

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 10, 2015

**Present:** Peter Rodegast, Prudy Burt, Nate Morgan, Michael Turnell, and Tara Whiting

**Absent:** Whit Griswold and Binnie Ravitch

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Chris Alley, Alex Dorr, Greg Ehrman, Carter Hakala, Kris Horiuchi, Jack Klumick, George Sourati, Seth Wilkinson, and John Wuestneck

The meeting was called to order at 5:04 P.M.

**Minutes:** Minutes of the February 10 meeting were approved as revised. Nate abstained. The Commission did not meet on February 24.

**Continued Hearings:**

**Map 32 Lots 88 & 89/SE79-353: Notice of Intent** filed by Schofield, Barbini & Hoehn for a project to remove and replace an existing single family dwelling, clear vegetation, restore two existing foot bridges, install underground utilities, re-grade landscape, replace an existing gravel roadway with a footpath, and perform associated site work on properties located at 40 Sweet William Way and 20 Factory Brook Road. The properties are owned by 40 Sweet William Way LLC and 20 Factory Brook Road Realty Trust respectively.

Nate Morgan recused himself from these proceedings.

Chris Alley submitted a request for a waiver under the Bylaw for work in the first 50 feet of the Buffer Zone that includes removal of the gravel driveway and selective removal of invasive species.

At the last hearing Kris was asked to determine the number of trees they propose to remove. Kris said the existing conditions could be surveyed or the trees to be removed flagged. By her count approximately 20 trees to be removed; including cedars, a forty foot spruce tree and downed trees. Some of the trees are covered in bittersweet. There are about 6 within the inner riparian zone with the majority in the outer riparian zone.

Comments/questions from the Commission as follows:

Mike asked about creating a savannah that would have some trees within the meadow. Kris said they are trying to integrate the two properties by expanding the meadow, and open up the view to the pond. View channel requirements were discussed. Peter said that typically applicants come back to the board after the house is built to discuss views.

Prudy suggested a phased approach to the clearing because it is unclear how much clearing is being proposed. Start out with invasives, cedars with bittersweet and trees that have fallen over. Kris responded that it is more efficient to do it all at once but it could be done incrementally by first selectively removing invasives, then replanting with an upland shrub material in areas where they don't want meadow.

Greg Ehrman, the applicant's architect, said that the purpose of landscape work is to restore the conservation value of the meadow in accordance with the conservation restriction. The VCS letter to the Planning Board noted dumping violations. The letter stated that the preliminary plan appears to be in conformity with the terms of the CR.

Chris Alley was asked to calculate the amount of proposed alteration on each of the lots to determine whether the total amount of alteration exceeds the 10 % threshold established in the Riverfront Area regulations.

Kris said they initially proposed to maintain the No-Disturbance Zone as it is currently maintained but they would be willing to reduce the amount of area to be maintained by fifty (50) percent and do some native plantings.

Currently, the existing mowed meadow is 7,828 square feet. The section of gravel road being removed and restored to meadow equals 475 square feet. A 50% reduction in the area to be mown equals 4,201 square feet.

Kris also said they would place approximately 36 cobblestone markers spaced at 10-foot intervals located along the edge of the native buffer and the mown meadow to demarcate managed areas and mitigation plantings. Kris will make revisions to the landscaping plan.

There are no outstanding issues with the proposed footbridge reconstruction or the house. The grade has been pushed back as shown on the revised project plan. The terraces and retaining walls have not been changed.

Lighting: Building code and town bylaw addresses lighting. The Commission has no regulations for lighting but a reminder can be included in the cover letter that is mailed with the permit.

Public Comment: None

Written Comment: Letter from Natural Heritage and Endangered Species Program dated February 24, 2015. The project as proposed will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species under the wetlands regulations and will not result in a take under the MESA regulations.

With the applicant's consent, a motion was made and seconded to continue the public hearing on this project to March 24 at 5:10 PM. All in favor.

#### **New Meetings/Hearings:**

**Map 15 Lot 6:** 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 an after-the-fact **Request for Determination of Applicability** filed by Prudy Carter-Donovan owner of property located at **241 Indian Hill Road**. The applicant seeks approval of unpermitted activities consisting of the installation of a stone shower enclosure, construction of retaining walls and carport, and widening of the driveway within the buffer zone of a bordering vegetated wetland and the Riverfront Area.

Carter Hakala was present for the property owner and described the work he has done. He explained that the cobblestone used to create the pad was constructed using 8 inches of dense grade and 4 inches of mortar. Locust posts will support a roof.

Comments from the Commission as follows:

Peter explained that the whole property is within the Commission's jurisdiction and that all of the work that has been done needed prior approval from this board. The stone shower enclosure is permissible as are the retaining walls. The driveway is just outside the first 50 feet of the Buffer Zone, and while it has been expanded and covered with pea stone, it is no closer to the pond than what was originally there. Carter said he has not noticed any runoff from the driveway toward the pond.

The area between the pond and the house that was disturbed by equipment used to move the stone will need to be allowed to grow back. The carport posts and cobblestone pad needs to be removed because it is too close to the pond and wetlands.

Michael said that the Pepperbush and other species may grow back but it will take time to see if the area will recolonize.

If the owner wants to relocate the carport a new application is required. It was noted that the carport would require a building permit because of the height of the locust posts and roof.

A motion was made and seconded to approve the expansion of the driveway, reconstruction of the outdoor shower and the new stone retaining walls under a Negative of Determination. All in favor.

A motion was made and seconded issue a Positive Determination that the carport is within an area subject to protection under the wetlands regulations and the bylaw for which a Notice of Intent would not be approved because of the stone landing has created an impervious surface and to require the removal of the stone landing, locust posts and gravel carport and restoration of the area to its original condition on or before June 1. The property owner will fill in the excavated area with topsoil and put mulch over it two inches from the final grade. All in favor.

**Map 39 Lot 7:** 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, LLC on behalf of Middle Point Shaq, LLC owner of property located at 208 Middle Point Road. The applicant seeks permission to remove a failing gabion/rock revetment and replace it with 305+/- linear feet of new rock revetment, 56+/- linear feet of hybrid gabion basket-fiber roll shore protection, 140 +/- linear feet of fiber roll shore protection, 46.8 +/- cubic yards of annual sand nourishment and native plantings on the top of a coastal bank on Tisbury Great Pond. There are two construction access points at either end of the parcel.

Present for the applicant: George Sourati, Seth Wilkinson and John Wuestneck

George reviewed the current site conditions and components of the proposal. Alternatives to replacing the rock revetment were discussed. According to George, if the revetment was taken out, 116 feet of land would be lost over several years. Even if the house was relocated away from the top of the coastal bank, given the rate of erosion and size of the lot it would soon be close again. The toe of the current revetment is contour 2 or one foot above sea level. There is a small beach in front of the stones when the water level in the pond is low. Most of the current revetment is below high water when the pond is closed. Fiber rolls will always be below high pond elevation and there is no room for beach nourishment.

Presentation by Seth Wilkinson: The new rock revetment would have a smooth surface so that it doesn't reflect as much wave energy. Usually smooth faces are frowned on because it accelerates water onto the lot. The form and function of the current revetment is the first place to make improvements. The point of installing 30 feet of hybrid gabion-fiber rolls is to absorb the wave energy reflecting off the stone. The gabions will dissipate more wave energy. The rest of the array is similar to what was proposed at 234 Middle Point Road with a heavy emphasis on plantings. He said the new property owner bought this lot with the expectation that there is a revetment there. There are potentially a half a dozen endangered species that may come into play.

Seth asked to hear the Commissions concerns about the performance and function standards of the proposed project. The goal is to protect the function of the bank as a sediment source. The revetment is no longer providing sediment. They are trying to protect the function of the coastal bank where there is still functioning bank.

Comments/Questions from the Commission:

Prudy asked about moving the 1920's house. There is a hand well but no septic system. She raised questions concerning the up-drift and down-drift impacts of the original gabion structure. She said the house has been 32 feet from the top of the bank since the revetment was built. Maria reminded the members that even if the house is moved back, the house would still be entitled to have a revetment under the state regulations. The feasibility of having a new rock revetment that only goes part way up the face

of the bank was discussed. This would enhance habitat and lessen the footprint. Tara asked how much of a rock revetment was necessary to protect.

Consultant: Prudy suggested that a consultant be hired at the applicant's expense to conduct a third party peer review of this Notice of Intent and to help with writing conditions for an Order of Conditions if the project is approved. Stan Humphries of LEC Environmental was hired twice for projects next door at 234 Middle Point Road and is familiar with the location.

A motion was made and seconded to ask Stan Humphries of LEC Environmental to submit a proposal to conduct a third party peer review of this project and if Stan Humphries is not available to contact Jim O'Connell. All in favor.

Maria suggested that the Commission consider using the state filing fee of \$1,234 to offset the cost to the applicant. A motion was made and seconded to request permission from the Board of Selectmen to use the filing fee for this Notice of Intent to offset the cost of hiring a consultant. Vote in favor of the motion was unanimous.

Discussion on extension of the 2007 Order of Conditions (SE79-271) for the extension of the original revetment was tabled.

Public Comments: None

Written Comments: None: The Commission is waiting for the file number letter from DEP and the comment letter from the Natural Heritage and Endangered Species Program.

With the applicant's consent, a motion was made and seconded to continue the public hearing on this application to April 7 at 5:10 PM. All in favor.

**Old Business:**

Map 1 Lot 50/SE79- 35? Engelman/Chris Alley: Chris explained that Mr. Engelman is considering demolishing the existing house and moving it because of structural issues and asked if the demolition and new construction, which will be outside the boards jurisdiction could be handled with a Request for Determination of Applicability. Peter and Prudy thought that a new Notice of Intent should be filed because of the need to fill in the foundation hole and restore the buffer zone. Chris said he would file an NOI. No other action was taken.

**Brandy Brow:** Tara updated the board about ongoing discussions between the town and property owners to obtain an easement for access from Brandy Brow to State Road. No action was taken.

**Administrative:**

Certificates of Compliance:

**Map 7 Lot 7.2 (SE79-337)** 299 Lambert's Cove Road/Certificate of Compliance for pool approved and signed.

**Map 11 Lot 109 (SE79-334)** 60 Pepperbush Way/ Ron Nation/ Certificate of Compliance for lot 2 (tabled).

There being no other business to conduct, the meeting adjourned at 7:20 PM.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED