



Meeting Minutes - Chilmark Conservation Commission  
September 7, 2023 (9 am) via Zoom

Commissioners present: Candy Shweder (Chair), Sandy Broyard, Stephen Kass, Sarah Khedouri, Joan Malkin, Gary Mottau, Chris Murphy (joined at 9:26am)

Commissioners absent: Associate Member - Jane Rabe

Staff: Carolyn Stoeber

Public in attendance: James Baker, Chief Courtney A. Eastman, Harrison Kisiel, Adam Petkus, Seth Woods

The meeting was called to order by Candy Shweder at 9:00am.

Request for Determination of Applicability

Applicant: Martha's Vineyard Land Bank

Address: 2 Henry Hough Lane & 0 South Road (AP 19-47 & 25-21)

Representative: Harrison Kisiel

Project: Re-deck and replace the railing system throughout the entire 775 feet of existing raised boardwalk with diamond pier and cross piped footers. No plans to change any of the existing footers or adding any additional footers, replacing the existing material with ACQ lumber.

Documents shared: photos available online prior to the meeting

Though the MVLB has an NOI from 1996 that proposed, "re-locate trailhead; construct and maintain trails and boardwalks; clear and maintain meadow habitat and views; and otherwise implement a land management plan dated 5/16/96" the Order of Conditions did not specifically refer to maintaining the boardwalk. Condition #3 states, "The Commission reserves the right to impose additional conditions on portions of this project or the site to mitigate any actual or potential impacts resulting from the work herein permitted." The chair decided the clearest path forward would be to present this RDA to the commission.

The commissioners questioned whether black locust lumber could be used instead of the ACQ. Harrison Kisiel answered that there is not enough black locust to source the materials for the entire project, but that anything that gets attached to the footers would use 4 x 4 locust posts, but the boardwalk and rails would be replaced using ACQ. Mr. Kisiel recognized the need for cutting the ACQ off-site and carrying it to the location where it is needed. The commissioners offered that black locust could be used directly above the streams. In response to the need for clarification on the language about the footers. Mr. Kisiel said they will not be replacing any of the two different kinds of footers, only the decking and the railings. The MVLB is urged to dismantle the boards being replaced with as much care as possible.

**Action:** A motion was made, and seconded, for a negative determination of the RDA with the conditions that black locust will be used over the stream, all the wood will be cut off site, and use

of a tarp under the boardwalk to capture any debris during the deconstruction phase of the project.

Passed unanimously by roll call vote.

#### Request for Determination of Applicability

Applicant: James M. Baker

Address: 499 North Road (AP 27.1-170)

Site visit conducted: August 15, 2023

Representative: James M. Baker

Project: proposing the removal of a tree next to the barn, tree limbs by the road and associated vines and brush.

Documents shared: photo of the tree to be removed

A photo of the tree to be removed was shown.

**Action:** A motion was made, and seconded, for a negative determination of the RDA with the standard conditions, including that all fueling happen outside of the buffer zone.

Passed unanimously by roll call vote.

#### Admin/ Discussion:

Carolyn presented the USCG Station Menemsha's request for an Emergency Certification to clear the telecom wire compromised by vines. The USCG Station Menemsha is asking for an emergency certification based on the list of critical services affected by the compromised line and pole including the Search and Rescue Alarm, the Intrusion Alarm for the armory, the PA system for alerts, the boathouse security system, and communication to the boathouse. The proposed project included cutting of vegetation in the wetland and buffer zone in order to gain access to repair the line, including cutting involved vines at the ground; shoring up the pole on the top of the bank at the USCG station necessary for repairing the line; and cutting the upright vegetation, but leaving roots intact, so that the line is far enough away from any branches that it may be repaired. USCG Chief Courtney A. Eastman joined the call and clarified that the system has been malfunctioning for 4 years since the tree on the line fell, but is currently not functioning at all. Once the line is repaired, the USCG Station Menemsha will return to the Conservation Commission with a report on the project and an RDA for any required maintenance to ensure that the line remains unencumbered. The commissioners discussed what to do with the debris and it was decided that a large amount of debris or any debris that would block the flow of any water would be removed and all other debris can remain in situ.

**Action:** A motion was made, and seconded, for approval of the Emergency Certification with the standard conditions, including that all fueling happen outside of the 100 foot buffer zone; that only as much as is necessary can be cut to enable access to the work area; that a Commission Member, or their designee, be present for the work being done; vines that are on the line can be cut to the ground; any cut debris can be left in situ unless it would impede the flow of any water through the area; the existing pole can be straightened and shored up, but not replaced; and that they report back to the Conservation Commission on the work completed, observations, and any issues encountered.

Passed with one abstention by roll call vote.

The USCG pond and related Homeport drainage issues were discussed. Seth Woods, the current owner of the Homeport, gave a history of the clearing of the intake for the culvert pipe going under the road. He is interested in keeping the pond at a consistent level and will maintain the intake of the pipe when he is there, but he is not there year-round. The commissioners appreciated the information he provided and suggested that things continue the way they have been, but for Mr. Woods to keep them informed. Mr. Woods gave the commissioners his phone number to contact him with any issue regarding the health of the pond. The commissioners discussed the importance of the maintenance of the pond level and will investigate whether adding a screen to prevent large debris from blocking the intake will help with this maintenance.

The Order of Conditions for 18 Austin Pasture and for 1 Old North Road (SE12-915) were reviewed by the commission before the meeting and without any comments, the chair will sign and issue within the week. The Liebel (SE12-907) Order of Conditions was issued for 140 State Road. The 31 Cross Rip Lane - Bennet (SE12-908) Order of Conditions could not be issued; a corrected site plan showing boulders every 10 feet to delineate the edge of clearing must be approved by the chair.

The commissioners noted that the area where 31 Cross Rip Lane is located has a lot of moving water in the area that flows toward Fulling Mill Brook and expressed an interest in urging the home owner to consider adding a denitrification system to their septic system. Though the Board of Health does not currently require a denitrification system, the Conservation Commission could suggest this as educational outreach to homeowners. The Wetlands regulations may not give Conservation Commission jurisdiction to require a denitrification system on an Order of Conditions currently, but when a project is before the Conservation Commission that involves an installation of a septic system and the property is in a watershed, impacting groundwater or wetlands, or near an impaired pond it is their policy to encourage the installation of a denitrification system. The commissioners expressed an interest in working with the Board of Health to develop the requirement for the installation of a denitrification system in certain circumstances.

Carolyn will apprise the Board of Health of the letter to home owners encouraging them to install a denitrification system for their new projects including pools, demolition and rebuilding of a house, and new construction. The Conservation Commission will send a letter to the Select Board to inform them the denitrification of septic systems in Chilmark is an important topic they are considering and within the next year, the Conservation Commission hopes to have serious discussions with the Select Board about solutions in Chilmark. A subcommittee of the Conservation Commission will be established this winter to learn from the MV Commission's Up-Island Watershed Management (208 Report) in which there are 4 "Acts": Act I – Individual System Assessment; Act II – Water quality mitigation technology and options; Act III – Quantification of most appropriate technology for each unique challenge; and Act IV – Implementation strategies. Act II was just completed in June of 2023.

The Board of Health is mandated to enforce the state regulations. Chilmark may need a town bylaw to adequately address the septic denitrification issue; however, the MV Commission is about a year away from recommending solutions for denitrification of the Up Island watersheds the Up Island Select Boards. The first step would be to work with the Board of Health and be sure there is agreement on the problems, the degree of their significance, and the urgency to address the problems. The subcommittee will work with the Board of Health and invite Adam Turner of the MV Commission and the Climate Change Committee to join this working group. The completed Acts can serve as a basis for the discussion and this working group would be prepared, upon completion of Act III, to present a reasonable proposal to the Select Board. The working group would also send a letter to the three primary engineering firms for them to consider additions to their designs that would promote denitrification of the groundwater and ponds in Chilmark.

**Action:** A motion was made, and seconded, to pass the minutes of April 6, 2023 as amended. Passed via roll call vote with abstentions by Stephen Kass and Gary Mottau who were not Conservation Commission members at those meetings.

**Action:** A motion was made, and seconded, to pass the minutes of May 18, 2023 as amended. Passed via roll call vote with abstentions by Stephen Kass and Gary Mottau who were not Conservation Commission members at those meetings.

**Action:** A motion was made, and seconded, to pass the minutes of August 3, 2023 as amended. Passed unanimously via roll call vote.

**Action:** A motion was made, and seconded, to pass the minutes of August 17, 2023 as amended. Passed unanimously via roll call vote.

With nothing further to discuss, the meeting was adjourned at 10:29 am

Respectfully Submitted by Carolyn Stoeber  
Minutes to be approved at the 9/21 Conservation Commission Meeting