

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING
September 14, 2010

Present: Prudy Burt Chair, Joanie Ames, Judy Crawford, Binnie Ravitch, Peter Rodegast, and Maria McFarland

Absent: Hadden Blair and Tara Whiting

Also present for all or part of the meeting: Reid Silva and Lisbeth Jones

Prudy Burt called the meeting to order at 5:12 P.M. [An audiotape of this meeting is available for review.]

The minutes of the August 10, 2010 meeting were approved as revised.

Map 13 Lot 1/ SE79-302: 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.

Reid Silva presented the proposal for the Marcus'. Plan dated July 29, 2010 revised to August 20, 2010 reviewed.

Issues Discussed:

- Proposed location of pool determined based on wetlands, zoning set backs, septic system and neighbors requests.
- Pool will be located in an already disturbed area 50 feet from the edge of the wetland.
- Under 310 CMR 10 :02 (2)(b)1.d. conversion of lawn to pools is an exempt activity as long as it is 50ft from the BVW and erosion control measures are in place.
- Bylaw regulations: Alteration is proposed at the edge of the Outer Buffer Zone.
- Concerns about winter drawdown the pool towards the wetlands.
- Review of earlier plans to determine amount of disturbance to site since the house reconstruction.
- Revise plan to pull pool and patio 10 feet further from the edge of the wetland and to reduce the size of the patio.
- Possible need for retaining wall.
- NHESP: Filed for an exemption. No exemption is given for pools as rare species can die in a pool. Reid has to file an application with NHESP.

A motion was made and seconded to continue this public hearing until September 28, 2010 at 5:30 PM so that the project plan may be revised. All in favor.

Map 3 Lot 63/ Jones: a Request for Determination of Applicability filed by Lisbeth Jones owner of property located at 170 Lambert's Cove Road. The project consists of the installation of a new wastewater disposal system. The septic tank and pump chamber are to be located in the Riverfront Area. The applicant also requests after-the fact approval for a shed and alterations to an existing single family dwelling.

After a discussion with Lisbeth Jones, a motion was made and seconded to issue a Negative Determination of Applicability with no conditions. The previous alterations are also approved after the fact. All in favor. The septic work will be done in November.

Old Business:

Blackwater Brook water quality testing/update/draft report: Bill Wilcox will come to the September 28th meeting to discuss his preliminary findings.

Map 22 Lots 22 & 24/ SE79-278/Berresford/pre-construction site visit/update: A site visit was held on August 19th. They were not ready to start work. Under Special Condition #11 of the Order the contractor is required to submit a construction schedule, methodology for diverting the stream and erosion control measures. John Keene will submit this paper work and another pre-construction site visit will be scheduled.

Map 3 Lot 50/ Woods/ SE79-295/Approval of Deck: A letter from Travis Wood, Project Supervisor dated September 9, 2010 was read for the record. Mr. Woods is requesting approval of the placement of two decks within the established limit of work line for the construction of a single family dwelling. The decks were not part of the original plan approved for this project. This is a minor change that does not require an amendment to the Order of Conditions as no additional special conditions are required and the decks will be located within the approved limit of work area. A motion was made and seconded to approve this change as the decks will be in an area that was approved to be lawn. All in favor. A letter will be sent to Mr. Woods and the Building Inspector.

Map 39 Lots 9 & 11/ SE79-296/Edens/Outside Counsel: After discussion, a motion was made and seconded to retroactively approve the hiring of Glen Woods and Amy Kwesell of Rubin and Rudman to represent the Commission in the appeal of the bylaw decision to Superior Court. All in favor. [This vote is being taken retroactively as the Selectmen approved this appointment at their meeting on August 25th.]

Administrative:

Hadden Blair: The members accepted Hadden's resignation from the Commission effective today. He will submit a letter of resignation to the Board of Selectmen.

Correspondence:

- **Mill Pond Dam:** Letter from Kent Healy Dam Safety Inspector dated August 16, 2010 regarding maintenance of the vegetation on the upstream and downstream face of the Mill Pond dam and the cutting of brush along the path on the top of the dam.
- **SE79/296/ Endofthedirtroad LLC v WTCC:** Copies of Notice of Appearance of Rubin and Rudman and letter to opposing counsel both dated August 27, 2010

There being no further business on the agenda, the meeting was adjourned at 5:55 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED