

Meeting Minutes - Chilmark Conservation Commission
July 19, 2022 (9 am)

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

Staff: Kara Shemeth (Agent)

Public in attendance: Reid Silva Robin Smith, Gil Wilcox, Don Wilcox, Eric Peters, Ed Greenbaum, Debbie Packer, William Henchy, Sarah Guinan Nixon, Hugh Taylor, Brian Curry, Jim Ticket

9:00 – Notice of Intent – Public Hearing (Site visit took place 7/18/2022)

Applicant: Steven Lewis & Serenella Sferza

Address: 11 Homeward Way (AP 20-95.1)

Representative: Reid Silva, VLS

Project: Application to trench, install, and maintain a proposed sewer line within the buffer zone to a bordering vegetated wetland

Documents Shared: Aerial, site plan

Reid reviewed the site and resource areas and explained the goal to have new living space in the garage tie into the existing septic system via a gravity line that will need to be trenched through a portion of the buffer zone.

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

Passed unanimously

Discussion: none

Action: A motion was made, and seconded, to approve as presented noting that the trenching would only be open for a few days and that the siltation fencing be installed and inspected prior to activity.

Passed unanimously.

9:05 – Notice of Intent – Public Hearing (Site Visit Monday July 18 12:30)

Applicant: RMJ Dock LLC

Address: 16 Harbor Hill Road (AP 27.1-104)

Representative: Reid Silva, VLS

Project: Application to construct and maintain stairs on a coastal bank to access an existing pier and boathouse

Documents shared: Aerial, Site Plan, *Article 6* from Will of Gladys Flanders, *Assignment of Life Estates, Rights, Easement & License* (document granting RMJ Dock rights), Land Court Certificate of Title #11907

Reid presented the application for access stairs to an existing boathouse and dock. The pier was first licensed in the 60s/70s and was recently re-licensed. The facility has historically been accessed via the neighbors stairs on the abutting property to the south (Wilcox); that access has now been revoked. The proposed stairs are 3'x21' parallel to the existing stairs with the bases set on a butterfly bracket/pin system. The stairs are proposed as far south on the property to limit the encroachment on the existing structure and parking area (Smith). Ongoing maintenance and installation methods and necessary vegetation trimming was discussed.

Public Comment:

Eric Peters (representing Donald Smith & Family) - Expressed Baffled as to how the NOI can be submitted without notice to Donald Smith and without his name on the application. There has been no formal notice. The dock and boathouse may be severed from the title but the rest of the property is owned by Mr. Smith. There is no profile of the stairs on the plan. The applicant does not have permission to stage materials on the property. The present situation, in terms of the loss of use of the stairs, is the result of the applicant's behavior. The easement granted in the will of Gladys Flanders doesn't make it clear where the stairs could go. The Commission should consider the use, is it family use or guest of the Menemsha Inn? That would make it commercial rather than private use.

Chris Murphy: Motion to continue to the next hearing

William Henchy (representing RMJ): Under WPA, the applicant has the right to agree to a continuance or not and we may not agree to a continuance. Many of the points made have nothing to do with the WPA or the Chilmark Bylaws. Atty. Henchy shared several documents clarifying how RMJ Dock LLC is the proper applicant and has the right to make such an application.

Robin Smith (Donald Smith's Daughter): We're not arguing that they don't have access, she had concerns regarding the application not having her father's signature. Wants input on where on the property the stairs are placed.

There was discussion regarding the validity of the application with RMJ Dock LLC as applicant. Commissioners agreed that the matter at hand is the application and the stairs within the confines of the WPA and local bylaws.

Action: A motion was made to continue the hearing to allow for clarification from Town Counsel regarding the application.

Kara Shemeth (Conservation Agent) confirmed that Town Counsel had reviewed the application and advised that the life rights held by RMJ Dock LLC constituted an easement and an easement holder is able to apply as landowner by DEP regulations.

The motion to continue was seconded.

Further discussion:

Reid stated that the DEP has verified the validity of the application and this hearing is about the impact of the stairs on the bank.

Atty. Henchy reiterated the purview of the Commission and asked what further information the Commission would like from the applicant.

Vote: on continuance: 4 no 3 yes

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

Action: A motion was made, and seconded to approve the plan as presented and reflecting that the butterfly bracket construction, 12" off grade, hand tools are to be used, vegetation to be cut back in a way to allow for re-growth, allowing for on-going maintenance of stairs and allowing for 1' of pruning on either side of the stairs, with no materials to be left or stored on site.

Passes: 5 yes, 1 no, 1 abstention

Discussions:

- Sica NOI Due - Carlos needed a few more details and the application should be submitted within the day.

- 6 Eddy Farm Road Contractor Fines - Translator is available but not until 8/16

- 6 Eddy Farm Road/ VOLF Stonewall update - DEP advised that the wall is considered fill and would need to be removed or the lost resource area would need to be replicated, which is not possible on this property. Replication is generally not approved anyway.

Action: A motion was made, and seconded, to issue an Enforcement Order to remove the stone wall and restore the area to its pre-wall state, to be shown on a VLS plan. Order to be issued to Slavin, listing VOLF and the property owner with all work to be done from the street. Plan to be submitted at the next meeting (8/2) and work to be done by November.

Passed unanimously via roll call vote.

Candy read the timeline regarding the 6 Eddy Farm timeline into the record (on file with Conservation Commission)

- Harbormaster Shack Gravel (Site Visit July 18 12:45)

Russell gave a report regarding the site visit and the Commissioners agreed that there was no objection to

A motion was made, and seconded to note that this matter was of no concern to the Conservation Commission

Passed unanimously

- Woodwell Climate Research Center Survey permission request

Lucy Vincent, MEnemsha and Fulling Mill were sites studied several years (1999/2000) ago and the data is being updated.

Commissioners advised they are on board with this proposal and that while the Town owns Fulling Mill, the Land Bank manages and they should get in touch with Julie Russell at MVLB.

- In September, the Conservation Commission will start meeting on Thursdays at 9 am and the State has extended remote meetings through MArch 2023. Site visits TBD

With nothing further to discuss, the meeting was adjourned at 10:06 am

Minutes to be approved at the 8/2/22 Conservation Commission Meeting