



Meeting Minutes - Chilmark Conservation Commission  
October 5, 2023 (9 am) via Zoom

Commissioners present: Candy Shweder (Chair), Sandy Broyard, Stephen Kass, Sarah Khedouri, Joan Malkin, Gary Mottau, Jane Rabe

Commissioners absent: Chris Murphy

Staff: Carolyn Stoeber

Public in attendance: Elise Elliston, Deborah Hancock, Darci Schofield, Reid Silva

Candy Shweder opened meeting at 9:00am and appointed Jane Rabe as a voting member for this meeting.

Public Hearing - Notice of Intent SE12-912

Ms. Shweder opened the public hearing at 9:01am.

Applicant: Deborah Hancock, Trustee of the Deborah Hancock 2013 Trust

Address: 490 North Road (AP 27.1-213)

Representative: Reid Silva

Project: repair elevated slab area and existing pier foundations

Site visit: October 3, 2023

Documents shared: site plan, retaining wall repair plan, photographs from the site visit

Reid Silva explained that the elevated slab is not built to support heavy vehicles, but it looks like an area that could be used if needed, so Deborah Hancock would like to avoid a future catastrophe should it fail, by putting footings and a cement support under the slab so that it is capable of holding vehicle weight. The proposed project would drill holes in the existing concrete slab and pour in flowable fill that will turn into concrete in layers, starting with the footings under the existing columns. A siltation fence will be placed at the edge of the wetlands and around the work area as in the plan presented. 18 inch footings would be dug and filled with concrete. 18 inch forms would be used to fill the area between the existing retaining wall and the supports for the existing building in 18 inch sections until the entire area under the existing slab is filled. The commissioners were concerned that there is no rinse area onsite so a condition will be necessary to avoid rinsing into the wetland. Deborah Hancock informed the commissioners that John Keene is the cement supplier for this project. A condition of the project will require that the rinsing of equipment is handled so that no washoff goes into the wetland. The commissioners suggested that Carolyn be present to observe the process.

**Action:** A motion was made, and seconded, to close the public hearing at 9:17am.

Passed unanimously.

**Action:** A motion was made, and seconded, to approve with the following conditions:

- The applicant or its agent/contractor must give the Conservation Commission reasonable prior notice of the date on which work is scheduled to commence.
- The contractor shall meet on site with the Conservation Agent or Commission Member, or their designee, and review all aspects of the proposed work prior to any work commencing.
- A copy of this order and the approved plan dated September 18, 2023 (approved plan) shall be available on site at all times while work is being done until the project is complete.
- Construction access is allowed only as shown on the approved plan.
- Siltation fencing must be installed as indicated on the approved plan and inspected and approved by the Conservation Agent or Commission Member, or their designee, prior to any work commencing.
- Any refueling must take place outside the buffer zone.
- Materials and any debris must be removed from the work site daily.
- Any washing off of equipment must occur outside of the buffer zone so that no runoff goes into the buffer zone or a wetland.
- The Applicant or its agent must apply for a Certificate of Compliance from the Conservation Agent within 60 days after completion of the project. A Certificate of Compliance will not be issued unless all work is completed in accordance with the approved plan and the application for the certificate is accompanied by an 'as-built' plan.

Passed unanimously via roll call vote.

#### Request for Determination of Applicability

Applicant: The Trustees

Address: 0 Gosnolds Way (AP 14-4)

Representative: Darci Schofield

Project: restoring and maintaining access to historic monuments, removing invasive plant species to restore native habitat, and restoring 2018 clearing and managing vegetation

Site visit: October 3, 2023

Documents shared: The Brickyard Vegetation Maintenance Management Presentation, October 2023, aerial maps and site plans included in the RDA submission.

Darci Schofield presented a project description with the history of the site that included the 2018 Brickyard Clearing Project which was successful in establishing sandplain shrubland habitat and minimizing the invasive species. This project is to maintain these goals as well as preserve the integrity of the historic structures. No herbicides will be used in this project.

Mowing of shrubland and herbaceous species within the approximate 3.5-acre project area. Only invasive plant removal within the buffer zone, without removing roots to preserve the stability of the dunes. The commissioners had a question regarding preserving the stability of the coastal dune and Ms. Schofield

The commissioners inquired which tools would be used during the project. Elise Elliston, representing the proposed contractor, Roaring Brook Construction, answered that the tools would include a weed-wacker with metal blade, hand loppers, a brush cutter, chainsaws, back

hoe for removing the chip pile and cuttings. There is also the possibility of a chipper, but all the debris will be removed, whether it is chipped on-site or not. The commission asked about the plan for ongoing maintenance to control the invasive plants that are removed in the initial phase. Ms. Schofield answered that after the initial clearing, it will be easier to upkeep the site with small tools onsite. The commission agreed that ongoing conditions are needed for mowing and trimming consistent with the initial clearing work to maintain the site.

**Action:** A motion was made, and seconded, to approve the project subject to the equipment being that which was described during presentation, that fueling or lubricating must happen outside the buffer zone, and with an ongoing condition that pruning and removal of invasive plants are consistent with this plan for initial clearing, and mowing should be consistent with the Trustees' other island-wide practices for similar terrain. The commission would like reporting on the efficacy of this project to clear the site of invasive plants, which aims to restore habitat and maintain the historic structures. Reports will be due in October 2024 and October 2025 and should include quantifying the invasives that exist in that site before and those the Trustees are continuing to manage and report on the regeneration of host species and the return of the habitats outlined in the goals for this project.

#### Request for Determination of Applicability

Applicant: Linda Greenberg

Address: 12 Larsen Lane North Fork (AP 27.1-217)

Representative: Tara Gayle

Project: converting lawn to native pollinator meadow garden and maintaining garden

Site visit: October 3, 2023

Documents shared: site plan from previous project at the site, design plan

Tara Gayle presented the scope of the project to scrape lawn and replant the front lawn with predominantly natives and cultivars as described in her design plan. Establishment irrigation is being proposed through temporary drip irrigation. The commissioners encouraged the removal of invasive vines including roots, especially the Miscanthus.

**Action:** A motion was made, and seconded, to approve the project as proposed with the removal of invasive plants including roots, with standard conditions plus a condition to limit to initial irrigation.

#### Admin/ Discussion:

Application for an Amendment to the Order of Conditions

Applicant: Thomas and Amy MacIsaac

Address: 199 State Rd (AP 33-117)

Project: change the location of the well site

Documents shared: Site plan

There was a discussion to determine whether to amend the SE12-845 Order of Conditions or require a new NOI. The commissioners discussed the impact of the construction of the well and access to the site of the new well to determine the impact at the site. A site visit will be needed before the hearing is reopened.

**Action:** A motion was made, and seconded, to allow the hearing to be reopened rather than requiring a new NOI submission.

**Emergency Certification at USCG Menemsha Report**

Carolyn read the report submitted by the US Coast Guard and will send out the report with photos and upload to the webpage.

A discussion of site visit protocol included that site visits are not an open meeting. Visiting the site gives context to the project. Commissioners will ensure that questions do not go to a topic of deliberation, but only point out site elements. The commission suggested a checklist of items to cover during the presentation could be distributed to the applicant so that the presentation at the site that would limit the need for clarifying questions. Carolyn was directed to develop a checklist to give to a presenter prior to site visit including what they should point out during the site visit, ensuring they point out all the elements on the plan including the edge of lawn, trees, boulders, demarcation of the wetland and the buffer zone.

**Action:** A motion was made, and seconded, to approve the September 21, 2023 minutes. Approved with one abstention, Joan Malkin not at the 9/21 meeting.

With nothing further to discuss, the meeting was adjourned at 10:23 am.

Respectfully Submitted by Carolyn Stoeber  
Minutes to be approved at the 11/2/23 Conservation Commission Meeting