

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 8, 2016

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

**Absent:** Whit Griswold, and Peter Rodegast

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Chris Alley, Scott Stearns and Rez Williams

The meeting was called to order at 5:07 P.M. Tara Whiting, Chairman presiding.

**Minutes:** The minutes of the February 23 meeting were approved as revised. All in favor. Michael abstained.

**Public Hearings/Meetings:**

**Map 13, Lot 8/SE79-363:** 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 Schofield, Barbini & Hoehn for a project to build a stone wall along a property line within the Buffer Zone and to perform associated site work at 64 Ephraim Allen Road owned by Ephraim Road, LLC.

Chris said the intention is to fix the existing wall along the northwest side of the property and to build a new stone wall along the remainder of the property boundary. Just off of the property there at the head of the valley, there is standing water that drains off to the northeast.

The applicant has requested a waiver of the buffer zone provisions of the bylaw for work in the No-Disturbance Zone.

Chris Alley presented the project. Scott Stearns was also present to answer questions concerning construction of the stone wall.

At the closest point, the new stone wall would be 15 feet from the edge of the wetland. The total amount of permanent alteration in the buffer zone would 269 linear feet, of which 234 linear feet are within mapped priority habitat. The alteration consists of stripping out the vegetation and placing 4 inches of crush stone footing along the property boundary. Scott said that a small trench would be made using a 5 foot wide machine but the width of the trench would be less than five feet.

There would also be temporary disturbance to vegetation in the Buffer Zone to gain access to the location. Scott said there was 1 tree that would need to come down.

In addition to the stone wall work, Scott explained that there is an old well located more than half way down the hill that needs to be filled because it is a safety hazard. There is also trash that needs to be cleared. The 4 foot deep well can be filled by hand.

Maria asked whether the wetland was an isolated wetland under the local bylaw. Chris said it is hydrologically connected to a stream and is part of a larger wetland system.

**Commissioners' Comments Questions:**

Prudy said the existing field edge is located at the break in the bank along the property. She asked if there were any plans to pasture animals within this stone wall enclosure and stated that she would not want any animals to have access to this wetland.

Prudy suggested placing the stone wall along the field edge which would serve as a nice limit of work for any future activities. Even if the applicant were asking for an agricultural exemption, they would not be permitted to go beyond the existing field edge at the top of the hill. Scott responded that the purpose of the stone wall is to delineate

the property line. They also want to fill in the old well and clean up the trash. Prudy said that was a minor disturbance to take care of a hazardous situation.

Michael said he agreed with Prudy that there are other ways to delineate the property line without putting in a stone wall. He said it is possible for the applicant to stay out of the Commission's jurisdiction and still obtain their goal. Michael went on to say that the stone wall will redirect drainage coming down the hill and there is a lot of disturbance to build a wall. Scott said that the disturbance is extremely limited.

Binnie said she agreed with Michael.

Prudy said she wasn't so concerned about disturbance caused by construction of the stonewall. She is more concerned about future use of the property and the introduction of animals that could get into the wetland. A stone wall at the field edge would keep animals out of the wetland. She added that there would be no claim for an agriculture exemption for this property. Chris pointed out that there is nothing on the table about future use or animals on the property and that this application is only for a stone wall.

Prudy said that she objects to placing a stone wall so close to the wetland for the sole purpose of the delineating the property line when there are other ways to delineate the boundary line.

Chris said he did not understand how a stone wall will have an impact on the resource area. Prudy said the applicant hasn't demonstrated that there is no practicable alternative.

Chris said if the board isn't concerned about impact, then the objection is statutory, and there would never be an alternative that is permissible.

Chris said the board why they had not asked him about site protection, or restoration of the access. Tara responded that it didn't matter what was proposed for restoration and mitigation because there is no case to be made if nothing is permitted within 50 feet of a wetland.

Tara said she wouldn't agree to grant a waiver because the applicant has practicable alternatives.

Prudy suggested stone posts every 20 feet that would not impede wildlife passage. Chris asked if even that would be permitted because it is in the no-disturbance zone. If the first 50 feet of the buffer zone is sacrosanct, then the applicant can't put in stone posts or a split rail fence by hand in order to mark the property line, because the concern of the Commission isn't about the ability of the applicant to minimize or mitigate impact or to restore any temporary disturbance.

With the consent of the applicant, a motion was made and seconded to continue the public hearing to March 22 at 6:15 PM because the comment letter from NHESP has not been received. All in favor.

The Meeting with Adam Turner and Sheri Caseau was postponed.

#### **New Business:**

**Brandy Brow/ Rez Williams:** Rez informed the board that the easement between the Land Bank and Rod Welles has been signed.

Rez said he and Skip Manter have a concern that the beginning of the path is on private property. Rez showed the board a 1923 layout of the Edgartown-West Tisbury Road. Maria explained that the deed description for Brandy Brow runs to the center line of the old Maley driveway and that the path begins within the property boundary. In order to know definitively, the property boundary would have to be surveyed.

Rez is concerned about people walking in the driveway because the new owner has posted the property. It was explained to Rez that the new owner won't be using this driveway. The only people using this driveway will be Eleanor Waldron and the fire department.

Rez asked the board to move the entrance to the path in order to avoid having people walk down the driveway and so that the entrance to the path will be more visible.

Rez also asked the board to look at the area next to the Welles driveway to see what else needs to be cleared. Besides mowing, there are some rose bushes, stumps and brambles that need to be removed. The path can be no wider than 4 feet.

Rez asked about signage. The board does not want to put signs up because of liability concerns.

The board will do a site visit on March 17. No action was taken.

**Old Business:**

**Map 38 Lot 1/ Homer Watch Trust/TNC:** The board finalized the wording of a letter of non-support for an amendment to a conversation restriction between the parties to be sent to the Board of Selectmen.

**Map 3 Lot 91/SE 79-SE 357:** Reid Silva submitted a proposal to do the monitoring of the dune elevations along the path as required under the Order of Conditions pro-bono. A motion was made and seconded to accept the proposal with thanks as detailed in Reid's letter dated February 29, 2016 subject to confirmation with the town administrator that it is acceptable to do so. All in favor.

Maria suggested that the board order beach grass bare root culms to be planted in the along the path and in the dunes. The board agreed that it would be a good idea. Maria was instructed to get a price for 1,000 culms and to ask Park& Recreation if any of their board members would be willing to help plant the grasses. No vote was taken.

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

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED