

Meeting Minutes - Chilmark Conservation Commission
September 15, 2022 (9 am)

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

Commissioners absent: Candy Shweder

Staff: Kara Shemeth (Agent)

Public in attendance: Reid Silva, Carlos Montoya, George Sourati, Bryan Collins, Win Clegg, Steve Clegg, Jody Darrow, Samuel Jones, Susan Greeley, Peter Darling, Scott Darling, Leslie Prosterman, Timothy Rich, R+D Studio, Mike Leone, Barbara Barre, Philip Wallis, Thomas McAlister

9 am - Meeting called to order and Doug West appointed as a voting member.

Notice of Intent – Public Hearing SE12-898

Applicant: SWB Limited Partnership

Address: 8 Greenhouse Lane (AP 33-30)

Representative: Sourati Engineering

Project: Application to build an 827 +/- sq ft studio with associated utilities located within the Riverfront Area and 128' +/- from the edge of a wetland.

Documents shared: Aerial, revised site plan, building plans, insulation/ sound details

George Sourati shared the site plans and explained that after the site visit Monday, they discussed the abutters' concerns regarding the direction the structure was facing and rotated the studio 30 degrees and submitted a revised plan. He explained that the studio is sited over 131' from the edge of the closest wetland with no activity proposed in the buffer or resource area. There is a mapped brook and due to the drought, Sourati Engineering was not able to document lack of flow to prove that it is not a stream and was advised that they could file an NOI or wait till the drought was over to then observe the stream to determine if it qualified under the WPA as a stream/river. A NOI was determined to be the more timely of the two options.

The proposed location is open and utilities are nearby. A new septic system will be installed to serve the new studio and the existing guest house. Only the septic tank for the studio is within the 200' buffer with the leaching field being outside the Conservation Commission jurisdiction.

Abutters relayed that the applicant had been very responsive to their concerns regarding the studio siting. Abutters asked about the use of the building, George shared the floor plans and advised that one of the family members is a composer and they would be using it for recording, it is for their use and would not be rented out or used commercially. George explained that as well as insulation being to code, they are also using sound attenuation insulation as well.

A Commissioner noted that while this is being designed as a recording studio, if the property were to change hands it could have other uses.

Abutters raised concerns about the construction traffic on Greenhouse Lane. Concerns regarding the view, aquifer, and noise were raised and Commissioners reiterated their purview in regards to the wetlands. Abutter Susan Jones' letter was read into the record.

Action: A motion was made to close the hearing
Passed unanimously via roll call vote.

Commissioner discussion: There was discussion about the benefits of denitrifying septic systems and where the responsibility of the Conservation Commission lies in these matters. It was noted that legally, if the BOH approves a septic system and it meets the established criteria, the Conservation Commission is not able to condition a different system.

Reid Silva clarified that in the past, VLS had done extensive work on the property for previous owners and had documented that it was in fact a perennial stream and did not meet the criteria for a river under the WPA.

Action: a motion was made, and seconded, to approve the application as presented 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 protection is to be installed per the site plan and inspected by the Conservation Agent, prior to work beginning.
3. Notification is to be given to the Conservation Agent when work is scheduled to begin.
4. While not a condition, it is strongly suggested that the applicant install siltation protection measures along Greenhouse Lane if deemed necessary and repair any damage (if any) done to the lane by construction vehicles.
5. If, during construction, the development disturbs the existing Osprey pole, the Commission asks that the applicant relocate the pole to a location that is less detrimental to the Ospreys.
6. A copy of this Order and the site plan dated 9/14/22 shall be available on site at all times while work is being done.

Passed 6-1 via roll call vote.

Continued Public Hearing - Notice of Intent

Applicant: Frank V. Sica

Address: 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.

Reid explained the hearing had been continued for a site visit, which had happened, but the wetlands had yet to be reflagged due to Seth Wilkenson's

availability. He requested a continuation to the next meeting to get the wetlands re-delineated and put on the plan.

Action: A motion was made a second to continue to the 910/6 meeting.
Passed unanimously.

Discussion Items:

9:56 - VOLF/ 6 Eddy Farm - Stonewall update

Reid reviewed the site and explained that for the wall to stay then there would have to be mitigated with an Ecological Restoration on the VOLF property. An Ecological Restoration application is extensive and VOLF/VLS would like to get an impression from the Commission to see if it is worth pursuing. 10,000 sq ft of area would be restored and vegetation allowed to grow up along the wall, which would stay in place.

Commissioners advised that the area around the wall should not be “beautified” and mowed, it should be allowed to regrow naturally and not be maintained. Phil Wallis spoke on VOLFs behalf and advised that everything in this application is on their property and per their mission, it benefits VOLF that it be restored and maintained in its natural state. Carlos explained that switch grass will perform the function that is being sought and the area will transition and VOLF wants to create the outcome that the Conservation Commission wants.

10:20 - Shotnaigher Lane - Kara explained that the applicant hadn't realized that there was an appeal period once an Order of Conditions was issued and work was begun, and finished, prior to the Order being issued and recorded. Tim Rich explained that White Bros. had contacted him a few days after the hearing and advised that they had an opening and could start the job. The job was done but there are portions that do not match the approved plan and will need to be dealt with. Kara will meet on site with SBH and Tim and help determine the best course of action and what exactly was done that wasn't approved. Kara would like to draft a letter to White Bros. regarding this, despite the homeowner not knowing the process, White Bros should have as they work near resource areas all over the island. Tim Rich apologized for the miscommunication and advised that they were willing to do what it took to make it right.

Action: A motion was made, and seconded, to authorize Kara to draft a letter to White Bros and meet on site with Tim Rich and Chris Alley to determine the best course of action.
Passed unanimously

10:27 - Fire/EMS trenching - Commissioners viewed the site plan that Mike Leone (project OPM) had highlighted, showing the area that needs to be trenched, this was not delineated on the original plans. The plan is to divert the culvert slightly, remove the rocks around it, dig the trench (which will be open for a week or so) and then return the culvert to its original angle and return the rocks around it. They would also like to relocate two large boulders that were unearthed during digging.

Action: A motion was made, and seconded, to approve the trench and moving of two boulders with the conditions that proper erosion control measures be installed and the Agent be on site when work begins.
Passed unanimously

10:29 - A Certificate of Compliance request has been received for SE12-824 (Brickyard Beach Association) which permitted trenching for utilities in Menemsha Hills. Kara has been to the site twice in the past two weeks and most recently met with Darci Schofield and the Trail staff from TTOR. The project meets all Con Com conditions, there is a condition that it meet with TTOR approval and Darci advised that she will send a letter or email to that effect once she has reviewed their files.

Action: a motion was made, and seconded, to issue the Certificate of Compliance once the letter from TTOR is received.

With nothing further to discuss, the meeting was adjourned at 10:34 am

Respectfully Submitted by [kara shemeth](#), Conservation Agent
Minutes to be approved at the 10/6/22 Conservation Commission Meeting