

WEST TISBURY
CONSERVATION COMMISSION

MINUTES OF MEETING

January 10, 2012

Present: Peter Rodegast, Chair, Prudy Burt, Binnie Ravitch, Whit Griswold, Tom Della Rocco, Tara Whiting, Joanie Ames, Nora Nevin, and Maria McFarland

Also present for all or part of the meeting: Reid Silva, Matthew Dix, Benjamin Reeve, Katharine Sterling and George Sourati

The meeting was opened at 5:05 PM.

Hearings

Map 8 Lot 1/ SE 79- 318 : 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 the Martha's Vineyard Land Bank for property located at 100 Buttonwood Farm Road. The proposed project includes the clearance and maintenance of approximately 500+/- linear feet of 4 foot wide walking trail within the Buffer Zone and a 45' raised wooden boardwalk through a Bordering Vegetated Wetland on a trail easement over a section of Map 8 Lot 1 owned by Katharine Parks Sterling. The trail easement runs between the Land Banks' Wompesket Preserve and John Presbury Norton Farm properties and will connect the two properties. [This project was originally filed as SE79-318. The Commission denied the Land Bank's application as they did not have the property owner's permission due to a dispute between the parties over the location of the trail easement. The Land Bank appealed the decision to DEP; DEP upheld the Commission decision, and the appeal was subsequently withdrawn once the parties agreed on a location for the trail.]

Matthew Dix presented the new project location for the path. He submitted a request for a waiver from the provisions of the Bylaw regarding work in the first 50 feet of the Buffer Zone. The easement agreement between the Land Bank and the property owner requires that the path be located within 25 feet of the resource area for a distance of approximately 200 feet.

The boardwalk will be constructed off-site and brought on-site through the John Presbury Norton property. The boardwalk will be placed over a bordering vegetated wetland and intermittent stream right before the path enters the Wompesket property. It will be placed on field stones rather than pin foundations in accordance with the language of the easement agreement that calls for the placement of a walkway. The boardwalk will be made of locust wood with the stringers made of ACQ lumber. Decking will be locust. The work to establish the four foot wide trail will be done by hand and/or a Gravelly.

Mitigation measures include all stream-side work being done using hand tools. Brush will be removed to an upland location on the Wompesket Preserve.

After a brief discussion with the property owner, the public hearing was closed. A motion was made and seconded to approve this project as presented. Motion passed, 5-0-0.

Map 1 Lot 33/SE79- 317: a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Notice of Intent** filed by Sourati Engineering Group, Inc. on behalf of Richard & Lee Dubin owners of property located at 94 Norton Farm

Road. The project consists of the construction of detached garage. This work will take place in the Riverfront Area.

George submitted a revised plan showing one alternative location together with a written narrative that discusses a second alternative (a location between the septic system and the house). One alternative is close to the house and will block the view of the field. There are several possible locations but they are all closer to the Resource Areas. The alternatives narrative was read into the record. It was noted that economic cost relates to the cost of building the alternative, not to the impact on resale value.

310 CMR 10.58 allows the Commission to permit the alteration of up to 5000 square feet or up to 10% of the Riverfront Area whichever is greater.

George said the Dubins are willing to reduce the size of garage but they want it in the proposed location so that it does not block the view from the house. The original project plan showed a garage. The original location of the garage had to be changed because the location of the septic system had to be moved. A 10 foot setback has to be maintained around the septic system.

After a lengthy discussion about alternative locations, the applicant's representative was asked to discuss moving the garage entirely outside the Riverfront Area with his client. It would require a variance from the ZBA. George thought that the suggested location outside the Riverfront Area might block the neighbor's view.

George will calculate the total amount of square footage of Riverfront Area altered to date including the bridge, driveway and house together with the additional square footage to be altered to place the garage, additional driveway and turnaround.

A motion was made and seconded to continue the public hearing on this matter to January 24th at 5:10 PM. Motion passed, 5-0-0.

Old Business

Map 1 Lots 41.1 and 50/ Berlin and Sundin: Reid Silva

Berlin:

Reid updated the board. Dr. Berlin was required to place 405 cubic yards of sand for beach nourishment at the time the revetment was constructed. This amount represents a 5 year supply based on the erosion rate. In the spring of 2010 the toe stones became exposed triggering the threshold for additional beach nourishment.

Reid has been working with Leslie Fields of the Woods Hole Group to do a joint project with her client, Eric Sundin. The joint plan called for hiring the same contractor and using the same access point. A site visit was done with Dale McClure to get an estimate. This required a surveyed beach profile because the Sundin beach hadn't had a survey done and the Berlin beach hadn't been surveyed in 8 months. Once the survey was done, the Woods Hole Group realized they had an issue with their monitoring protocol.

Currently, the Berlin project is on hold because of the error on the Sundins. If the Sundins don't need to do a project at this time, Reid's next step is to get permission from the Berlin neighbor to use their property for access. The next annual monitoring will be done in April. Six consecutive years of monitoring, the applicant is required to submit a report to the Commission. At that time, it will be decided if the monitoring should continue.

Sundin:

Maria updated the board. Leslie Fields submitted a letter dated January 10, 2012 which explains the mistake the Woods Hole Group made in the monitoring protocol. Benchmarks were set in the revetment in accordance with the condition of the Order that required stations drilled at 4.5 NGVD or higher. There are 4 benchmarks shown on the as-built survey; three are set at 7 NGVD and one at 9 NGVD. Elevation 4.5 is at the base of the toe stones. Benchmarks could not be set at 4.5 NGVD as they would have been covered with sand. The error that was made was preparing the monitoring data using the 4.5 NGVD as the benchmark. The monitoring started in September 2009 should have used the elevations of 7 and 9. According to Leslie's revised monitoring report, the threshold has been met at stations 3 and 4 but it has to be at 4.5 or lower for 2 consecutive seasons. Leslie is going to do another survey in March. The as-built survey was done long before the monitoring was started; Reid's survey was done in December 2010 in order to get an accurate amount of yardage so Dale could give them an estimate.

Lambert's Cove Beach Path: A site visit will be set up with Park & Rec. Sheriff's Meadow Foundation and Greg Berman for January 19th.

Brandy Brow: Maria updated the members on the request by the Paths beside the Roads Committee to put a path through Brandy Brow. A letter from Rez Williams was read aloud. It has been reiterated that the Commission is waiting to hear from the Woods family. Rez will be asked to come into the office to discuss the matter with Peter.

Estuaries Project: The contract has been extended to December 31, 2011. The report is expected by June 30th.

Administrative:

Map 1 Lot 33/ SE79-281/Dubin/ Certificate of Compliance/ House and bridge: George submitted a letter dated January 10, 2012 stating that the dog fencing has been relocated. Maria will do a site visit with George. The Certificate of Compliance was not signed.

Annual Report: Members reviewed a draft of the 2011 Annual Report. The final version will be approved at the next meeting.

Correspondence:

Out: Map 39 Lot 11/ Administrative record sent to Rubin and Rudman on January 18th.

After a motion and a second the meeting was adjourned at 6: 30 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED