



Meeting Minutes - Chilmark Conservation Commission
November 17, 2022 (9 am) via Zoom

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

Staff: Kara Shemeth (Agent)

Public in attendance: Cody Coutino, Carlos Montoya, Doug Cooper, Ron Barber, Phillip Wallis, Chuck Sullivan,

9:01 am - Meeting called to order

Public Hearing - Notice of Intent

Applicant: Robert & Bridget Barber

Address: 443 South Road (AP 25-1.1)

Representative: Doug Cooper (CES), Chuck Sullivan (Architect)

Project: construct an in-ground swimming pool & relocate a guest house, with utility trenching. All activities are proposed within the buffer zone only of bordering vegetated wetlands.

Site Visit: Monday November 14, 2022

Documents shared: aerial, site plan

Doug Cooper explained the survey he and Brooks Billingham had done regarding the wetlands delineation. The pool is 60' from the wetlands and nearest grading at 45'. An existing structure (chicken coop/ barn) on the property will be moved and repurposed as a pool house, moving it out of the buffer zone. Chuck Sullivan went over the plans for the structures.

Commissioners asked if there was any other areas on the property that would be suitable for the pool and be outside the buffer. Some members felt that it should be fully outside the wetlands if at all possible. Other members noted that it is the Con Com's job to make sure projects within the buffer don't negatively affect the resource area.

Doug Cooper noted that if this is the best location for the pool, the property had historically been agrarian and there is room to mitigate apparent impacts by enhancing the shrub swamp that currently creates the wetlands.

Action: A motion was made, and seconded to continue to January 5, 2023 so that the ZBA can review the project.
Passed unanimously via a show of hands.

Public Hearing - Notice of Intent (Ecological Restoration)

Applicant: Vineyard Open Land Foundation (VOLF)

Address: Eddy Farm Road (AP 25-7.15)

Representative: Cody Coutino (VLS), Carlos Montoya (Landscape)

Project: Restoration Project

Site Visit: Monday November 14, 2022

Documents shared: site plan, aerial

Cody presented the site plan for the proposed restoration. Areas 1 & 2 call for 80 plants, 6' on center, A & B removal of invasive species to enhance the wetlands. This would be done with the stone wall staying in place.

Carlos Montoya discussed the project. The stone wall is 218 square feet. The proposed managed area is upwards of 10,000 square feet. The plantings proposed are grasses and perennials to avoid additional thicket which is problematic for biodiversity. There is no recommendation to mow the areas once planted.

It was clarified that the planting plan for the Slavin Enforcement Order ended at the property line and this plan will fill the space between the wall and the plantings and the wall and the dirt road.

Commissioners discussed the phragmite stands. It was determined that removing the phragmite was too large of a project for this application.

There was discussion regarding the negative impact of the stone wall, specifically whether taking it out was more detrimental to leaving it in place.

Phil Wallis (VOLF) expressed that they are in favor of this project and they are fine with the stone wall staying and that VOLF was also in favor of the restoration between the property line and the wall and the wall and the road as well as the areas designated on the eastern side of the road.

The Commissioners noted that the wall is not to have any buffers around it for repair purposes, this means it will be overgrown and natural. Any access to it for repairs will need Conservation Commission approval.

Action: A motion was made to find that it is better for the wetlands to not remove the stone wall and to approve the restoration plan put forward by VOLF for areas A & B and 1 & 2 the removal of the stone wall and the following 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 the invasive removal and native planting work is scheduled to begin.
3. A copy of this Order and the approved site plan shall be available on site at all times while work is being done.
4. The proposed planting from the property line between assessor's map 25 lot 1.2 and lot 7.15 (currently the Slavin & VOLF properties) to Eddy Farm Road may now be completed now that the Commission has approved the stone wall to remain. This includes both sides of the stone wall to the west of Eddy Farm Road.
5. Stones must be installed as follows:
 - i. As depicted in red on the plan 11/17/2022 and from the existing stones that denote the agreed upon setback on the Slavin property (AP 25-1.2) and restoration areas on VOLF land (AP 25-7.15)
 - ii. Stones must be 2'+ in diameter placed at 6'- 8' intervals

6. Once the project is completed, there is to be no further cutting or mowing without prior Conservation Commission approval. The area is to remain in its natural state and there is to be no continued/ongoing maintenance of the area between the stone wall and the resource area, the area to the east of the stone wall and any of the areas the subject of the restoration work.

Passed unanimously via roll call vote.

(Sandy Broyard abstained as she had missed a portion of the discussion and Doug West is a board member of VOLF and unable to take part in the hearing as a Conservation Commission member.)

Continued Hearings:

SE12- 896 - Frank V. Sica - 0 Gosnold Way (AP 20-28)

Representative: Reid Silva, VLS

Project: Application to plant native grasses and plants to restore a recently cleared agricultural area. Portions of the clearing extended into a BVW and the buffer zone thereto. Locust posts are proposed to be installed to delineate the limit of clearing to be maintained.

Documents shared: Aerial, site plan

As the proposed delineation hasn't been completed, the current delineation will stand and the locust posts are to be installed at 25' from existing the wetland delineation.

There was discussion regarding protecting the wetlands from grazing animals. There are currently only sheep but there could be larger or different animals grazed there in the future.

Doug West was appointed a voting member.

Action: A motion was made, and seconded, to approve with the following 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.
3. A copy of this Order and the approved site plan shall be available on site at all times while work is being done.
4. When animals are grazing on the property, there is to be fencing installed on the posts to enclose the wetlands or the animals are to be penned or enclosed in some manner.

Passed unanimously via roll call vote.

Discussion of Fines for Sica mowing. Commissioners asked that the agent look into the fine structure. It was noted that regarding fines it was 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

Kara will look into options and report back at a later meeting TBD.

Joan Malkin left the meeting

Discussion: Twist Planting Plan

Kara reported that she had received and distributed the planting plan the Twist's had submitted and met onsite with Russell Twist. The acceptance of this plan will satisfy the requirements of the enforcement order issued 7/9/2021.

Action: A motion was made, and seconded, to approve the submitted planting plan and plant list.

Passed unanimously via roll call vote with Sarah Khedouri abstaining as she was not familiar with the property.

Action: A motion was made, and seconded to approve the 11/3 minutes with minor modifications (grammatical error and note site visits)

Passed unanimously via show of hands

Certificate of Compliance requests:

Kara reported that she had visited the three sites and found that SE12-733 and SE12-137 were both in compliance of their Orders of Conditions.

Aerials of the three properties were shared.

Action: A motion was made, and seconded to issue a Certificate of Compliance for Order of Conditions SE12-733 (Mahon) for their dock rebuild.

Passed unanimously via a show of hands.

Action: A motion was made, and seconded to issue a Certificate of Compliance for Order of Conditions SE12-137 (Cohen).

Passed unanimously via a show of hands.

Kara advised that the Order of Conditions for 57 Wequobsque (SE12-864) required a path with a meadow between the new house and the top of bank and neither are there.

Admin: Review/approve minutes from 11/3

Topics not reasonably anticipated by Chair

With nothing further to discuss, the meeting was adjourned at 10:28 am

Respectfully Submitted by kara shemeth, Conservation Agent

Minutes to be approved at a future Conservation Commission Meeting