**GOSNOLD CONSERVATION COMMISSION**

**January 14, 2022
1:30 pm via Zoom**

Conservation Commission: David Warr, Chairman; Wyatt Garfield, Leo Roy, Michael Parker, Lisa Wright

Also in Attendance: Gail Blout; Brian Butler, Oxbow Associates; Alan Decker, Buzzards Bay Coalition; Tory Fletcher, Ariadne Environmental Consulting; Duane Lynch; Kate Parker, Mark Rasmussen, Buzzards Bay Coalition; Anne Rose; George Shaw; Reid Silva, Vineyard Land Surveying

The meeting was called to order by Chairman David Warr at 1:45 pm.

**1. Mel Dorr Guest House Construction**

David Warr informed the Commission that he had received a letter from Vineyard Land Surveying stating the understanding of the environmental restrictions in place for constructing the Dorr Guest House. Reid Silva confirmed that all equipment and material will arrive by land before April 1, 2022. After that date all equipment, materials and workers will arrive by water and travel from the pier straight up to the house.

Chairman Warr noted that before Duane Lynch requests a building permit he will need a sign off from the Board of Health and the fire chief that they have approved the project prior to beginning work.

Michael Parker stated that the Commission has prepared, signed and filed the Order of Conditions (OOC). He sincerely hopes that everyone on the island will comply with the restrictions of accessing the property by water but he does not feel there needs to be a change in the OOC. The OOC stipulates that the final Building Permit based on the final set of plans be submitted to the GCC before work is commenced. The reason for asking for the final set of construction plans is because the structure is being built in the Protected Resource Area (PRA) and the GCC members are responsible to know that what was proposed to be built is what is actually being built.

With the agreement of the GCC members Davis Warr signed the application for the construction project subject to the issuance of the OOC.

Michael Parker noted that the OOC has been filed with the DEP, the Town Clerk and sent to Vineyard Land Surveying. He will send a copy to Duane Lynch.

**2. Notice of Intent for an Underground Utility Installation Hearing**

At 1:57 pm Chairman Warr opened the hearing of a NOI filed by the Cuttyhunk 2008 Nominee Trust regarding an underground utility installation on property owned by the Trust. Tory Fletcher, Ariadne Environmental Consulting, presented to the GCC a description of the work that has been done to install an underground utility line from the Cuttyhunk Solar field to the residence owned by the Trust some of which is in a Protected Resource Area (PRA.) The work has been done and they wish it hadn’t been done before bringing it before the GCC but it appears not to be terribly bad and there are plans to tidy it up, replace what was altered and the area should regenerate quickly. In addition, there doesn’t seem to be any invasive species in the area.

Chairman Warr stated that this is not how things should happen. it makes it very difficult for the Commission to act on issues much less of an impact than this one and hope that this serves as a reminder of what shouldn’t be done. To the extent possible he hopes there is an effort made to restore the area damaged.

Wyatt Garfield asked if at the end of the runway did the line pierce the cap of the landfill? Tory Fletcher said the capped landfill was not affected.

Brian Butler responded to Michael Parker’s question that the aggregate length is 1750’ from the end of the airfield, 322’ actually transgresses wetlands.

Michael Parker stated that the same person one year ago dredged the pond on Cuttyhunk without filing a NOI. The GCC addressed this violation with him and essentially gave him a free pass requesting that he clean up the area disturbed, which he did. Then when asked to install a powerline, he, without filing a NOI, took a backhoe and pushed through the wetlands. He knew well that he needed a NOI to go through the wetlands with a backhoe. It was so wet in there that the backhoe got stuck and he needed more heavy equipment to extricate the backhoe. This was an intentional act to disregard the Conservation Statute and it should not get a free pass. The project proposal should be presented again and the best solution as to how this line should be put in should be determined. Alternatives such as putting two or three poles up to carry the line, which is the recommended method for wetlands or running the line under the road can then be considered. The blame for this does not fall to the landowner but to the person who went ahead with the work. Any NOI should include detailed instructions for how to restore the wetlands.

