench, the electrical wiring has not been snaked through. Ernie seconded the motion.
- Roll call vote: Chris-aye, Robert-aye, Peter-aye, Ernie-aye, Whit-aye

Administrative:

Outstanding after-the-fact NOIs – 200 Lamberts Cove Road and 40 Norton Farm Road

- 40 Norton Farm Road – homeowner has cc'd office on correspondence trying to get updates from solar contractor on NOI filing.

- 200 Lamberts Cove Road unpermitted building expansion and deer processing facility.
 - o Have not received any new correspondence since initial order in July from the Board to file an after-the-fact NOI.
 - o Angela to consult the building department to see if 45 days have passed since the issuance of the building department violation letter.
 - o Concerns around wastewater going into stream from deer processing as there are speculations that deer processing is currently happening. Hunting season starts at the end of September, and the season has been extended. Noted that deer carcasses had been burned in the past.
 - o Angela will draft a letter to Brian Athearn, cc'ing Joe Capece, inquiring about the status of the NOI. If an application is not received within 30 days of the issuance of the letter, the Board will issue a cease-and-desist order of all processing operations within the Riverfront area, with the potential for an enforcement order and/or fines.

Correspondence:

Bryan McCormack is available for site visit with interested parties regarding Thumb Point Cove report.

- Everett Jones had concerns with the report in that it chose two active areas with greater erosion rates rather than less active areas. He questioned whether the gabion baskets could be left without any sand nourishment. His primary concern is irreparable damage to the pond system.
- Caitlin expressed concerns about the shellfish beds that have been shoaled over, which she believes Johnny Hoy has noted in the past.
- Mal noted the history of the pond and different erosion velocities and concerns around messing with state waters.
- The 2015 Order of Conditions, special condition 23D was reviewed:
 - o *If the Commission believes the coir logs and/or gabion baskets are causing scour or erosion on the subject property and/or abutting properties, or are adversely impacting offshore deposition process, or otherwise creating negative or unintended consequences, it may issue an Order to Show Cause why either the coir logs or gabions baskets should not be removed. The Commission will conduct a hearing to evaluate the evidence and will issue a decision on removal at the Applicant's expense. **This is an ongoing condition that does not expire with the issuance of a Certificate of Compliance.***
- The Board asked Steve from Wilkinson Ecological on his thoughts/opinions/experiences as they do the sand nourishment.
 - o Sand nourishment is calculated to replace what would be considered the normal amount of sediment per year. With the pond being so high it is pulling the sand from the coir logs that need to remain covered or else they will degrade.
 - o He has experienced a similar situation in Orleans in Pleasant Bay. Greg Berman from the Sea Grand did that sand study to see where the sand was going. Steve encouraged everyone to have Bryan McCormack go out and do another on-site report as it would be good to get his opinion. Bryan has already offered to do such a site visit and review. Mal said he would like be included in the meeting with Bryan.
- Robert would like to follow through with the condition that the burden is on the owner to prove that this is not causing any harm. The Board agreed that the first step is to have Bryan McCormack come for a meeting on site before taking action on special condition 23D.
- Angela will reach out to George Sourati, including Steve from Wilkinson, about the interest for a visit with Bryan McCormack and gaining access to the property. She will also confirm with Bryan about permissions in the past.

Peter left at 7:15 pm

Whit made a motion to adjourn at 7:24 pm, seconded by Ernie. All in favor.

Respectfully submitted,

Angela Luckey – Board Administrator

APPROVED – Tuesday, October 6, 2026