



Meeting Minutes - Chilmark Conservation Commission
May 4, 2023 (9 am) via Zoom

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

Commissioners Absent: Joan Malkin

Staff: Kara Shemeth (Agent)

Public in attendance: Sarah Bazos, Tauras Biskis, Michael Barclay, Cecil Howell, Chris Alley (SBH), Josh Scott, Gregory Milne, Kristen Reimann, Matthew Watsky, Carlos Montoya, Josh Kochin, Chris Walton, Hugo Foster, Eric Glasgow, Gage Woodard, Reid Silva (VLS), Billy Dillon (Town of Chilmark)

Public Hearing – Notice of Intent SE12-906

Applicant: Stephen Merkel & Robin Shanus

Address: 17 Howell Lane (AP 27-3)

Representative: Chris Alley (SBH), Greg Milne

Project: proposing to construct additions to an existing single-family dwelling, install a propane tank and generator, upgrade the septic system and complete the associated site work.

Documents shared: aerial/ assessors map, site plan, architectural plans

[Chris Alley](#) presented the project and shared the plans, reviewing the jurisdictional areas of concern; specifically a wetland to the west and a stream nearby (the River Act - 200' jurisdictional setback). The applicant is proposing a septic system upgrade, some of the plumbing falls within Conservation jurisdiction. The house renovations are within the existing lawn/ footprint of the existing house.

Public Comment: Tauras Biskis (an abutter with deeded access down the dirt road on the property) noted that the bridge crossing over the stream is not in good shape and likely can't hold up to vehicles needed for this project crossing it for weeks and weeks.

Commissioner Comment: Commissioners noted that the bridge should be assessed and monitored during construction if deemed strong enough to handle the anticipated traffic

Action: A motion was made, and seconded, to approve as presented with standard conditions and that construction is not to begin until the bridge has been assessed by an Engineer and deemed sound.

The applicant needs to have an assessment done of the bridge.
Work on the house until the bridge has been evaluated and reviewed by the
Conservation Commission
Passed unanimously via roll call vote

Public Hearing – Notice of Intent SE12-910

Applicant: Susan & Peter Bernard

Address: 0 Signal Hill Lane (AP 34-1.1 & 1.2)

Representative: Chris Alley (SBH)

Project: proposing to remove invasive vegetation and permit pruning for view
maintenance

Documents shared: aerial, site plan

At this time, DEP had not issued a file number and the application was
working on responses to NHESP questions. Chris Alley felt they needed to flesh out
the application a bit before a ruling could be made.

Chris reviewed the wetlands to the south, north and northeast. He noted
that the southern end of the lot was dry. Given the comments from the DEP, the
applicant is looking at removing the resource areas from the application and
focus only on areas within the buffer for invasive species removal and trimming.

Action: A motion was made, and seconded, to continue the hearing until 5/18/23
Passed unanimously

Request for Determination of Applicability

Applicant: 2 Gosnolds Way LLC and Gosnolds Way Realty Trust

Address: 2 Gosnolds Way (AP 14-1)

Representative: Ian Peach (WED)

Project: proposing invasive species management across a 970' sq ft area

The applicant's representative asked for a continuance (via email) due to a
scheduling conflict.

Action: A motion was made, and seconded, to continue to 5/18/23
Passed unanimously

Admin/ Discussion:

- VOLF planting – request to plant in the Fall – C. Montoya
Carlos explained that VOLF has lined up a contractor but they are having trouble
getting the plants in time to get them in the ground and the irrigation contractor is
not responding and the plants will die without the irrigation in place. He
suggested that a September planting would be more successful for the plants
and that it would be beneficial to allow the invasive removal to begin and the
temporary irrigation to be installed prior to September

Action: a motion was made, and seconded, to allow the planting delay and allow the removal of invasives and irrigation installation in the meantime.
Passed unanimously via roll call vote

- **49 Squibnocket Conditions – K. Riemann**

Commissioners noted that after reviewing the recording of the meeting, they had concerns regarding how the discussion of solutions escalated into creating conditions that were not in keeping with the usual course of action. Kristen introduced Matthew Watsky who is representing the Foster family. Mr. Watsky explained his role as Attorney for the family and that they were concerned that the conditions substantially changed the plan that was submitted and challenged a longstanding lawn. He argued that the mowing of the lawn was allowed under the bylaws. Commissioners noted that just because the lawn has always been there doesn't legitimize it or remove it from the Commission's jurisdiction as mowing has been taking place in the resource area. Kristen suggested that the portion regarding vegetation management be removed from the current NOI and they would come back with a more complete vegetation management plan. The mowing was discussed further. Atty Watsky suggested holding the lawn to the 2014 area and revising the Conditions. It was noted that that was not desirable since the lawn is within the resource in areas. It was decided to reach out to Town Counsel or the DEP Circuit Rider on how best to proceed.

Action: A motion was made, and seconded, to refer it to Town Counsel/ the DEP Circuit Rider for advice and discuss on 5/18/23.
Passed unanimously via roll call vote

- **96 Squibnocket Farm Landscaping – M. Barclay**

Michale Barclay, Cecil Powell and Josh Kochin reviewed the proposed landscaping at Mr. Spector's home. When the Order was issued there was no condition regarding the landscaping and they are looking to get approval to implement the submitted plan. Their plan reduces the maintained lawn by approximately 20,000 sq ft. There was discussion focused on if this needed to be an RDA or a discussion item. They plan to stop mowing and plant native species, the Agent noted that section 10.02(b)1.d. of the WPA allows for planting native species in the buffer zone and is not subject to review.

Action: A motion was made, and seconded, to find the modifications de minimis, noting that the plan improves the property and is not detrimental to the buffer or resource area.

Passed unanimously via roll call vote

- **Fill/dirt pile @ Grey Barn – E. Glasgow (site visit took place prior to the meeting)**
Eric updated the board noting that they were working on the pile, half of it had been removed and they have pulled it back outside the 200' buffer and are continuing to reduce it. He did not anticipate that amount being present again.
- **Parking Lot Plan review – Fire/ EMS building – Reid Silva**
Reid presented the parking plan for the Fire and EMS buildings per the Order of Conditions. He noted that this did not include the revegetation and plantings

required by the Order within the resource area where the walkway now goes through and noted that he would be back with that once Carlos Montoya has finished it. The drainage was discussed and rEid clarified that it was permeable paved gravel.

Action: a motion was made, and seconded, to approve the plan.
Passed unanimously via roll call vote

- The Chair reminded everyone that the Ethics training was due soon
- Lawsuit Updates:
 - RMJ Dock - thrown out because it wasn't appealed within the legal time period
 - Roth Woodlands - The amended Order with the Condition that was left out has been reissued and given to SMF
- Dune update - Work is happening, we are getting the sand out of the harbor and Keene will be moving and shaping it. The window to plant plugs has passed so we need to plant plants, Clover should be doing that by June.
- The Chair noted that she had given the Beach Committee the ok to move a couple large rocks between the jetty and the wooden bulkhead to improve handicap access in Menemsha.

With nothing further to discuss, the meeting was adjourned at 10:44 am

Respectfully Submitted by kara shemeth, Conservation Agent
Minutes to be approved at the 7/20/23 Conservation Commission Meeting