

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING

February 14, 2012

Present: Peter Rodegast, Chair, Prudy Burt, Tom Della Rocco, Binnie Ravitch, Whit Griswold, and Maria McFarland

Absent: Tara Whiting, Joanie Ames and Nora Nevin

Also present for all or part of the meeting: Kathleen Young, Trudy Russell, Mike Pease, Mary Jane Pease, Isaac Russell, Fred Hotchkiss, Anita Hotchkiss, Clark Hanjian, Kenneth (Mal) Jones Don Ward, Chris Alley and Reid Silva

The meeting was opened at 5:05 PM. The minutes of the September 8, 2011, January 10 and 24, 2012 meetings were approved. Peter abstained from the vote on the September 8th minutes.

Hearings:

Map 36 Lot 2/SE79-320: 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 Kenneth M. Jones for property located at 200 Deep Bottom Road owned by Tsissa Inc. The proposed project involves: 1) removal of two sections of concrete block from the western end of a concrete jetty and the reconfiguration and repair of same, 2) relocation of 30-50cy of sand on the coastal beach and 3) relocation of the two sections of concrete block approximately 250 feet west of the existing jetty to create a new jetty in Deep Bottom Cove on Tisbury Great Pond.

Mal Jones gave a detailed presentation on the history of Deep Bottom Cove and the work that has been done over the years including dredging, construction of a causeway and placement of materials in the pond and along the shoreline to the point of the property. The concrete groin put in place in 1964, pre-dates the Wetlands Protection Act and regulations. The groin is made up of 14 5,000 pound concrete blocks that are moveable with heavy equipment.

The following documents were either read into, or noted, for the record:

- DEP comment letter dated February 8, 2012 was read and discussed.
- Division of Marine Fisheries comment letter dated February 14, 2012 were read into the record and discussed.
- Alternative analysis dated February 10, 2012 submitted by Mal Jones was noted for the record but not discussed in detail at this time.

Issues Discussed:

- Previous unpermitted work including dredging and placement of rocks or other materials and the relocation of sand.
- Non-compliance of elements of this proposal with the performance standards of the state and local regulations.

Outstanding matters:

- Report from Greg Berman of the Woods Hole Sea Grant Program. Greg is providing the Commission with technical assistance on the coastal processes at this site and regulatory compliance of the project.
- Discussion of alternatives regarding the proposed groin to protect the boathouse.
- Use of heavy equipment on the beach.
- Need for a Chapter 91 License(s).

Whit asked Mal what his goal is and suggested he sharpen his focus for the next meeting.

Public Comment:

Mary Jane Pease said that keeping the cove open and erosion to a minimum is a concern but that nature should be allowed to take its course.

With agreement from the applicant, a motion was made and seconded to continue the public hearing on this matter to February 28th at 5:45 PM. Motion passed, 5-0-0.

Map 3 Lot 38/SE79-319: the continuation of the 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 Vineyard Land Surveying & Engineering, Inc. on behalf of Falcon Properties, LLC for property located at 59 Capawock Road owned by Pauline S. Kaltenbacher, Trustee. The project consists of construction of a driveway, installation of underground utilities and associated site work in the Buffer Zone to serve a new single family dwelling to be constructed outside the Buffer Zone.

Outstanding matters from the first hearing:

- Comment letter from NHESP (none)
- Revised plan and request for a waiver from the Bylaw regulations regarding work in the No-Disturbance and No-Build Zones of the Buffer Zone. Reid Silva presented the revised plan.

There being no public comment, the hearing was closed. A motion was made and seconded to grant the waiver to place the driveway in the proposed location. There is no other location that would have less impact during construction. The property is separated from the Resource Area by Capawock Road. The motion to grant the waiver passed, 5-0-0. A motion was made and seconded to approve the project as presented. All in favor. Draft special conditions were reviewed and approved.

New Business:

Map 14 Lot 1/ SE79-292CCSeven Gates/ Saltworks Dock replacement/ John Packer: The request to bring equipment onto the beach to put in the on-shore pilings is a significant change to the Order of Conditions. A motion was made and seconded to require the applicant to obtain an amendment to the Order. The letter from Offshore Engineering In. dated January 23, 2012 may serve as the request for the amendment. The motion passed, 5-0-0.

Maria will inform the applicant that the public hearing must be re-opened. The applicant must notify abutters and a legal notice posted and published in the newspaper. The hearing will be scheduled for the March 12 meeting.

Shellfish Warden/Oyster propagation project in Short Cove: Ray Gale would like to locate some rafts in Short Cove on Tisbury Great Pond in June for oyster propagation. The rafts are called remote sets. Ray will need a permit from the Division of Marine Fisheries and may need to file paperwork with this board. Maria is researching the matter. No action was taken.

Lambert's Cove Beach Path: Members discussed Greg Berman's report dated January 19th. Sheriff's Meadow Foundation is on board with the plan Greg has proposed. A site visit will be arranged with Park & Rec and Kristin Fauteux. Peter and Maria attended the Park & Rec meeting on February 1st to discuss the plan and to offer doing a work day and money toward the cost of materials.

Administrative:

Map 6 Lot 14/SE79-308/Bishop: Certificate of Compliance/sluceway & dam repair. Chris Alley submitted an as- built plan showing deviations from approved plan. Don Ward was present to explain why he, as contractor, failed to follow the letter of the Order of Conditions. Fines were discussed for failure to follow conditions of the order. It was decided that it was apparent from the current condition of the site that the project went smoothly. A motion was made and seconded to approve the issuance of the Certificate of Compliance. Motion passed, 5-0-0.

Correspondence:

In: Technical Assistance on Coastal Processes/Lambert's Cove Beach 1/19/2012
Manaquayak Preserve Water Quality and Summer Use Annual Reports 2011
Map 39 Lot 11/ E-mails from Amy Kwesell re: Time line and budget
Copy of memo from Historical Comm. to BOS/ re: Resource Inventory on line.
Copy of letter from Kent Healy to BOS dated 2/1/12 re: Mill Pond
Map 39 Lot 11/ Invoice from Rubin and Rudman through Jan. 31
Out: Order of Conditions /Map 8 Lot 1/ SE79-318/Land Bank & Sterling

There being no further business, the meeting was adjourned at 7:00 PM.

Respectfully submitted,

Maria McFarland,
Board Administrator
APPROVED