



Meeting Minutes - Chilmark Conservation Commission  
October 19, 2023 at 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: Adam Petkus (building inspector), Ryan Rossi (Harbormaster), Carolyn Stoeber

Public in attendance: Reid Silva

The meeting called to order by Sandy Broyard at 9:00am who appointed Jane Rabe a voting member for this meeting and then opened the public hearing.

Public Hearing – SE12-845 Amendment & Extension

Applicant: Thomas and Amy MacIsaac

Address: 199 State Rd (AP 33-117)

Project: Amended Order of Conditions for a new well location.

Site visit: October 16, 2023

Documents: revised site plan dated, water quality results

Reid Silva presented the change in well location, noting the original location where the existing well was drilled two years ago and the new location of the proposed well. Mr. Silva shared the water quality results from the original well, which showed iron above EPA limits to the extent that filtration cannot bring water quality into the acceptable range. Mr. Silva showed the proposed waterline to connect the new well. Commissioners inquired about the pump for the well and where the pressure tank will be located. Mr. Silva explained that there will be a submersible pump in the well and the pressure tank will be in the basement of the house. The commission pointed out the slope at the well goes down to the pond and suggested that while the drilling is happening, vegetation could be added to control runoff from the lawn into the pond. Mr. Silva recalled from the previous hearing that the area should be allowed to be meadow, but suggested a delineation could be added at this property 25 feet from the wetland as long as it is unobtrusive, to ensure the steep slope is not mowed regularly. The commissioners discussed whether the mowed area arose from the amendment before them and decided to send a letter, not just to the agent, but also to the owner suggesting what they could do to be more environmentally sound and noting that clearing is not typically allowed within 25 feet, explaining the benefits of such a practice.

**Action:** At 9:28 am a motion was made, and seconded, to close the public hearing. Passed unanimously.

**Action:** A motion was made, and seconded, to approve with the usual conditions and include a letter to the homeowner with additional comment that there is an underlying problem here and the homeowner should strongly consider the 25 foot area to grow back with existing vegetation and the site be maintained with that in mind. Passed via roll call vote with one abstention (Gary Mottau)



There was a request to add an agenda item in the future: how should we approach projects that are identifiable and limited, but have a context that is troubling, in an effort to create as much positive activity as possible for the resource area. Commissioners agreed that with climate change, our surroundings are being more challenged than in the past and adding this item to the agenda in the future would be good.

#### Request for Determination of Applicability

Applicant: Town of Chilmark

Address: State Road, Nashaquitsa pond access

Project: Installation of a 50 foot floating dock parallel to the boat ramp at Harriph's Creek.

Site visit: October 16, 2023

Documents: dock location drawing with side view schematic of the floating dock; proposal for engineering, surveying, and permitting; and proposal for fabricating and installing the dock

Ryan Rossi provided background information on this project. Mr. Rossi received notification of possible grant funding to support recreation saltwater fishing and he brought the grant opportunity to the harbor advisory committee and all agreed to the floating dock at this location for launching and recovering. The dock will provide a more direct approach and will allow space to temporarily tie boats to put trailers on ramp or remove. An additional outcome will be increased dinghy dock space.

Mr. Rossi explained the grant funding would cover expenses up to \$25,000 grant and any further funding requirements would be secured through warrant at town meeting using the waterways improvement fund. The commissioners had a question about why Chapter 91 is applicable for a floating dock. Mr. Silva explained that all the land under the water is licensed by the state. The commissioners questioned whether the project requires a building permit as that may trigger a referral to the MV Commission. Mr. Silva replied that it does not.

The commissioners discussed whether increased usage would increase runoff or pollution opportunities and having a safer and more efficient launch and recovery might increase in the usage of the ramp. Mr. Rossi emphasized that the dock will make the process of launching and recovery faster and potentially decrease the number of vehicles as it is now at least a two-person operation and the addition of the floating dock would make the operation faster and limit the number of vehicles that need to be in the area at any given time. Commissioners questioned whether any additional moorings are planned. Mr. Rossi clarified that discussion of moorings between the DEP and the division of marine fisheries and the Shellfish group has been to limit the amount of moorings in the pond in the future to focus on maintaining a healthy shellfish environment. Additionally, current mooring holders have been sent a letter notifying them of eco-friendly bottom paint and the moorings around Harriph's Creek has been closed off to allow for eel grass regeneration. Commissioners concluded that the addition of the dock would not be able to increase the parking in the area. The Commissioners asked if DEP and DMF will be informed of the project with this RDA rather than NOI. DEP does get a copy and DEP can appeal and require an NOI rather than an RDA. When asked about timing restrictions, Mr. Rossi answered that silt-producing work has a time of year restriction for winter flounder, but these restrictions have been waived in the past if there is no evidence of winter flounder, such as the annual pile driving within



Menemsha basin. Commissioners inquired about the mechanics of driving the piles. Mr. Rossi explained that the three 35-foot pressure-treated piles would be driven using a crane and a vibratory hammer. The commission also wanted to know what the impediment to water flow would be and Mr. Rossi explained that only four inches of the float is in the water, so it will sit on the surface and allow water to freely flow. Mr. Rossi continued that the shellfish constable is interested in the dredging of Nashaquitsa Pond to increase water flow within the pond to maintain the health of the shellfish. In response to a question by the commission of whether this floating dock would be removable, Mr. Rossi stated that everything is 100% removable: the floating docks would be connected together with cotter pins, the dock would be connected to the pilings using aluminum pile hoops.

**Action:** A motion was made, and seconded, to approve the project. Passed via roll call vote with one abstention (Joan Malkin)

The commission discussed how to proceed with the planning board survey questions. Some of the key issues and challenges revolve around climate change and how we move forward in the future, such as identifying ways that climate change is relevant to what is before the commission: managing invasive species, water use, irrigation, coastal retreat. Other issues include: educating landscapers and educating homeowners and what kind of collaborative efforts can be undertaken with other boards to achieve the goals we set.

The commission decided to have Carolyn write up the answer to #1 – a brief description of the commission and primary responsibilities and then a commission subcommittee will discuss the key issues and challenges along with the goals to give to the full commission.

Sandy, Steve, Joan, Gary, and Candy will meet to come up with proposals and get back to the group. Sandy offered to chair.

In the past, pamphlets were created as educational outreach to homeowners and landscapers. Commission members will look for a copy of the pamphlet.

Without a quorum to approve the minutes, discussion of the minutes was deferred to a future meeting and the meeting was adjourned at 10:11 am.

Respectfully Submitted by Carolyn Stoeber  
Minutes to be approved at the 12/7/23 Conservation Commission Meeting