

Conservation Commission
Zoom Minutes July 6, 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, Russell Maloney, and Kara Shemeth (staff).

Commissioner Bob Hungerford did not attend.

Also in attendance: George Sourati, Reid Silva, Jeff Carlson, Barbara Lampson, Russell Twist, William Cumming, Justin Corbett, Katie Morse, Tom Wallace
ZOOM Meeting ID: 999 1880 6370

Mr Murphy opened the hearing at 9:00.

Public Hearing – NOI SE12-863 – Of A Feather LLC, 146 Quenames Road (AP23-7)

Eligible voters: Chris, Pam, Candy, Joan, Doug, Russell

Reid Silva has submitted a letter (on file) to request this application be withdrawn without prejudice.

Action: A motion was made to allow the applicant to withdraw the application without prejudice. The motions was seconded and passed with all in favor via roll call vote.

Public Hearing – NOI SE12-874 – Hartley, Pool and Pool Fence 72 Cobb's Hill Road (AP11-25.1)

The hearing was opened at 9:05am.

George Sourati (Sourati Engineering Group) presented the plans for the proposed work. Plans have been amended since original application. Based on the site visit, the applicant is proposing to move the pool out of the 100 year flood (it still remains within 100' from the Coastal Bank).

Action: At 9:13 a motion was made to close the hearing, the motion was seconded and passed with all in favor via a roll call vote.

Action: A motion was made to approve the project with the following conditions:

- The necessary silt fencing/ erosion control measures are to be installed and inspected by the Conservation Agent prior to construction
- On-site meeting between the contractor and the Conservation Agent prior to construction beginning

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

Public Hearing – NOI SE12-875 – 29 Youngs Way (AP29-20 & 22)

Applicant: Youngs Way Chilmark Land Holdings LLC

Representative: Reid Silva, VLS

The hearing was opened at 9:17 am.

Reid Silva presented the plans for installing a new meadow in the area of the existing lawn at the main house. At the beach house/ guest house, a small retaining wall is proposed off the corner of the existing building. A previously

Conservation Commission

Zoom Minutes July 6, 2021 9:00 AM Town Hall

proposed rain garden has been discarded and a drywell proposed in the existing yard of the beach/guest house.

ACTION: (9:24 am) A motion was made to close the hearing
The motion was seconded and passed with all in favor via a roll call vote.

ACTION: (9:25 am) A motion was made to approve the project as presented with the following conditions:

- The necessary silt fencing, erosion control measures are to be installed and inspected by the Conservation Agent prior to work beginning
- On-site meeting between the contractor and the Conservation Agent prior to construction beginning
- Annual meadow mowing is allowed

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

Discussion (9:25): Cossutta Property - *Pam Goff is an abutter to AP 13-24 and will not partake in any discussion regarding that lot as a Commissioner* Jeff Carlson would like to propose restoring an area between Tower Lane and Middle Road (AP 13-17) to meadow and mow the existing grassy area north of Tower Lane once a year. It was decided that a site visit was in order to determine if this would fall within the confines of the CR.
The second part of the discussion was to present a proposed 3' path to be rough cut around the larger lot (AP13-24) to evaluate potential grazing areas to be restored.
The discussion was continued so a site visit could take place (scheduled for 7/12)

Discussion (9:45): Unpermitted clearing within the buffer zone at 32 Abel's Neck – C. Russell Twist explained that his intent had been to clear out the invasive species in the area and replant with native species. As a new Chilmark homeowner he was unaware of the permissions necessary to do such work so close to resource areas. A site visit has already taken place.

ACTION: A motion was made to issue an enforcement order in which the applicant will:

- Install erosion control measures, if deemed necessary by the Conservation Agent
- Submit a revegetation plan by September 15, 2021, this plan may include invasive species management
- There is to be no further work in the disturbed area until the revegetation plan has been approved

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

Conservation Commission

Zoom Minutes July 6, 2021 9:00 AM Town Hall

Discussion: 76 Menemsha Inn Road (SE12-813)

Barbara Lampson was brought in to execute the previously permitted replanting/ landscaping plan around May 2021. Upon examination of the site it was determined that some leeway had been taken with a bobcat traveling outside the Limit of Work (LOW), a corner of the patio was encroaching into the LOW, and there were drainage issues that could be remedied by adding a small retaining wall. A new regrading plan was presented by Barbara, including the addition of a dry stacked retaining wall and showing the patio as it is currently constructed.

ACTION: A motion was made to find the changes de minimus and issue an amended order:

- Approving the restoration of the area disturbed by the bobcat and letting the existing roots in the area re-sprout (excepting bittersweet)
- Allowing the retaining wall to be installed as shown on the plan and as described at the meeting (no mortar)
- Allowing the corner of the patio to remain extending into the LOW (No further intrusion into the LOW is allowed)

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

Discussion: 5 Osprey Lane – Previous Enforcement Order

Per Chuck's instructions, Kara followed up with James Marrow at 5 Osprey Lane regarding an enforcement order. Mr. Marrow explained that the area is growing back very quickly and thickly and asked if the Commission would still like a replanting plan or let it continue to re-grow.

ACTION: A motion was made to:

- allow the area to regrow
- prohibit any further cutting/ mowing within the buffer zone
- There is to be no maintenance of the view that the illegal cutting created
- there are to be no pathways created in the buffer zone
- The buffer zone is to be staked by a Land Surveyor and then permanently marked by 2'x2' boulders every 3'-5'

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

ADMINISTRATION

After some discussion it was decided that Chris Murphy would remain in the position of Chair until the next Annual Town Meeting.

Action: The minutes from July 6, 2021 were approved unanimously by roll call vote

Conservation Commission
Zoom Minutes July 6, 2021 9:00 AM Town Hall

Regarding the Roth Woodlands Public Water Supply, a condition of the Roth application had been:

The work must not begin until the Applicant has fully satisfied the concerns raised, if any, by the DEP in its final response to potential issues raised in a letter dated March 31, 2016 from Jonathan E. Hobill, Regional Engineer of the DEP Southeast Regional Office Bureau of Water Resources regarding the Public Water Supply on Assessor's Map 3 Parcel 14.

The Conservation Commission (and abutters) received a response from the DEP and the Commissioners felt that the DEP response satisfactorily addressed the concerns raised in the 2016 letter, making the condition unnecessary.

An application was received for a Certificate of Compliance SE12-363 (Helen Lang, Menemsha Inn Road, 1999 road, stream crossing, utilities)

Kara reported that a site visit showed that the Order had been executed in accordance with its conditions and she recommended issuing the Certificate of Compliance.

ACTION: a motion was made to have Kara issue the Certificate of Compliance. The motion was seconded and passed with all in favor via a roll call vote.

Bob Hungerford is interested in returning to the Conservation Commission once the board beings in-person meetings.

Site visits will be 7/12 rather than 7/19

With no further business to discuss the meeting was adjourned.

Respectfully submitted by Kara E. Shemeth, Board Administrator

Documents Shared at Meeting:

- SE12-874 - Sourati Plan: *Conservation Commission Site Plan in Chilmark, Massachusetts Assessor Parcel 11-25.1 prepared for Joan & James E. Hartley Revision Date July 2, 2021*
- SE12-875 – VLS Plan: *Site Plan in Chilmark, Mass. Prepared for Young Family Limited Partnership Revised July 6, 2021 – remove rain garden, add drywell*
- *Cumming – 76 Menemsha Inn Rd. Chilmark, Ma – Grading Plan Update 6.29.21 – Barbara Lampson Land Design*
- Chilmark Case Files #182 & #237 (Cossutta)
- Cossutta Conservation Restriction (423/899)
- Photos – 32 Abel's Neck and 5 Osprey Lane