



Meeting Minutes - Chilmark Conservation Commission
August 17, 2023 (9 am) via Zoom

Commissioners present: Candy Shweder (Chair), Sandy Broyard, Stephen Kass, Sarah Khedouri, Joan Malkin, Gary Mottau

Not present: Chris Murphy, Associate Member - Jane Rabe

Staff: Carolyn Stoeber

Public in attendance: Jim Carlisle, Sean Dougherty, Eric Glasgow, Jake Lefeber, Connie McCreery, Philip Regan, Reid Silva, George Sourati

Public Hearing - Notice of Intent

Applicant: Adam M. Zaiger, Trustee of the Deck View Nominee Trust

Address: 18 Austin Pasture (AP 35-2)

Representatives: Jim Carlisle, Sean Dougherty, Jake Lefeber, Philip Regan, Reid Silva

Project: Construct and maintain a detached garage, site grading and associated landscaping

Site visit on August 15, 2023

Documents shared: site plan, aerial map

Discussion: Reid Silva showed the areas of work on the site plan and then explained in detail on the site plan the areas that are inside the buffer zone. The re-grading and retaining walls will fall within the buffer zone. The proposed garage also falls within the buffer zone in a previously disturbed area, where the current parking area exists. The project is subject to NHESP. The commissioners asked for clarification of the flow of water to the isolated wetlands and how the re-grading would affect the flow of water in the area. Mr. Silva explained that the flow of water will not change towards the wetland and Jim Carlisle, the home owner, added that the vegetated area within the buffer zone would be allowed to grow back to its existing state after the regrading. The commissioners asked why the proposed garage needed to be entirely within the buffer zone with an adjacent proposed parking area just outside the buffer zone. Phil Regan explained that the other locations considered did not make sense at this site because they required disturbance of existing vegetation and changes to the driveway. The decision was made to locate the garage in the middle of current parking area, which is already disturbed and utilize the less steep portion of the existing driveway. The commissioners inquired whether the plans for the drainage from the roof of the garage have been taken into account and whether the runoff from the impervious surface would be directed toward the isolated wetland. Mr. Regan answered that the garage's flat roof will not pitch toward the wetland, but have a pipe down the side of the building connecting underneath the parking area and taken outside of the parking area. The commissioners discussed the edge of clearing in the regraded area within the 200 foot buffer

zone so that the mowing is not occurring down the steep drop off. Mr. Carlisle stated that he would be happy to keep the mowing within the area of work marked on the plan in green. The commissioners suggested a line of demarcation. Mr. Carlisle responded that he is happy to allow the area on the downward slope to return to natural vegetation, but is hesitant to add anything new to the area. Mr. Regan suggested that the edge of clearing line be staked and once the upright vegetation returns, the stakes could be removed. Alternatively, Mr. Regan suggested that the stones from the dismantled retaining walls be put in place at the edge of clearing until the summer of 2025 when construction is completed. The commissioners require a review and approval of the landscaping plan with the edge of clearing delineated and marked as well as the specifics for the landscaping plan, both in the area south of the house and the grading in the area just north of the house. The commissioners then inquired about the specifics for the mechanics and sequencing of the excavation with concern to protecting the resource areas and buffer zones from runoff of fill piles.

Action: A motion was made, and seconded, to close the public hearing.

Passed unanimously.

Discussion: The commissioners discussed the proposed conditions.

Action: A motion was made, and seconded, to approve the proposed project with the following conditions, in addition to the standard conditions:

1. Subject to NHESP approval.
2. Subject to review and approval of the landscaping plan.
3. Limit of mowed lawn will be at the crest of the hill toward Squibnocket Pond and included in the landscaping plan with a way to demarcate the line.
4. Any stockpiling of fill must be contained and outside of the wetland buffer.

Passed unanimously via roll call vote.

Public Hearing - Notice of Intent (SE12-915)

Applicant: Steven Lofchie and Sarah Fox

Address: 1 Old North Road (AP 26-119)

Representatives: George Sourati

Project: The project consists of the construction of a 10'x12' addition to an existing guest house located 82'± from a 789± S.F. Isolated Wetland.

Site visit on August 15, 2023

Documents shared: aerial map, revised site plan, building plans,

Discussion: George Sourati presented the area on an aerial map and the revised site plan that included roof gutter drainage and topography. Mr. Sourati clarified that the flags across the road observed during the site visit were the property boundary flags. The commissioners had a question of whether the addition could be moved outside of the buffer zone. Mr. Sourati explained the difficulties in locating the addition anywhere else, adjacent to the existing structure. There was some concern that the area across the road is unidentified wetland. Mr. Sourati pointed out as indicated in blue on the site plan, there is a net reduction in runoff due to the proposed roof gutters and drainage pits. Due to the decrease in runoff and the road separating the project from the possible wetland, the commissioners were satisfied that the area not require a wetland delineation. Mr. Sourati further explained that the topography is not

flowing toward the isolated wetland. The commissioners discussed whether the proposed addition will have a material adverse impact on the isolated wetland or the potential wetland across the road. Though mitigations are being proposed for any potential adverse impacts to the wetlands for the final project, the construction phase still poses risk to the wetlands in the area, especially the spoils runoff. Mr. Sourati suggested that limited spoils could be kept between topographic marks 106 and 108 on the Northwest side of the edge of clearing and to the west of the septic tank using a siltation fence, a snow fence, and kept covered.

Action: A motion was made, and seconded, to close the public hearing.

Passed unanimously.

Action: A motion was made, and seconded, to approve the building of the addition with the following conditions, in addition to the standard conditions:

1. 20 cubic yards at most at any one time, as necessary for back filling, be maintained on the property, and the northernmost aspect of the cleared area which will be contained with siltation fencing, snow fencing, and covered. The rest of the spoils to be removed from the site.

Passed via roll call vote with one abstention.

Admin/ Discussion:

The tree branch cutting at 499 North Road was looked at during the site visit on August 15, 2023. The property owner, Jim Baker, was not aware of the need to ask permission from the Conservation Commission prior to the cutting. The landscaper, Marques Masonry & Landscaping, did not alert Mr. Baker to the need for approval. The commissioners directed Carolyn to write a letter to the contractor to inform him that any work near wetlands must come before the Chilmark Conservation Commission for prior approval. Mr. Baker will file an RDA for future vegetation alteration. The Conservation Commission discussed the previous cutting within the public forum even though the work is completed, and recognized that the project would have been allowed and approved the maintenance work on a post hoc basis.

Three commissioners visited the Grey Barn dirt pile on August 15, 2023 and measured the edge of the pile to the Tiasquam River, which is now greater than 200 feet away. The sandy fill pile brought in from off site to maintain the roads and areas of the farm is being further reduced. The other piles of dirt composed of soil, closer to the road, have existed on the property for decades and due to the agricultural preservation restriction, cannot be moved off the site. These piles are full of weeds and not appropriate for use on the farm. The rock berm within 200 feet of the river is serving a beneficial purpose, is on the edge of the already disturbed area, and though an alteration of the buffer zone, was approved on an ad hoc basis.

Proposed tree topping at 100 Beach Plum Lane was part of the August 15th site visit. The owner agreed to the abutter's request to top trees to enhance their view as long as there would be no violation. The site was well-marked and the Beetlebung Tree representative confirmed the scope of work would be kept out of the buffer zone. There is no need for approval of the project as it is outside of Conservation Commission jurisdiction.

The Brickyard Beach Association was given a Certificate of Compliance for SE12-824 for underground electrical wires. Candy Shweder visited the site on August 15th and signed the Certificate of Compliance.

The commissioners had a concern that the August 3, 2023 minutes did not reflect the complete discussion on the Greenhouse Lane area and resulting action items. Carolyn will expand the discussion in the minutes and submit a red-lined version for approval at the next meeting.

The Conservation Commission representative to the Community Preservation Committee has retired. Stephen Kass agreed to be recommended to the Select Board to fill this open position.

With nothing further to discuss, the meeting was adjourned at 10:36 am.

Respectfully Submitted by Carolyn Stoeber
Minutes to be approved at the 9/7/23 Conservation Commission Meeting