

Meeting Minutes - Chilmark Conservation Commission  
January 5, 2023 (9 am)

Commissioners present: Candy Shweder (Chair), Sandy Broyard, Chris Murphy, Russell Maloney, Sarah Khedouri, Joan Malkin, Pam Goff

Commissioners absent: Chris Murphy

Staff: Kara Shemeth (Agent)

Public in attendance: David Damroth, Wendy Wheldon, Jim Carlisle, Kathryn Coe, Gabby Bretton, Amy Thomas, Kelly Duda, Michael Lynch

**Action:** A motion was made, and seconded, to approve the minutes of 12/5 as amended.

Passed unanimously

**Action:** A motion was made, and seconded, to approve the minutes of 11/17 as presented.

Passed unanimously

The Agent gave a report on the CoC request for SE12-827 for Aaron & Lindsay Brown. They have submitted an as-built plan and there are no violations.

**Action:** A motion was made, and seconded, to approve the Agents recommendation to issue a Certificate of Compliance.

**Request for Determination of Applicability** (site Visit 1/2/23)

Applicant: Mike H. Lynch

Address: 1 Lookout Place (AP 19-26)

Project: Applicant is seeking permission construct and maintain a stone wall along a property line that extends into the 100' buffer zone of a wetland

Mike Lynch explained that he is looking to install a field stone wall along his property line in to the buffer zone of some isolated wetlands. He explained that the wall is for aesthetics, the plan denotes that the proposed wall goes right up to the wetlands on an abutting property. Commissioners felt the wetland delineation was confusing when out on the site and noted that it was not clear if the stone wall was or was not proposed in an area that may flood.

*\*Sandy Broyard recused herself as an abutter\**

Commissioners suggested a re-flagging of the resource areas and a revisit to the site would be in order.

**Action:** A motion was made, and seconded, to continue to the 1/19 meeting for reflagging of the site.

Passed unanimously

**Notice of Intent – Public Hearing SE12-902**

Applicant: Adam M. Zaiger  
Address: 18 Austin Pasture (AP 35-2)  
Representative: Reid Silva (VLSE)  
Project: Elevated boardwalk

The hearing was opened and it was noted that a site visit took place on Monday.

[Reid Silva](#) shared the site plan and reviewed the existing paths and the resource areas. The proposed route of the elevated walkway follows the existing path and will get the foot traffic currently traversing the path via planks up out of the resource area.

The second part of the project proposes a boathouse to secure kayaks, fishing gear, etc out of the weather and allow them to stay in place rather than need to be brought in and out every season. Reid noted this would need to go to the Squibnocket Pond district committee and the Road District.

Commissioners asked about the width of the walkway vs the width of the proposed walkway. Reid noted that the path is mostly 4' wide and that 4' width on the walkway is best from a safety standpoint. Regarding construction of the walkway, there may need to be some trimming initially but the nature of the vegetation in this area is that they will grow back quickly. Commissioners clarified that with existing bylaws, there are no power boats allowed in Squibnocket and in B1 SPD open boat storage is allowed, it was felt that a boathouse was not necessary, its construction would impact the resource and the boathouse may not be allowed by zoning bylaws.

**Public Comment:** Wendy Wheldon gave a brief history of the existing path dating back to the 1950s.

The applicant asked to remove the boathouse from the application.

**Action:** A motion was made to close the hearing  
Passed unanimously via roll call vote.

**Action:** A motion was made, and seconded, to approve the elevated walkway as presented with the standard conditions:

1. The contractor is to meet on site with the Conservation Agent and review all aspects of the proposed work prior to work commencing.
2. Notification is to be given to the Conservation Agent when work is scheduled to begin (minimum 48 hours).
3. A copy of this Order and the site plan shall be available on site at all times while work is being done.
4. The decking of the walkway will be either 3.5' above the ground/ wetland surface or 6" above the tallest grasses, whichever is higher.
5. The walkway shall be installed using butterfly brackets, with no posts going into the ground and as shown in the plan detail.
6. Work is to be done by hand, no machinery is to enter the wetlands or buffer zone. If any equipment needs to be refueled, it will be done outside the buffer zone.
7. Cutting within the resource area is to be no wider than 4'.

8. The applicant shall submit an as-built plan and a request for a Certificate of Compliance within 60 days of the project being completed.

Passed unanimously via roll call vote

443 State Road:

**Action:** A motion was made, and seconded, to continue to 1/19 to allow ZBA to rule

Passed unanimously

**Discussion Items:**

**Sica fines** - Commissioners discussed aspects of the fines and asked to have the Agent and Chair put forth some options regarding a number and taking into account all aspects of the violation to be discussed.

It was noted that the bylaws allow for \$300/ day per violation.

Evidence shows clearing back to October 2018 but it was more recently discovered in April of 2022.

**Important Dates:**

10/2018 Aerial evidence of clearing

4/26/2022 Cease and desist letter issued

5/3/22 discussed at public meeting

6/21/22 NOI due

7/19/22 NOI filed

As Joan mentioned, regarding fines it is important to consider the following:

- Actual and potential impact on public health, safety and the environment
- Actual and potential damages suffered
- Actual and potential cost incurred by the Town of Chilmark or any other person
- Whether the applicant took steps to prevent the violation
- Whether the applicant promptly took steps to come into compliance after the occurrence
- Whether the applicant took steps to remedy and mitigate any harm that occurred
- Whether the applicant has previously failed to comply with regulations

Commissioners asked that the Agent and Chair discuss with Town Counsel and the DEP Circuit Rider regarding a reasonable fine. After discussion it was suggested that the Chair and Agent present a thought out fine suggestion after discussion with the Circuit Rider. Town Counsel to be consulted if necessary.

Associate Member Doug West recently passed and his dedication to the Conservation Commission was noted and appreciated.

With nothing further to discuss, the meeting was adjourned at 10:12 am

Respectfully Submitted by [kara shemeth](#), Conservation Agent

Minutes to be approved at the 4/6/23 Conservation Commission Meeting