

WEST TISBURY CONSERVATION COMMISSION

MINUTES OF MEETING

July 26, 2011

Please note that these minutes are general in nature. For more detail, a tape recording of this meeting is available at the Commission office.

Present: Prudy Burt Chair, Whit Griswold, Nora Nevin, Peter Rodegast, Tara Whiting and Maria McFarland

Absent: Joanie Ames and Binnie Ravitch

Also present for all or part of the meeting: George Sourati and Jon and Barbara Moss

The minutes of the July 12th meeting were approved.

Map 11 Lot 36/SE 79-306: continuation of a public hearing on a **Notice of Intent** to a driveway over a vegetated wetland in order to access a residential building site. The finished driveway will be ten (10) feet wide with three (3) foot shoulders for safety. George Sourati presented the changes to the project plan. These changes have been made in response to the reports of Mark Manganello of LEC Environmental Consultants dated May 16th and July 26th and conversations between Mark, George and staff. An additional check in the amount of \$500 for additional work required of the consultant was received from the applicant.

Issues Discussed:

- Revisions to plan
- Culvert design- five inch pipe
- Drainage design and maintenance
- Trench on the down stream side for runoff
- Alteration is less than 500 feet. Replication will be done to mitigate downstream issues.
- Replication area located on the downstream side of the driveway to replace 371 sq. ft of BVW and provide 321 cubic ft. of compensatory flood storage
- Limited project status not required as project can be conditioned
- Public comment from previous hearings
- Maintenance of existing conditions based on comments from abutters.
- Construction sequence
- Erosion control measures and limit of work line
- Replication Plan and planting/landscaping plans to be submitted
- Project Monitor

There was no new public comment. The public hearing was closed. A motion was made to approve the project as revised and presented and to grant a waiver for work in the Buffer Zone under the Bylaw. All in favor. Special conditions will be reviewed and approved at the August 9th meeting.

Map 39 Lot 11: a public hearing under the requirements of the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by the Woods Hole Group on behalf of Endofthedirtroad LLC for property owned by Endofthedirtroad LLC located at 234 Middle Point Road. Construction access will be over 225 Middle Point Road Map 39 Lot 10 also owned by the applicant. The proposed project includes the installation of approximately 135 feet of sloping low-profile rock revetment along the eastern shoreline of

Tisbury Great Pond, together with annual beach nourishment and routine maintenance of the revetment. Work will take place on a coastal beach, coastal bank, coastal dune, land subject to coastal storm flowage and in the buffer zone. Construction access will be over the buffer zone, considered a resource area under the West Tisbury Wetlands Protection Bylaw.

Prudy opened the public hearing. The legal notice was read into the record.

Members reviewed the details of the LEC proposal. An e-mail from Tara Marden dated July 25, 2011 objecting to the amount of the consultant's fee was noted for the record. It was noted that there is \$226 remaining in the consultant fee account from the first time this project was reviewed which can be used to reduce the amount to be requested from the applicant to \$4, 475.

A motion was made to hire Stan Humphries of LEC Environmental Consultant based on his proposal submitted to the Commission dated July 19, 2011 and that a letter be sent to the applicant requesting submittal of a check in the amount of \$4, 475 per the requirements of section IV of the bylaw. All in favor. After discussion, the motion was seconded and the vote in favor unanimous.

At the request of the Commission, the applicant's representative agreed to a continuance of the public hearing to August 9th to allow time for Stan to issue his report. It was requested that Stan's report be submitted by August 2nd.

A motion was made and seconded to continue the public hearing on this matter to Tuesday August 9, 2011 at 5:10 PM. The vote in favor was unanimous.

New Business:

Map 36 Lot 48/SE79-160 /Moss/ Violation of OOC maintenance provisions: Mr. & Mrs. Moss were present to discuss the recent topping of shrubs in the buffer zone in violation of the maintenance provisions of the Order of Conditions issued in 1998. Mr. Moss made brief introductory comments.

In 1990 the prior owner of this property, Terry Farm Trust, obtained two Orders of Condition; one for clearing vegetation (SE79-58) and the other for installation of a dock (SE79-65). There were no on-going maintenance provisions in either Order. However, SE79-65 provided that the ten (10) foot path to the dock may be cleared and maintained by hand. In 1998 Mr. & Mrs. Moss received an Order of Conditions (SE79-160) for limited view shed tree limbing. The area permitted to be cleared was along the west side of the cove beginning thirty (30) feet north of the dock to the edge of mature Oak trees, a total distance of approximately 150 feet. The on-going conditions were as follows: 1) Leave a group of Pines north of the dock to mature and be thinned in the future, trimming limbs out to see underneath. 2) The remaining Pines north of the dock and others to the south for approximately fifty (50) feet may be pruned by removing the central lead to allow view. 3) A group of pines north of a white oak closest to the water (south of the dock) to grow naturally. No on-going permission was granted to maintain the shrub layer of the wetland vegetation in the 100 foot Buffer Zone. A copy of the estimated proposal from the landscaper provided by Mr. Moss at the meeting to discuss this matter on July 26th calls for "water view tree-top clearing down by the pond".

After discussion a motion was made and seconded to issue an Enforcement Order. All in favor.

Administrative:

Map 22 Lots 22 & 24/SE79-278/Berresford/ Certificate of Compliance: Reid Silva presented an as-built plan dated July 21, 2011. Before the dredging was done the pond depth to the bottom was approximately six (6) inches. Post dredging the depth of the pond is 4-5 feet. There are no on-going special conditions. The as-built

plan is also a requirement of the DEP 401 Water Quality Certification. The lack of a buffer strip around the pond was also discussed. At the site visit for the certificate we talked with the property owner about allowing the vegetation to grow in the area where the brook enters the pond to compensate for the loss of vegetation on the dam. A motion was made and seconded to sign off on this project. All in favor.

Correspondence:

In: E-mail dated July 20, 2011 from Bob Huebscher re: Moss

There being no other business on the agenda, the meeting was adjourned at 6:30 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED