



Meeting Minutes - Chilmark Conservation Commission  
May 17, 2022 (9 am)

Commissioners present: Sandy Broyard (Vice Chair), Chris Murphy, Pam Goff, Russell Maloney, Doug West, Sarah Khedouri

Commissioners Absent: Candy Shweder, Joan Malkin

Staff: Kara Shemeth (Agent)

Public in attendance: Reid Silva, Carlos Montoya, Paul Slavin, Ryan Rossi, Julie Flanders, Louis Larsen, Steve Larsen

Action: Sarah Khedouri and Doug West appointed as voting members

**Request for Determination of Applicability** - Chilmark Harbormaster Dept

Address: 51 Basin Road (AP)

Project: Repairs to the Menemsha Comfort Station

Documents shared: aerial, sketch of Comfort Station

Harbormaster Ryan Rossi presented what has been done for seasonal maintenance for the Comfort Station including new ramps, installation of shells in between the ramps and grade the areas between the ramps and on either side of the building to reduce sand coming into the building. The rosa rugosa was found to catch trash and proved difficult for staff to maintain and were replaced by flower boxes.

Commissioners asked what was in the storage area, according to Ryan it houses the trash & recycling bins and the curbs stops and the walkways panels in the off season.

**Action:** Motion was made and seconded to find a negative determination  
Passed unanimously via roll call vote

### **Request for Determination of Applicability**

Applicant: Russell Maloney

Address: Cygnet Way (AP 24-46).

Project: The work involves the removal of an existing, rotted, pressure treated plank walkway to a floating dock and replacement with vertical grain fir

Documents shared: aerial

Russell presented the safety issues with the current walkway and confirmed that the footprint does not change.

**Action:** Motion was made and seconded to find a negative determination Passed 5-0 via roll call vote with Russell Maloney abstaining (as he is the applicant)

### **Public Hearing - NOI**

Applicant: Barbara Hunter Foster, Trustee of the Pacer Nominee Trust

Address: 49 Squibnocket Farm Road

Representative: Reid Silva, PLS

Project: Installation and maintenance of a septic system upgrade within the buffer zone.

Documents shared: Aerial, site plan

The system is currently a sand bed filter, it is not functioning well and the proposal is to replace the old system with a nitro system. Pump chamber to remain in the same spot, the existing tanks will be removed and replaced with a new tank. Siltation protection proposed around the site to protect the pond. REid explained the technology behind the system.

Doug West spoke in favor of the system and sees it as a good opportunity to utilize the technology.

Reid advised that the project would take a week-week and a half to install the new system. Commissioners noted that there is evidence of mowing and mandated that mowing should not get any closer to the resource areas.

**Action:** Motion was made and seconded to move to close the hearing. Passed unanimously via roll call vote

**Action:** Motion was made and seconded to approve the project 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. Siltation is to be installed, and inspected by the Agent, prior to work beginning.
3. Notification is to be given to the Conservation Agent when work is scheduled to begin.
4. The chamber containing electricity is to be sealed to prevent water intrusion.
5. A copy of this Order and the site plan dated 2/3/22 shall be available on site at all times while work is being done.

Passed unanimously via roll call vote

**Discussions:**

**Stones/ revetment in Menemsha – Larsen Lease Lot**

Kara showed an aerial of the end of the western side of Menemsha Harbor between the Larsen shack and the Coast Guard Station and explained that there had been discussion over the winter of dropping a couple large stones to help shore up the parking as it has continued to erode (3' lost over the past year). The Larsens proceeded to have a small revetment put in along the former edge of the parking and had fill brought in to fill behind the stones and secure the parking areas. It is a tricky area due to it being town land abutting federal land and the Larsens are lease holders.

Steve Larsen explained that the area takes direct hits during storms and his fear was the shanty being undermined and damaged. Historically they have been able to back right up and off load their trucks to the dock (not possible now). They took action to deter any more damage prior to the upcoming hurricane season. The materials were the same as are used along the dirt road. Chris confirmed that historically leaseholders have done things like this and that the ideal situation would be to allow what's there to stay and advise the Larsens that anything more needs to come before the Con Com. He advised that the Con Com should write a letter to the Select Board advising of the situation in that area and encourage them to develop a long term solution for repairing things and maintaining them.

Kara advised that she would draft a letter and once approved will forward to the HarborMaster, Harbor Advisory Committee, Park and Rec and the Comfort Station Committee.

Beach Grass update - Kara reported that she spoke with Ellen Biskus and was informed that the funds the Conservation Commission has access to are unable to be utilized for projects and are bookmarked for enforcing the WPA. She reported that the best option is the Coastal Zone Management grant and that Keith Emin with Chilmark Highway will be installing the snow fence within the next month.

#### 6 Eddy Farm Road – further violations

\*Doug West abstained as he recently joined the VOLF board of directors  
Documents shared: VLS site plan with C. Montoya planting notes

Reid Silva explained the recent additional violations. The plan was to fill the trench with VLS, Carlos Montoya on site to ensure the reconstruction was adhered to. Josie did not have a machine at the first meeting (Thur) and was advised that the trench was to be filled in according to the Commission's directive on Monday. Josie took it upon himself to have it done over the weekend despite the direction of the Agent and Reid. Carlos Montoya speculated that because of this infraction he believes they will go a different direction with landscapers for the installation.

Reid plans to perform an auger test to see how the trench was put back together to document how the filling was done. If what was done is stable enough to ensure the plants will take then the planting can continue, if it's not stable they may have to install mats to allow access for planting.

#### 6 Eddy Farm Road – restoration plan

Carlos discussed the restoration plan, specifying 3 gallon plants and larger, these are established plants and will be 6' on center. An auger can be used for the digging. Carlos showed a plan specifying the breakdown of woody/ grass areas,  $\frac{1}{3}$  of the area to be restored with 60/40 woody plants (southern area in the wetlands),  $\frac{2}{3}$  of the area to be restored with 30/70 woody plants/ grass. Carlos suggested wood chips for mulching around the new plants,

the wood chips would not be refreshed and would rot after a few years and would invite more growth. 25' off the 100' setback line to be allowed to restore naturally, Carlos shall dictate and direct the installation.

Regarding the stone wall, the Commissioners decided to wait until VOLF and the homeowners establish an agreement between themselves and discuss at a later meeting.

Commissioners dictated the following conditions:

- Not to be groomed, plants allowed to develop naturally
- Revisit the plantings in 1 year (including the exploring the addition of trees)
- Where grass is established, mulch less
- 2' boulders placed along the 25' setback line once plantings are in

**Action:** A motion was made and seconded to approve the restoration plan with the above conditions.

Passed via roll call vote 5-0 with Doug West abstaining

**Discussion:** 6 Eddy Farm Road fines

Chris Murphy spoke to the multiple aspects of these violations. He suggested a \$300/day fine from the day the cease & desist order was issued to today to both the homeowner and contractor. Given the recent violation (filling the trench over the weekend after explicit instructions to wait till Monday), Chris felt a \$10,000 fine for both the homeowner and contractor/operator was appropriate.

Russell Maloney stated that he was not a fan of fines and that we had a landscaper who did not speak English and a homeowner who was not present and that it didn't feel as if this was intentional or malicious and it was a miscommunication and mistake. The landscaper got bad press that likely hurt his business and the homeowner is going through a great deal of expense to restore what was done.

Paul Slavin (the homeowner) spoke of being in favor of fines but noted that \$10,000 seemed punitive as he was following the guidelines laid out by the Commission and was adhering to the plan that was laid out. He said that this was a mistake and that the filling of the trench was a surprise to everyone and that he has been working with Reid and Carlos to remedy this situation.

Commissioners asked that Kara research the scope of available fines and report back at the next meeting.

Regarding the stone wall, at the time the enforcement orders for 6 and 0 Eddy Farm Road were issued, it was not known that the stonewall was on Vineyard Open Land Foundation (VOLF) property (0 Eddy Farm Road). Kara suggested that once the homeowner and VOLF had discussed the stone wall the Con Com could then issue an enforcement order that dealt directly with the wall.

Admin:

Kara advised that a Certificate of Compliance was received for the RMJ Dock and had contacted Town Counsel due to the ongoing litigation regarding the permit. Town Counsel recommended adhering strictly to the bylaws which require a site visit by the commissioners prior to issuing Certificates of Compliance. Kara will organize and post a site visit. (note: Commissioners have previously voted to allow the Agent to handle site visits and the issuing of Certificates of Compliance.)

76 Menemsha Inn Road - Certificates of Compliance requests. Kara has been out to the property a couple times and received all the necessary documentation to issue the Certificates.

Appointment:

Menemsha Comfort Station Committee: Chris Murphy

**Action:** A motion was made and seconded to approve the minutes from 5/3\* Passed unanimously via roll call vote

\*April minutes to be approved at the next meeting, Chris had a correction that he would get in touch directly with Kara about.

With nothing further to discuss, the meeting was adjourned.