

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
October 27, 2015

Present: Prudy Burt, Peter Rodegast, Binnie Ravitch, Michael Turnell and Tara Whiting

Absent: Whit Griswold

Staff Present: Maria McFarland

Also present for all or part of the meeting: Katherine and Theodore Dreier, Reid Silva, and Shakti Reynolds

The meeting was called to order at 5:10 P.M. Tara Whiting, Chairman presiding.

Minutes: The minutes of the October 13 meeting were approved as amended. Peter abstained.

Public Hearings/Meetings:

Map 14 Lot 2: 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., for a project to establish a 50'x 75' building envelope in the second fifty feet of the Buffer Zone to accommodate a new 4-bedroom single family dwelling, and to abandon the existing well and cesspool and install a new well and 6 bedroom septic system to serve both the new house and an existing 2 bedroom house located at 38 Forest Road. The property is owned by Seven Gates Corporation and leased to Katherine and Theodore Dreier Jr.

Reid Silva submitted the septic system plan showing the proposed building envelope. This plan does not show the entire parcel and is missing some of the existing conditions on this 8.9 acre parcel. The wetlands were flagged by Doug Cooper of Cooper Environmental Services.

When the Dreier's acquired the property they constructed the guest house but never built a main house. Seven Gates has an established house bound that dictates where the main house can be located. The Dreier's are planning to put their property on the market. The purpose of this Notice of Intent is to obtain an Order of Conditions that would give a perspective buyer a sense of the restrictions on building on this property by permitting a building envelope that incorporates the Seven Gates House bound.

The current 2 bedroom guest house has a cesspool that will be filled and abandoned and upgraded to a 6 bedroom Title V system with a drip dispersal leach field to be located near the entrance to the property off of Forest Lane. The existing well that is located at the edge of the proposed reserve area for the leach field will be relocated. Reid said there was no area that meets the Board of Health requirement of a 100 foot setback for separation between septic to wetland setback so this change is necessary. Trenching to connect the system will be within the existing driveway. A drip dispersal system will be used for the leach field. Even though the septic system and well locations have been approved by the Board of Health, the final location of the well will depend on where water can be found on the lot.

Driving forces behind establishing the building envelope shown on the plan are the wetlands, zoning setbacks, location of guest house and driveway, and the Seven Gates main house bound. The applicant is not proposing any changes to the guest house or driveway location.

The proposed building envelope is within the Outer Buffer Zone under the Bylaw. The closest point to the wetland edge is 55 feet and the second closest point is 78 feet. The area has been brush cut but numerous

trees remain. Prudy said that even though there was a lot brush cutting under the trees, the vegetation is still there.

The applicant is not proposing to restore any disturbed wetland areas or new landscaping. The edge of the lawn areas are shown on the plan. Reid said he anticipates that there would have to be some buffer between the edge of the pond and edge of clearing.

Issues Discussed:

- **Project Plan:** The plan does not show the entire parcel and is missing some of the existing conditions, such as the stone wall. Staff requested that the project plan show the wetlands flagging numbers and the No-Disturbance and No-Build Zones under the Bylaw. Peter said the line relates to our regulations. Binnie said it gives a reference point and helps us understand what activity is being proposed in the No-Disturbance zone.
- **Alterations to Bordering Vegetated Wetland:** Brief discussion about the mowing of what appears to be resource area between the stone wall and the pond. A pink wetland flag hung on a tree branch next to the stone wall indicates that the area between the stone wall and the pond edge has been mowed or brush cut. Mrs. Dreier said that this mowed area was a meadow when Mr. Dreier's parents gave them the property in 1970's.
- **Alternative locations:** Perspective Buyers may have other plans, such as leaving the property as is, adding on to the guest house or tearing the guest house down. Reid said the driveway can't be relocated because of the steep slope and proximity to the wetlands.
- **Other Board Approvals:** This project will require Planning Board and ZBA and Seven Gates architectural Review Board approvals. Reid said that Seven Gates limits house size to 5,000 square feet. He added that he doesn't know if the structure can be two stories because it will be in the Coastal District (which is a zoning overlay district). To get the allowable height an actual house plan would have to be submitted to the Planning Board.
- **Outbuildings:** Prudy asked about the condition of the two outbuildings and stated that a buyer should have no expectation of expanding those buildings as they are located in the wetlands. Binnie asked about an outbuilding just outside the wetlands. Mrs. Dreier said it was built in the 1970's and that it is used as a study. Michael asked about the structure behind the guest house. Mrs. Dreier said it was a garden shed.

Commissioners' Comments /Questions:

Prudy explained to the Dreiers' that the board is always looking for alternatives. She complimented the Dreier's on being good stewards of this property, but the board often runs into issues when a property changes hands. She asked if there was any wiggle room in locating the building envelope.

Peter stated that we would need to see the final house, grading and landscape plans before any construction could begin or a building permit obtained. He asked what size house would fit within this building envelope. Reid said the envelope provides for a 50 x 75 footprint but that doesn't mean that the entire footprint would be realized.

Reid was asked what the timing for construction of the well and the septic system is. He said that hasn't been discussed but the well will have to go in first and is subject to change. Once the well is in it will give

prospective buyers a better idea of what some of the restrictions will be and narrows the discussion for a potential buyer.

Tara asked if the Seven Gates house bound is a corner bound. Reid replied that some portion of the house has to touch this bound, but it does not have to be a corner bound; it can be within the house.

Peter said he would like to see the building envelope shift into an area that is already disturbed Reid responded that it is important to keep separation from the house lot and the guest house and that the Dreier's are trying to preserve some type of house guest house scheme that isn't close to the driveway. Peter followed up by saying that guest houses are often just across a lawn or patio area and that he was more concerned about separation from the wetlands than separation between the house and the guest house.

Public Comment: Shakti Reynolds, the Dreier's real estate broker, said that as a real estate broker she understands that nothing can be done with the two outbuildings.

The hearing will be continued because the DEP file number and the NHESP comment letter are outstanding. In the meantime, Reid will add the No-Disturbance and No-Build zones (under the Bylaw) the stone walls, and the wetland flag numbers to the project plan.

A motion was made and seconded to continue the public hearing on this matter to November 10 at 5:45PM. All in favor.

Old Business:

Administrative:

Map 25 Lot 4.1/Ann Nelson: Members reviewed and approved the follow up letter to be sent to Ann Nelson.

Map 35 Lot 6. 133/Kaufman/SE79-342: A motion was made and seconded to issue a Certificate of Compliance for this project. All in favor.

Map 38 Lot 3/SE79-280- 55 Oyster Watcha Road/Bagehot Backs LLC/Violation: Members reviewed and approved the follow-up letter to be sent to Bagehot Backs.

Bylaw Regulations: Whit, Binnie and Prudy have agreed to form a subcommittee to work on bylaw revisions. No action was taken.

Correspondence:

In: Map 34 Lot 10/Thomas/Phragmites project/Letter from DEP requiring Appendix A for an ecological restoration project to remove the Phragmites
E-mail from Rick Karney of the MV Shellfish Group regarding application to EPA for grant funding to study Phragmites removal on Martha's Vineyard

Out: Map 25 Lot 4.1 Ann Nelson / Approval of response letter
Map 38 Lot 3/SE79-280- 55 Oyster Watcha Road/Bagehot Backs LLC/Violation update

There being no new business to conduct, the meeting adjourned at 6:30 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED