

Conservation Commission
Zoom Minutes March 16, 2021 9:00 AM Town Hall
FINAL

Present for the Conservation Commission and attending the zoom call were:

Chris Murphy, Chairman, Joan Malkin, Pam Goff, Sandy Broyard, Candy Shweder, Doug West, Russell Maloney, and Kara Shemeth (staff).

Also in attendance: Reid Silva (VLS), Brandon Faneuf, Walter Meinelt, Caroline VanValkenburgh, Michael VanValkenburgh, Kathy Coe, Jane Greene, Peter Bruce, Ursula Goodenough, James Goodenough, Kate Davis, Kimberly Angell, and Mallory Watts.

Commissioner Bob Hungerford did not attend.

ZOOM Meeting ID: 960 2881 1297

Mr. Murphy brought the meeting to order at 9:03 AM and asked for a rollcall of attendees (noted above).

Continued Public Meeting - RDA for David Liebman

Representative: Tracey Smith, Schofield, Barbini & Hoehn, Inc (via e-mail request)

Address/ AP: 34 Chilmark Road; AP 1-14:

Applicant submitted an e-mail requesting to withdraw without prejudice, the RDA for construction of a new driveway in the buffer zone.

ACTION: a motion was made to withdraw the RD without prejudice.
The motion was seconded and passed with all in favor via a roll call vote.

Continued Public Hearing - NOI SE 12-863 - Of a Feather LLC

Representative: Reid Silva, Vineyard Land Surveying & Engineering)

Address/AP: 146 Quenames Road; AP 23-7:

Eligible voters: Chris, Pam, Candy, Joan, Doug, Russell: All voters were present and Mr. Murphy opened the continued hearing at 9:05 am.

Reid Silva requested a continuation. The applicants have been back to NHESP to renegotiate the location of the house due to harrier habitat. The potential new locations have necessitated extending the delineation and location of the wetlands north of what had previously been located. New location options also have made it necessary to collect more survey data and Reid feels that a 4 week continuation allows for time to create amended site plan for review.

Discussion:

Question from attendee: Caroline VanValkenburgh asked about water table report. Pam advised that it is still forthcoming.

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Joan discussed the property being BioMap 2 Aquatic Core and Aquatic Buffer habitat and explained how the integrated functioning of ecosystems was vital for fish and other species of concern and their habitats. These habitats are considered essential to the long-term existence of protected species and other unlisted species and their habitats. *Land Subject to Coastal Storm Flowage* is a resource area identified in the MA wetland protection regulations, but there is no performance standard and there are no presumptions in those state regulations. The regulations allow for the adoption of presumptions in areas subject to the wetlands protection act and local by laws.

Adopting a presumption will require the applicant to rebut the presumption with evidence that gives a fuller understanding of overall situation of the resource area and habitats.

Reid Silva discussed that there's already a significant burden of proof on the applicant that encompasses most of what this action is attempting to do.

Branden Faneuf explained the intricacies of the Commission adding a presumption of significance and while it is rarely used, it is a legally sound option for Conservation Commissions across the Commonwealth.

Reid asked if it was project specific not a regulation change and was confirmed that it is a project specific designation.

ACTION: A motion was made to add fisheries as a presumption of significance to land subject to coastal storm flowage under 310.CMR10.24(1) and the Chilmark wetlands protection bylaw and regulations for this project. The motion was seconded and passed with six (6) in favor via a roll call vote with Sandy Broyard abstaining as she was not eligible to vote on this hearing.

ACTION: A motion was made to continue the hearing to Tuesday April 20th at 9 am. The motion was seconded and passed with six (6) in favor via a roll call vote with Sandy Broyard abstaining as she was not eligible to vote on this hearing.

The hearing was closed at 9:23am.

Request for an Extension of OC from March 9, 2018, SE12-810 – Goldman - 18 Spruce Gate Road (AP 35-1.7)

Reid Silva of Vineyard Land Surveying & Engineering requested an extension for the above referenced Order of Conditions which expires on March 9, 2021. The Order was issued to construct an addition, a barn, a pool and the clearing of vegetation to create a pasture for farm animals at 18 Spruce Gate Road. The

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barn and addition to the house are not built and Reid does not anticipate them being built. The work relating to the meadow and mowing has been completed but the pool has not begun. The property owner has a pending special permit application in with the Zoning Board of Appeals and is hoping to begin construction of the pool in fall of 2021. The property owner would like to request an extension of the Order of Conditions.

Discussion: None

ACTION: A motion was made to extend the Order of Conditions (SE12-810) for 2 years

The motion was seconded and passed with all in favor via a roll call vote.

The draft 3/2/21 meeting minutes were reviewed. A motion was made to approve the minutes as presented. The motion was seconded and passed with all in favor via a roll call vote.

The next zoom meeting will be Tuesday 4/6/21 at 9:00 am with site visits Monday 4/5/2021 starting at noon.

With no further business to discuss the meeting adjourned at 9:33 AM.

Respectfully submitted by Kara E. Shemeth, Board Administrator