



Meeting Minutes - Chilmark Conservation Commission  
November 16, 2023 at 9 am via Zoom

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

Staff: Carolyn Stoeber

Public in attendance: James Clancy (Eversource), Amanda Houle (Tighe & Bond for Eversource), Val Locker (Tighe & Bond), Lucy Taylor (home owner), Robert Labaree (home owner), Reid Silva (VLS), Jack Taylor (home owner), Matthew Viens (Eversource)

The meeting was called to order at 9:00 am by Candy Shweder who then opened the public hearing.

Public Hearing - Notice of Intent SE12-919

Applicant: Up Island LLC

Address: 21 Squibnocket Rd (AP 35-24 & 46)

Project: Relocate an existing boardwalk, construct and maintain an extended boardwalk, ramp and new seasonal float to access Squibnocket Pond.

Site visit: November 13, 2023

Documents shared: aerial view of location, detail of the existing and proposed elevated walkway with the additional ramp and dock shown, sectional detail of ramp and float, photos from the site visit

Reid Silva showed the location of project from an aerial view and on the drawing detail of the project explained that the current dock extends onto Town property. Mr. Silva outlined the proposed walkway which would be rotated and extended, though due to the elevation of the walkway, it is not functional to access the water via canoe or kayak. Mr. Silva detailed the floating dock and the ramp on rollers as shown on a detail of the ramp and float. The float proposed is 5 x 12 ft, but Mr. Silva suggested it could be reduced to a 5 x 10 ft float. The commission inquired how the float and the pipes would be removed annually including any machinery to be used and the location for storage. Mr. Silva responded that Steve Ewing would pull the float and the pipes securing the float, tow the float with his boat to the town landing to load on a trailer and drive it up to the yard by the house for storage. The commission will require the annual removal of the float and pipes be conditioned in the Order of Conditions, if approved. The protrusion into the pond was questioned. The reason for maintaining the length of the ramp was to reach a depth that will keep the float at least a foot off the bottom of the pond. The ramp will need to overlap the float for stability. The commissioners asked about the depth of the float and Mr. Silva stated the float will extend into the water about 4 inches until weight is applied, then it would be as much as 8 inches. The steep path to the pond was discussed and Mr. Silva reviewed the installation of the locust logs as water bars in the previous permitting of the pathway and commissioners at the site visit commented that the pathway looked intact. Commissioners reminded the homeowners that fertilizer is not permitted at their property according to the Chilmark Bylaws. When the commission asked if a special permit was needed, Mr. Silva answered that no special permit was needed that he knew of since it was marine use. The commission then asked the homeowner how he would feel about 10 foot dock. Jack Taylor answered that the phragmites are pretty aggressive in that area and they have had an increase in the instance of cyanobacteria so he would prefer 12 feet. Article 12 was discussed and though the commission felt it was not in their purview, they questioned whether the floating dock with ramp is even allowed since the purpose was not for commercial fishing and decided the application must go before the Squibnocket Pond District



Advisory Committee and the Zoning Officer must decide if it should go to the Zoning Board of Appeals for a ruling on Article 12. Commissioners inquired if there is a pre-existing use. Mr. Silva responded that there is not a pre-existing use. Mr. Taylor concluded the public comments by thanking the commission and expressing his appreciation for their thoughtful deliberation. The commission thanked Mr. Taylor for attending, saying they like to have property owners attend the meetings.

**Action:** At 9:33 am motion was made, and seconded, to close the public hearing. Passed unanimously. Commissioners discussed the protection of the edge of the resource and ways to reduce scour while launching boats.

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

- Reducing the floating dock to 5' x 10';
- That the float and posts be removed each winter via the method described by Mr. Silva whereby the float is taken out of the pond via the town ramp;
- approve subject to any further approval if required under Section 12 of the town bylaws

Passed unanimously via roll call vote.

Ms. Shweder opened the hearing at 9:40 am.

Public Hearing - Notice of Intent SE12-918

Applicant: Regen Family Storks Nest LLC & David G. Stork

Address: 6 Storks Nest Lane (AP 35-27)

Project: Remove an existing licensed pier and construct and maintain a new pier to access Squibnocket Pond. Construct and maintain a kayak storage rack.

Site visit conducted: November 13, 2023

Documents shared: photos from the site visit, site plan

Mr. Silva relayed the background for the pier in place currently. In the mid-nineties the pier received an amnesty permit from the State, requiring a renewal after 30 years. Under the licensure program docks are allowed to have a 10% deviation from what was licensed and still maintain the original license. The owner would like to now get an order of conditions to repair and replace the pier and build a kayak rack perpendicular to the slope. Mr. Silva explained there would be clearing to install the kayak rack and mowing to maintain access, but that the roots holding the bank in place would be left in place. Four 2'x 4' stakes will be driven into the ground to secure the rack, but there will not be any digging. Commissioners asked if the cumulative work being done on the two structures discussed so far in the meeting would have any effect on the marsh between the two projects. Mr. Silva does not feel there will be any measurable impact on the marsh other than the ability to avoid walking through the marsh to launch boats at 21 Squibnocket Rd. The commissioners would like to see less ACQ lumber in the ponds and to reduce scouring in the wetlands due to kayak and boat launching. Mr. Silva assured the commission that all the lumber used will be a non-leachate lumber. Steve Ewing is the contractor for this project.

**Action:** At 9:55 am motion was made, and seconded, to close the public hearing. Passed unanimously.

**Action:** A motion was made, and seconded, to approve the request to maintain the pier with the usual conditions and:

- Any necessary pieces of wood for maintenance will be cut off site and brought down
- Only handheld tools are used
- Any refueling takes place outside the buffer zone



- that a 3-foot extension be approved
- that the area be cleaned up of all debris and wood that is not currently functional to the dock or the stairway
- that any wood used be non-leaching
- clearing only as minimally as is required to be able to build the kayak rack
- with perennial maintenance of clearing only as minimally as is required to access the kayak rack
- approve subject to any further approval if required under Section 12 of the town bylaws

Unanimously approved via roll call vote.

#### Request for Determination of Applicability

Applicant: Robert Labaree

Address: 78 Menemsha Inn Rd. (AP 21-36)

Project: Vegetable garden, fencing, irrigation abutting wetland.

Site visit conducted: November 13, 2023

Documents shared: site plan for a 2019 restoration, photos from the site visit

The area indicated on the site plan as the proposed garden site is an area to be mowed annually and to maintain a wet meadow as required in the restoration plan. Robert Labaree, the homeowner, described the area proposed for the vegetable garden, offering that since he will be spending the growing season now at this location, he is hoping to have an organic garden. The proposed site would require a fence, be irrigated by the house water rather than the stream, although the area tends to stay to stay moist, because it is so close to the stream which has been there for a very, very long time. Mr. Labaree described a similar garden on the neighboring property which a commissioner remembered the commission permitting. Commissioners inquired if the area of lawn on the other side of the stone wall from the proposed location might be considered. Mr. Labaree answered that this was the location they would like to consider first to benefit from the stream nearby. The commission informed Mr. Labaree that a 25-foot area of no clearing bordering a resource is typically required. Mr. Labaree felt the remaining garden area available in this location would be insufficient given the 25-foot setback and decided to consider another area and come back to the commission with another suggested area. Mr. Labaree also mentioned that he is looking to expand his solar use and will return to discuss land mounts for extending the solar capacity on the property.

#### Request for Determination of Applicability - Modification

Applicant: NSTAR Electric Company dba Eversource Energy

Address: from 45 Menemsha Crossroad to the intersection of Menemsha Crossroad and Middle Road

Project: installation of new electrical conduits and manholes connecting the existing Eversource facility to Beetlebung Corner. Modification moves most of the trenching outside of the roadway/asphalt to the sides of the road.

Site visit conducted: September 19, 2023

Documents shared: revised site plan showing new locations for trenching and sediment control

Amanda Houle described the change in approach to trenching and installing conduit and manhole covers on Menemsha Crossroad. Since the trenching will now be happening on the shoulder of the road, the conduit will have to cross the road to tie into the existing infrastructure. The commissioners asked if Eversource will drill or trench to cross the road. Matthew Viens replied that they would be trenching because drilling would encroach on private property. Commissioners encouraged Eversource to approach the town to achieve the



permissions needed. The commissioners asked how the project will accommodate the small creek crossing the road by the fire station and whether there will be any digging in the wetland. Ms. Houle replied that there is sufficient room in the dirt of the shoulder of the road to trench for the conduit on top of any culverts that aid stream crossings. Mr. Silva reminded everyone that there is a drainage trench along the side of the road and suggested the Eversource look at the elevations at the Fire Station, because there is an old stone culvert without a lot of elevation from the asphalt surface to the top of the stone culvert. The commissioners asked about the siltation barrier indicated by the magenta line on the revised site plan. Ms. Houle explained that the magenta line indicates a straw wattle. The commission inquired about the timeline in terms of weather events and groundwater. Mr. Viens answered that each of the four manholes will take 2-3 days and that the conduit can proceed at 50-75 feet per day in the shoulder starting on the station end, being backfilled almost immediately. Mr. Viens anticipates 50% of the project will be completed by the end of the year, if possible. Mr. Viens alerted the commission that since the project is pushing everything into the shoulder, the manholes because they are wider than the conduit being installed will require Eversource to cut a couple feet into the asphalt in order to set a trench box to allow the manholes to be set. Mr. Viens continued that restoration will be done in the spring by the town standards and limits will be set by the town, but probably be curb to curb restoration, and that they are committing to whatever is required for that restoration. The commission asked whether the straw wattles would remain for the winter, Ms. Houle recommends that course.

At 10:17am, Gary Mottau left the meeting.

At 10:31am, Candy Shweder appointed Jane Rabe a voting member of the commission.

Tighe & Bond will be on site to meet with the contractor, to oversee the proper installation and location of the wattles. Once documented, the project will be approved for work, and periodic inspections over the course of work will be conducted and Tighe & Bond will help coordinate any site restoration. The commissioners discussed a requirement to go back to the town highway department to be sure the culvert next to the fire house is dealt with properly.

**Action:** A motion was made, and seconded, to approve the modification as presented with the conditions already in place and a requirement to go back to the town highway department to ensure everything has been dealt with properly, especially regarding the culvert next to the fire station bays.

Passed unanimously via roll call vote (Jane Rabe voting, Gary Mottau not voting)

At 10:40 am, Ms. Shweder opened the public hearing.

Public Hearing – Request for Amendment

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

Address: 490 North Road (AP 27.1-213)

Project: Repair elevated slab area and existing pier foundations.

Site visit conducted: October 3, 2023

Documents shared: approved detail drawing of the retaining wall repair, detail drawing of the retaining wall repair as requested in the amendment

Mr. Silva explained the change to the project which involves using pre-fabricated blocks instead of forms and removing the cement apron to fill the void with compacted fill and then pour the concrete slab all at once, rather than drilling into the apron and pouring in stages as was originally proposed. The newly proposed



process is detailed on the plan dated 3/14/23. (The original proposal plan is dated 9/18/23.) The project timeline will be shortened using this method.

**Action:** At 10:46 am a motion was made, and seconded, to close the public hearing. Passed unanimously.

**Action:** A motion was made, and seconded, to amend the prior approval to authorize the new plan as presented.

Passed unanimously via roll call vote.

Certificate of Compliance SE12- 566

Applicant: G. Flanders

Address: 0 Tucker Trail (AP 33-57)

**Action:** A motion was made, and seconded, to approve the Certificate of Compliance.

Passed unanimously via roll call vote.

Planning Board survey question responses will be sent to the commission for individuals to respond to and Carolyn will incorporate suggestions.

The commission was not interested in pursuing any capital projects suggested by the Town Administrator.

The commission would like to experiment on the dunes in Menemsha to use lath from a snow fence installed perpendicular to the protective fence in the newly nourished dunes within the plantings to encourage the sand in the dunes. Photos before and after the project were requested. The project will be discussed at the next meeting in order to allow for public input.

The bylaw and regulation webinar that focused on climate change resilience, attended by many commissioners, was discussed and the information and resources mentioned in the webinar will be made available to the entire commission.

The meeting was adjourned at 11:10 am.

Respectfully submitted by Carolyn Stoeber