Leo Roy agreed with Mr. Parker that the person, acting as a private contractor, was responsible for the egregious error and should face consequences.

Brian Butler offered that as the vegetation is in its dormant season and there is no significant erosion. This area should recover in two seasons.

Duane Lynch recommended blocking both ends of the affected area while it recovers so that it doesn’t appear to be a path on which to travel.

*Leo Roy made a motion to issue an OOC on the project, reserving the right to consider issuing a fine against the contractor. Wyatt Garfield seconded the motion. All five GCC members present voted yes. The motion carried.*

Michael Parker asked that Chairman Warr designate someone to investigate the matter of fines so that the matter doesn’t languish. There must be some consequence for putting the Commission in the position of working on it after the fact and hard for the experts to deal with it as well. David Warr agreed and said that he would research it and report back to the Commission.

The Hearing was closed at 3:07 pm.

**3. Conservation Restrictions on the Spaulding Properties**

Mark Rasmussen presented that the Spaulding Family will permanently place Conservation Restrictions on 210 acres of their land on Cuttyhunk. A key part of conservation restrictions in Massachusetts is a requirement that the Conservation Commission certify that the lands have conservation value.

Alan Decker, Land Protector Director for Buzzards Bay Coalition, working with the Spaulding family to place two conservation restrictions (CR) over the majority of their land on the West End, reviewed the conservation restrictions proposed with the GCC. The role of the GCC is to attest to the conservation value as being protected by placement of the CR itself. In the information sent to the GCC there are two areas on the map designated Gosnold CR-9 and Gosnold CR-10. Gosnold CR-9: Massachusetts Environmental Species Act (MESA) acreage and Gosnold CR-10: the larger donated acreage.

The benefit of these restrictions are as follows:

* Significant habitat are protected,
* The State has designated the area as being in the “distinctive” category,
* They buffer and protect a drinking water site,
* The CR-10 protects 4.3 miles of shoreline,
* They support State land conservation policies and
* They support Town of Gosnold existing open space and recreation plans.

Mr. Decker requested the GCC vote to place these two CRs because of the Conservation Values being protected and to authorize the Chair of the GCC to sign the municipal certification which will then be presented to the Board of Selectmen for approval.

*Michael Parker made a motion for the Gosnold Conservation Commission to approve signing the municipal certification for Gosnold CR-9 and Gosnold CR-10 and authorize the Commission’s Chair to do so on behalf of the GCC. Leo Roy seconded the motion. All five GCC members present voted yes. The motion carried.*

**4. Permission to Replace Two Pilings in Cuttyhunk Pond**

John Rockwell filed an RDA requesting to replace 2 pilings (#12 and #31). Leo Roy noted that Rockwell’s pilings are licensed and they are in the basin. The GCC members present agreed that Chairman Warr could inform John Rockwell that the piling replacement can go forward.

**5. Approval of GCC Minutes**

*Leo Roy made a motion to accept the October 15, 2021 minutes. Lisa Wright seconded the motion. All five GCC members voted yes. The motion carried.*

*Michael Parker made a motion to accept the November 16, 2021 minutes as amended. Wyatt Garfield seconded the motion. Four GCC members voted in favor of the motion. There was one abstention due to the member not being present at the meeting. The motion carried.*

**6. New Business**

* Letter from D. Scott & Company
Scott family has contracted Don Lynch to replace 10 pilings and 48’ of decking to begin

sometime soon. Leo Roy suggested that the GCC ask the Scott’s to submit a copy of their Chapter 91 license for the pilings that are to be replaced. David Warr will send the Scott family a letter with that request.

Leo Roy suggested that in the future a request to replace a piling be submitted with a copy of the Chapter 91 license for that piling.

* Lisa Wright stated that we have received $4,500 Stewardship Funds from Mass Audubon for maintenance of the Copicut Neck property, trail clearing and trail maintenance.

**7. Old Business**

• Leo Roy asked if DMF had responded to the GCC’s Time of Year question. Michael Parker said he would follow up with the status of that and report back.

The meeting was adjourned at 3:51 pm.

Respectfully Submitted, Kate Parker