

Conservation Commission Minutes 11/07/18

FINAL

Present for the Conservation Commission and attending the meeting were: Joan Malkin, Chairman, Bob Hungerford, Vice Chairman, Candy Shweder, Pam Goff, Chris Murphy, Maureen Eisner, Russell Maloney and Sandy Broyard. Reid Silva, Chris Alley, Bobby Brown, Aaron Brown, Lindsey Brown, baby Bennett Brown and Bob Hannemann also attended. Chuck Hodgkinson did not attend.

The meeting came to order at 12:30 PM. Ms. Malkin appointed Alternate Commissioner Maloney as a voting member for the day's agenda until Ms. Broyard arrives. Ms. Broyard arrived at 12:32 PM.

NOISE 12 - 827; CHRIS ALLEY FOR AARON BROWN; 35 Turtle Cove Rd.; AP 14-11: Ms. Malkin opened the public hearing at 12:31 PM. Mr. Alley reviewed the site plan dated 1/20/18 to construct a single-family residence, install buried utility lines, a new driveway with associated grading and landscaping. A portion of the new driveway is within the Riverfront Zone. Approximately 1090 sq. ft. of existing Woods Rd. in the Riverfront Zone will be abandoned and allowed to return to its natural state. Approximately 1080 sq. ft. of new driveway will be in the Riverfront Zone leaving a net decrease of disturbance of 10 sq. ft. Approximately 10 sq. ft. of disturbance in a Wooded Swamp Wetland and 168 sq. ft. of disturbance in the Wetland buffer zone and Riverfront Zone will be for the buried utility lines.

Mr. Alley pointed out the erosion control locations on the plan. The Commission discussed the need to add snow fencing and then permanent symbolic fencing to delineate and protect the first 50 feet of the wetland buffer zone. The new road will have compacted hardener and the well will be installed and approved by the Board of Health before any other work is performed. The Commission discussed the alternative of using the existing roadway rather than creating a new one that is slightly farther from the wetland. Mr. Alley said that might be a possibility as it will reduce the amount of disturbance. Mr. Alley then addressed the DEP comments that were listed on the DEP file number form. He explained that only 10 sq. ft. of wetland will be temporarily disturbed to install power line conduit and there is no dredging proposed. After brief discussion about the site visit observations and with no further public comment a motion was made to close the hearing at 1:10 PM. The motion was seconded and unanimously approved. A subsequent motion was made to approve the plan with the following special conditions:

- Before work begins, a revised site plan shall be provided showing the new location of the second half of the driveway after the well.
- A snow fence shall be added to the siltation fencing as shown on the site plan. The purpose is to delineate the edge of the first 50-feet of buffer zone from the wetland. When construction is finished, this 50-foot delineation shall be marked with rocks approximately 2 ft. square and located about ten feet apart -- near the house only.
- All silt and snow fencing shall be installed and approved by the Conservation Agent (CA) before work begins. All fencing shall be maintained in good condition during construction.
- An on-site conference shall take place among the CA and contractor(s) to review this Order before work begins.
- The well shall be installed before any other earth work commences.
- A re-landscaping plan shall be provided, approved and installed before issuing a Certificate of Compliance or Occupancy Permit—whichever occurs first.

The motion was seconded and with no further discussion passed unanimously with seven in favor.

NOISE 12 - 828; REID SILVA FOR R. RAPPAPORT, TR.; 35 Harlock Pond Rd.; AP 1-12: Ms. Malkin opened the public hearing at 1:20 PM. Mr. Silva reviewed the site plan to remove brush and trees for the installation of a ground-mounted solar array with conduit trenching to the main house. The edge of clearing is 25 feet from the edge of a wetland and the array is 54 feet from the edge of the wetland. He added the owner wanted to install Tesla roof shingles but their manufacture date is delayed a few years. He also explained the panels will be moved to a spot that is 50 feet from the lot line – instead of 42 feet as shown because of zoning regulations. The applicant would also like to clear two sections of land to replace dying viburnum with huckleberry and another section of vines, briar and shrubs and restore this area to a meadow. The two areas are 45 feet and 10 feet respectively from the edge of two wetlands.

The Commission discussed the site visit and thought the proposed two areas for clearing and meadow restoration were too close to the wetland edge. They proposed only allowing the removal of the vines and briars to improve the habitat. Mr. Silva agreed.

With no public comment a motion was made to close the hearing at 1:33 PM. The motion was seconded and unanimously approved. A second motion was made to approve the plan with the following adjustments and special conditions:

- Before work begins, a revised site plan shall be provided showing the new location of the solar array that is at least 50 feet from the lot line. Received and dated 11/7/18.
- A snow fence shall be added to delineate the limit of work no closer than 50 feet from the wetland edges. When construction is finished, this 50-foot delineation shall be marked with rocks approximately 2 ft. square and located about ten feet apart.
- The cleared trees and shrub area for the solar array shall be flush cut. The root systems and trunks shall be left in place.
- Only the vines and briars shall be removed in the proposed two clearing areas to improve the habitat. No other vegetation shall be removed.

The motion was seconded and with no further discussion passed unanimously with seven in favor.

DISCUSSION RUSSELL MALONEY; SE 12 – 754; 245 North Rd.; AP 13-8: Mr. Maloney recused himself and explained an Order was issued in December 2015 to convert an existing barn into a 2-bedroom dwelling. He would like to add a water drainage system draining to daylight for this structure. The daylight end will be approximately 60 feet from the wetland edge. After brief discussion a motion was made to declare the change as inconsequential to the scope of work. The motion was seconded and passed unanimously. A second motion was made to approve the plan as presented. This motion was seconded and passed unanimously with seven in favor.

CERTIFICATE OF COMPLIANCE SE 12 - 90; ASHER; 24 Bassett Place Rd.; AP 24-52: Mr. Maloney for Chuck H. explained an Order was issued in 1988 to repair an existing deck and concrete piers located in a salt marsh. He shared several photos and recommends the project is in full compliance. A motion was made to agree with the Conservation Agent's recommendation and issue the Certificate. The motion was seconded and unanimously approved.

CERTIFICATE OF COMPLIANCE SE 12 - 357; ASHER; 24 Bassett Place Rd.; AP 24-52: Mr. Maloney also explained an Order was issued in 1999. The raised septic system was installed and passed inspection. There is no "as built" plan in the BOH file. He reviewed several photos taken by Chuck H. whose recommendation is the project is in full compliance. A motion was made and seconded to issue the Certificate as recommended. The motion passed unanimously with seven in favor.

CERTIFICATE OF COMPLIANCE SE 12 - 524; ASHER; 24 Bassett Place Rd.; AP 24-52: This third Order was issued in 2006 to install a new roof on the house. Chuck H.'s recommendation is the roof was installed and the project is in full compliance. A motion was made to issue the Certificate as recommended. The motion was seconded and passed unanimously with seven in favor. __

ROB HANNEMANN DISCUSSION – CHILMARK GREEN COMMUNITY DESIGNATION: Mr. Hannemann explained he is a member of Chilmark's Green Energy Committee and reviewed the proposal to have the town adopt the "Green Communities Designation". West Tisbury along with 209 other communities in the Commonwealth have adopted this designation at town meeting. He reviewed the benefits and impacts of adopting the program. After much discussion the Commission thanked Mr. Hannemann and asked him to come back to the Commission should he need them to take action on any matter relating to the Green Communities initiative.

ADMINISTRATION:

Review of the draft October 3, 2018 meeting minutes was postponed to the next meeting.

Signatures:

Order of Conditions SE 12 – 827; Brown AP 14-11.
Order of Conditions SE 12 – 828; R. Rappaport, Tr. AP 1-12.
Certificate of Compliance SE 12 – 90; Asher; AP 24-52.
Certificate of Compliance SE 12 – 357; Asher; AP 24-52.
Certificate of Compliance SE 12 – 524; Asher; AP 24-52.

The next meeting will be Wednesday, December 5, 2018 @ 12:30 PM.

With no further business to discuss the meeting adjourned at 2:45 PM.

Respectfully submitted by Chuck Hodgkinson, C.A.S. from audio tape.

