

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING

December 11, 2012

Present: Peter Rodegast, Chair, Prudy Burt, Whit Griswold, Tara Whiting, Binnie Ravitch, and Maria McFarland

Absent: Tom Della Rocco

Also present for all or part of the meeting: Kent Healy, Craig Saunders, Jim Caldarone and Reid Silva

The meeting was opened at 5:00 PM.

The minutes of the November 20, 2012 meeting were approved. Whit Griswold abstained.

Public Hearings/Meetings:

Map 32 Lot 100 & 102: 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 **Request for Determination of Applicability** filed by the Town of West Tisbury, owner of property located at **695 & 700 Edgartown Road**. The project consists of the replacement of a metal and corrugated plastic culvert at the Factory Brook inlet from the Mill Pond.

After a detailed discussion with Kent Healy covering project details and erosion control measures, a motion was made and seconded to issue a Negative Determination. All in favor. Conditions include the following:

- Project will be done during dry conditions and completed within one day.
- Notice to the Commission when work is to begin.
- Plywood and sandbags will be used to block flow during repair.
- Work will be done from the roadside with all excavated material placed into a truck and then used for back fill.

Map 3 Lot 2.1/SE79-328: continuation of 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 Cooper Environmental Services, LLC on behalf of Mary Tavares, Trustee of RFS Trust owner of property located at 237 Lambert's Cove Road. The project consists of vista pruning to re-establish a view channel through the Buffer Zone and placement of snow fencing and signage on a coastal dune and bank for the purpose of restoration.

At the request of the applicant's representative, a motion was made and seconded to continue the public hearing on this matter to January 8, 2013 at 5:45 PM in order to allow the applicant to respond to the NHESP comment letter. No testimony was taken. The vote on the motion was unanimous.

Map 23 Lot 4: 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 **Request for Determination of Applicability** filed by Vineyard Land Surveying & Engineering on behalf of Ann Thoron Hale, owner of property located at 64 Tisbury Lane West. The project consists of the abandonment of a failed septic system and the installation of a new wastewater disposal system. The septic tank and pump chamber are to be located in the Buffer Zone.

After a detailed discussion with Reid Silva covering project details and erosion control measures, a motion was made and seconded to issue a Negative Determination. All in favor. Conditions include the following:

- Silt fencing to be installed as shown on the project plan.
- Equipment will be placed on the uphill side of the trench and the work will be done from the same side. Excavated material will be placed in a truck and then used as backfill.

Map 35 Lot 6.3/SE79-330: 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 Sourati Engineering Group on behalf of Phyllis Segal for property owned by Meyer Realty Trust located at 40 Plum Bush Point Road. The applicant proposes to convert a screened porch into a dining room with a foundation. The work is partly in the Buffer Zone. Jim Caldarone of Sourati Group presented the project. The property is located within the Riverfront Area. With the agreement of the applicant's representative a motion was made and seconded to continue this public hearing to January 8th at 5:30 as the NHESP comment letter is outstanding. All in favor.

After the hearing, Whit asked why the Commission can make this property owner file paperwork on an unpermitted dock viewed during the site visit for the dining room project. Maria explained that she was aware of the dock and knew that there was no paperwork on the dock. Once a Conservation Commission becomes aware of an unpermitted structure within their jurisdiction, the board has the authority to require the property owner to bring the property into compliance under the wetland regs and the local bylaw.

New Business:

FY2014 Operating Budget: A motion was made and seconded to approve the budget and budget submission form for submission to the Finance Committee. The vote in favor was unanimous.

Bylaw on Water Removal: Tara proposed that the Commission work on a bylaw prohibiting the withdrawal of water from the Mill Brook. She gave the example of Jim Athearn of Morning Glory Farm pumping of water from the brook for irrigating the fields he leases from Bill Hickie. Maria was instructed to ask permission for access to counsel.

Old Business:

Mill Brook Watershed Study: Kent suggested that the Town should appoint a select committee to carry out the work to prepare an RFP for the watershed study and to oversee the project rather than have the Mill Pond Committee oversee it. Kent and Craig mentioned that Bill Wilcox might be willing to participate.

It was reiterated that an RFP would be needed and that the Conservation Commission is willing to work on this project rather than organize another committee.

Scotchmen's Lane Stormwater management: Maria was instructed to follow up with Chris Alley and SB&H for a status report on the preparation of a Notice of Intent or Request for Determination of Applicability for this project.

Parsonage Pond/Purple Loosestrife: Tara reported that Prudy Noon contacted her to ask whether the letter the Commission sent meant that she was required to remove the purple loosestrife on her property. Tara explained that the letter was intended to be informational.

Administrative:

Correspondence:

In: Map 35 Lot 3.1/Right of First Refusal/Fischer
Planning Board/Master Plan Survey
E-mail from DOT re: filing for guardrail replacement

Endofthedirtroad LLC court decision and new motions
Out: Map 34 Lot 10.1/SE79-329/OOC

There being no further business, the meeting was adjourned at 6:40 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED