

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING

July 10, 2007

Present: Prudy Burt Chair, Judy Crawford, Tara Whiting, Pat Durfee, Peter Rodegast, and Maria McFarland

Also present for all or part of the meeting: Keith Gazaille of Aquatic Control Technology, Inc., Donna Gazaille, Dan Pace, Binnie Ravitch, Leslie Fields of the Woods Hole Group, Glenn Provost and Reid Silva of Vineyard Land Surveying & Engineering and Kris Horiuchi of Horiuchi Solien

Prudy Burt called the meeting to order at 5:05 P.M.

The minutes of the June 26, 2007 meeting were approved with corrections.

Map 32 Lots 105, 105.1, 122 and 133 the continuation of a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Aquatic Control Technology, Inc. on behalf of the owners of Parsonage Pond located off the West Tisbury Vineyard Haven Road for a limited project to remove nuisance emergent vegetation for the restoration and maintenance of open water habitat by means of mechanical Hydro-Raking.

Tara recused herself from this project, as she is the applicant and one of the property owners. Keith Gazielle presented the project. The riparian owners of the pond have contracted with ACT to develop a management program to reduce the cover of emergent growth and increase the open water area within the pond; essentially restoring the natural balance of emergent plant growth and open water habitat.

They are proposing to use a mechanical Hydro-rake, which is essentially a floating backhoe type of machine that is paddle wheel driven to facilitate access to shallow water up to 2 feet. It has a York rake on it, which rakes through the upper level of sediment and removes the plants and their root systems.

There are both areas of estimated and priority habitat on this site. The NHESP comment letter requires flagging of all areas of water-willow (*Decodon verticillatus*) as the project is within the habitat of the Water-willow Stem Borer (*Papaipema sulphurata*). Photographs of both pre and post Hydro-raking conditions to document that those areas of water-willow growth are left undisturbed. The dominant plant species to be removed is burr reed. There is a more diverse emergent zone at what appears to be the historic watermark.

The material will be removed and temporarily off loaded onto the bank, then moved to the buffer zone and finally trucked to a permanent upland disposal site. The spoils cannot be placed directly into a truck for removal, as the machine has no onboard storage so each rake full has to be deposited onto the bank in order for it to take another one. Keith estimated that the project would remove approximately 250 cubic yards and take 40 hours of work. Removal of the spoils is the responsibility of the property owner. Silt fencing or hay bales are not necessary as there is no down gradient water body to be concerned with.

Judy asked how much of the root system is actually taken up. Keith said they would leave some plants for habitat purposes. They anticipate that they will get about 90% of the plants.

Judy asked if there would be any signage to let people know what is going on. Keith said they could put up a sign describing the project in addition to the sign required by DEP.

Prudy noted that the project description recommends that the best way to ensure success of this project is to maintain the channel. Historically the Whitings have maintained the channel, which has been there for at least 90 years.

The DEP file number letter did not have any comments. The hearing was closed. Peter motioned to approve the project as presented. The motion was seconded. There being no further discussion, the motion carried. The Order was signed.

Conditions will be drafted and approved at the next meeting. They will include restoration of the field, storage of fuel and refueling of equipment, handling of materials taken from the pond and final disposal of the spoils off site. The requirements of the NHESP letter will be incorporated into the order. The field where the muck will sit will be restored to its original condition.

Map 1 Lot 50 - a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by the Woods Hole Group on behalf of John Sundin, Trustee of Beach Pebble Realty Trust for property located at 30 Beach Pebble Road for a project to re-establish vegetation on the face of a coastal bank.

Leslie Fields of Woods Hole Group was present for the property owner. The certified mail receipts were turned in as one of the abutters, Mr. Baylson called the office to say he hadn't received a notice but the receipt shows that it was signed for.

Leslie described the site and the site plan was reviewed. Her first visit was a year ago. There wasn't much vegetation on the bank but at the bottom of the bank there was quite a bit of beach grass and the slope was much more gradual. The surveyors (Schofield, Barbini & Hoehn) were out there in February and again in April and what is on the site plan are the conditions they found in February and April. On the site visit done on July 9th the site seems to have experienced a lot of erosion during the Patriots Day storm. Based on the measurements taken on July 9th the toe of the bank has receded back anywhere from ten to twelve feet in a year and the bank is a lot steeper. It is now steeper than 45° and is unstable. The Patriot Day storm was the nor'easter storm that opened the breach out at Katama. A soft solution project was designed based on conditions at the site last year.

Methods of access and the logistics of getting equipment down to the beach were discussed but the specifics still need to be worked out and a contractor hired.

It will be necessary to bring in sandy fill material similar to what the bank is composed in order to restore the contours of the bank. They won't be able to bring the toe out as far as it was but will bring it out about 8 feet to give the bank a 45° slope.

Prudy asked how that jived with the mean high water mark. Leslie replied that the toe would still be ten feet landward of high water. Closer than they would like. Jute netting will be placed on the bank, which will be planted with beach grass.

The work would be done in late fall, early winter or early spring when the beach grass could go in when it is dormant. It is estimated that the amount of fill needed is 600 cubic yards or 50-60 dump trucks full. The septic system as been located on the ground and is probably quite deep. A proposed access route is shown the site plan. It could be relocated if there is a concern about the septic system.

Because of the changed site conditions a discussion was had about how to stabilize the toe of the bank so that the work doesn't get washed away in the first storm. Leslie would like to have them build a cobble berm or placement of fiber rolls. The fiber rolls are stacked in a pyramid shape and anchored with stakes. They hold the toe of the slope and keep the waves that occur during an astronomical high tide and low energy storms keep those waves from eating away at the toe so that the fill they would put in can be kept from washing away and the beach grass can help to stabilize. Bigger storms will still cause some erosion even with a cobble berm or some other toe protection.

The impact of the remains of the wooden structure next to the revetment on the Berlin was discussed. The wooden structure is going to stay in place as it is on the Sundin property. It may or may not be having an impact.

Questions were asked about how the fiber rolls work and where the fill for the bank and the cobble would come from. The fiber rolls become submerged and are very heavy when they are wet so they don't move easily. The fill material for the bank could come from Keene's or Olsen's. One of the conditions in the order could be that samples of all materials to be used on site be provided to the Commission for approval prior to beginning the project.

Leslie told the board that the property is on the market and that she hasn't spoken with the family about revising the plan. She did not know if they plan to actually do the project or if they just want to have a permit in place as a tool for selling.

The board expressed its concern that the project as currently proposed doesn't address the most recent erosion so the site plan needs to be revised to show that the toe has changed. It was suggested that the applicant should decide if they want to revise the scope of the project.

Judy made a motion to continue the hearing to July 24th at 5:45 PM to give the applicant's representative an opportunity discuss a toe design with her client, to determine the method of access to the beach and to revise the plan to show the location of the toe when the project is complete. The motion was seconded and the vote in favor unanimous.

Peter thanked Leslie for bringing a soft solution proposal rather than a revetment. All agreed.

Map 6 Lots 7.2 and 8 - a public meeting under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Request for a Determination of Applicability** filed by Vineyard Land Surveying & Engineering on behalf of Harrowby Property Company, LTD & Milton Estates Ltd. owners of property located at 245 and 223 John Cottle Road. The application requests the confirmation of the boundaries of the bordering vegetated wetland and confirmation that the brook is an intermittent stream. On behalf of the applicant, Glenn Provost submitted a **letter of withdrawal** dated July 10, 2007.

Map 6 Lot 2 - a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by

Vineyard Land Surveying & Engineering, Inc. on behalf of Patricia M. White for property located at 145 Obed Daggett Road. The proposed project consists of the construction of a garage/guest house, installation of septic and utilities and landscaping. The proposed work is located within the Riverfront Area.

Glenn and Kris introduced the project. Glenn submitted a plan that shows both lots 2 and 2.1. The members reviewed the site plan which shows that about half the proposed structure is within the Riverfront Area. The parking is also within the Riverfront (the septic is not). Glen submitted a letter to serve as an alternatives analysis, which was read into the record. An alternatives analysis is required as the proposed alternation to the Riverfront Area is greater than 5, 000 feet.

Kris presented the landscape plan showing the limit of work line, disturbed areas and landscaping.

