

Conservation Commission  
Zoom Minutes July 20, 2021 9:00 AM Town Hall  
FINAL

**Present for the Conservation Commission and attending the zoom call were:**

Chris Murphy, Chairman, Joan Malkin, Pam Goff, Sandy Broyard, Candy Shweder, Russell Maloney, Bob Hungerford, Doug West (alternate) and Kara Shemeth (staff).

**Also in attendance:** Reid Silva, Matt Tobin, Susan Greeley, Peter Darling, Scott Darling, Annie & Adam Howell, Ryan Rossi, Clark Goff, Tim Rich, Amanda Sawyer, Jeremy Bradshaw, Ben Retmier, Bill Rossi, Warren Doty, Tim Carroll  
ZOOM Meeting ID: 972 4531 0051

Mr Murphy opened the meeting at 9:00.

**Action:** The minutes from July 6, 2021 were approved unanimously by roll call vote

**Public Hearing - NOI (SE12-876) - Town of Chilmark – Menemsha Harbor Dredging**

Representative: Reid Silva, Vineyard Land Surveying & Engineering  
Address: Basin Road

Reid Silva presented the plans (dated 5/26/21) showing the proposed dredging areas in the harbor. Harbormaster Ryan Rossi explained that there have been permits in place to allow for maintenance dredging and these will renew and expand the existing dredging areas. Ryan and Reid went on to explain that the spoils would be used to nourish the beach between the jetties, as long as the sediment and water quality tests show that the spoils are compatible with the existing beach makeup. The dredging will be performed mechanically with a proposed volume of 3010 cubic yards of material to be removed.

There was discussion regarding the limiting nature of the two Time of Year (TOY) restrictions enforced by the MA Division on Marine Fisheries (DMF) regarding flounder and horseshoe crab spawning. These restrictions limit the available dredge timeline to August – January, which given the end of the summer season and the cold winter months, is a difficult window to work within according to Harbormaster Rossi. The Commission expressed openness to allow work outside the TOY restrictions if proper documentation from DMF was received approving such action.

**Action:** A motion was made to approve the project as presented with the following conditions:

- The soil compatibility report is to be on file with the Conservation Commission
- The contractor is to meet on site with the Conservation Agent prior to work commencing.

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- Notification is to be given to the Conservation Agent when work is scheduled to being.
- The applicant will provide the Conservation Commission with an appropriate alternate site for the dredge spoils if the spoils are not compatible with the primary site (between the jetties). Any secondary site will require Conservation Commission approval.
- Time of Year (TOY) restrictions will adhere to DMF approvals, any DMF TOY Waivers will be on file with the Conservation Commission prior to work commencing.

The motion was seconded and passed with all in favor via roll call vote.

### **Public Hearing - NOI (SE12-877) – Town of Chilmark – Fire/EMS Building**

Representative: Reid Silva, Vineyard Land Surveying & Engineering

Address: 399 & 401 Middle Road

Project: Construction of an EMS facility and rebuilding of the Chilmark Fire Station, project is within buffer zone and resource areas protected under the Wetlands Protection Act and the Chilmark Wetlands Protection Bylaw.

Reid Silva presented the plans (on file), specifically focusing on the proposed fire station. The construction of the fire station as presented will result in a 5' incursion of the limit of work into the wetlands for the duration of construction. This is due to the side of the finished fire station being situated 1' off the wetlands as delineated. Reid explained that this is a temporary disturbance that can be remedied once construction is finished and that the final building has a 4' frost wall and is slab on grade. The limit of work would be staked with a lathe fence with a 9" straw wattle at the bottom.

Reid felt that the storm water management plan included in the application addressed drainage concerns of the parking area. Bill Rossi stated that Billy Dylan (formerly of South Mountain) has been brought on as the Clerk of Works and has 30+ years of experience with construction and experience working near resources areas. The plan is that fill would be removed daily as it was unlikely, due to its composition, that it would be fit to use as backfill.

There was discussion regarding the close proximity to the wetlands and that the findings of a previous report from LEC were not taken into account in the current site proposal. Members of the building committee spoke to the 15 year attempt to purchase other properties to no avail. The committee acknowledges that the site is very tight and spoke to the many reductions that the fire station plan has gone through to get to this version.

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**Action:** A motion was made to continue the hearing until 9 am on August 17 to allow the LEC consultant time to review the application.

The motion was seconded and passed with all in favor via a roll call vote.

### **Discussion: 18 Greenhouse Lane (AP33- 32, 149 & possibly 31) – Unpermitted Clearing/ Cutting within resource areas and buffer zones**

The homeowners (Paul & Jody Darrow) hired Matt Tobin to do some brush cutting and clearing on their property at 18 Greenhouse Lane. (Note: the Conservation Commission has been told by 2 other landscapers that the homeowner asked them to do the work and they informed Mr. Darrow that he needed Conservation approval). Mr. Tobin understood there were some permissions regarding the work and there were in fact none. Brush cutting was done by Mr. Tobin very near, possibly in the wetlands to create some pull-offs for vehicles along the lane, and a larger area on the opposite side of the lane, both areas under Conservation jurisdiction. The work on the west side of the lane is work that is on AP33-149, property owned by the Darling Family.

Over the winter, Carlos Teles of Teles Landscaping, was doing repair work to the jute netting on the Darrow property and took it upon himself to continue the netting to connect to the jute netting on Natalie Conroy's property, explaining that he did not know there was a property in between the two (AP33-149).

**ACTION:** A motion was made to issue an enforcement order in which the applicant will provide a plan showing the violations areas, property lines and laying out a replanting plan of the impacted areas by 10/5/21. Upon receipt of the replanting plan, an implementation date of the plan will be set by the Conservation Commission. There is to be no more work done on the property until the replanting plan is received and the homeowners are to be sent a letter from the Chair expressing the seriousness of these violations.

The motion was seconded and passed with all in favor via a roll call vote.

### **Discussion: Cosutta Property (AP13-24 & 17)**

**ACTION:** A motion was made to allow Jeff Carlson to cut the 3' path as presented at the previous Conservation Commission meeting and to request that he return with a plan showing any resource areas within 100' of the area between Tower Lane and Middle Road that he proposes restoring to meadow. The motion was seconded and passed with all in favor via a roll call vote.

### **Discussion: Finnerty – Tea Lane and Blueberry Ridge Lane**

Reid Silva asked to discuss this property and get input as to the feasibility of the construction of a single family dwelling, septic system, and a driveway. The Commissioners looked over the plans and advised that the project wasn't insurmountable and a Notice of Intent would be considered.

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### **ADMINISTRATION**

The Commissioners asked Kara to contact Mark Manganello and discuss consulting on the Fire/EMS project and arrange a site visit.

With no further business to discuss the meeting was adjourned.

Respectfully submitted by Kara E. Shemeth, Board Administrator

Documents Shared at Meeting:

- *Site Plan in Chilmark, Mass. Prepared for Town of Chilmark (Dredge) - 5/26/21*
- *Conditions Site Plan Chilmark, Mass. Prepared for the Town of Chilmark – 6/24/21*
- *100% Design Development 2 December 2020 - Revised 7/13/21*
- *Proposed Fire Station- Revised 7/13/21*
- *Site Plan of Land in Chilmark, Mass. Prepared for Charles Finnerty April 23, 2021- Vineyard Land Surveying*
- *Photos – 18 Greenhouse Lane*