Peter suggested that the staking on the plan be verified and to have the corner of the parking area staked to see if the parking area could be resized.

After a lengthy discussion about the practical alternatives to this location it was determined that the property owner be asked to consider redesigning the parking area. Glenn and Kris were asked to consider moving the limit of work line closer to the proposed work.

Kris explained the reasoning behind her design and concerns about the height of the retaining wall. It was noted that the sage colored areas on the plan represents the areas intended to be replanted with native woody vegetation, not lawn.

Dan asked if it was possible to consider a smaller building and move it forward; take out one garage bay and move it up a little bit in order to keep out of the Riverfront Area. Glenn said his gut feeling was that this is the building they want.

July motioned to continue the hearing to July 24th at 6:00 PM to allow time for Glenn and Kris to verify building location and outer limit of work line, to discuss an alternative site with the property owners and to further stake the area for a follow up site visit on July 18th. The motion was seconded and the vote in favor unanimous.

Map 39 Lot 7 - a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc. on behalf of Comp Real Estate Trust for property located at 208 Middle Point Road **Map 39 Lot 7**. The proposed project consists of the excavation and construction of a 95-foot long riprap revetment wall for shoreline protection on a coastal bank.

Reid Silva presented the project. Jo-Ann Taylor of the MVC provided us with aerials of the site from various years from the 1970's. The revetment is shown on the plan in two cross sections. Section A is 4 feet tall and the bank tapers down to 2 ft to 1 ft. and Section B tapers down about 1 foot at the end of the wall. The revetment will be from the toe of the bank to the top of the bank and will be filled in behind the new stone with gravel. The bank will be shaved on top to get the slope to work with the boulders and revegetated with Rosa ragosa or some other type of plant. The pond elevations on the plan represent the shoreline at the time of survey. The construction would be done during a low pond period so that they wouldn't be working in the water. All the construction will be done with a mini excavator.

Prudy asked if there was a beach nourishment component to this project. When the water level goes down there is quite a beach there. No. They hadn't considered it.

Judy asked if we had heard from abutters. Yes. Tony Lewis called to ask who the property owner was but didn't voice an opinion.

Judy asked if the owner has considered moving the house back. Reid said he hadn't asked Mike about that. It isn't just a house issue, but also a property issue.

Peter asked why the revetment ends where it does Reid replied that it turns into beach. There isn't much bank to armor.

Peter noted that it is good that the new work ends before the property line. Peter suggested it be half as long so that the end affect happens on his property and not affect down drift property. If the length were shortened it would protect the house.

The history of the original revetment was reviewed. The original structure was built in 1985-86 under an emergency certification. An order of conditions was issued but it was deemed to be invalid by DEP. A valid order was never issued so technically the structure is illegal. Maria spoke to Margo Clerkin; DEP circuit rider who offered that the board's options would be to require the applicant to take out the structure or not to approve a replacement if this one was damaged in a storm. The commission briefly discussed how to handle this issue but not action was taken.

Maria read the file number letter into the record. The applicant must demonstrate that the project is compliant with 310 CMR 10.27 Coastal Beaches and 310 CMR 10.30 Coastal Bank. The house was built before 1978. The applicant needs to consider "soft" solution alternatives. Any sediment used must be grain size compatible with the coastal beach. Plantings should be native species that will maintain the stability of the bank and the FEMA flood zones should be located on the plan. The Commission requested that the plan be stamped by a PRE.

There were no further questions from the board. We are still waiting for a letter from NHESP as this project is in both estimated and priority habitat. Reid will update the plan as requested and will discuss shortening the length of the structure and doing a soft solution with the property owner. A motion was made and seconded to continue the hearing to August 14th at 5:10 PM. All in favor.

Old Business

Map 6 Lots 2 and 2.1. Rattner/ White – Dan Gilmore of DEP will be coming down for a site visit on August 9th at 10:00 AM for Certificates of Compliance on the two Superceding Orders of Conditions issued by DEP for the brush cutting projects on these lots.

Administrative

New Member: Binne Ravitch was present to talk with the Commission about becoming a member. A decision was tabled to the next meeting.

There being no further business on the agenda, the meeting adjourned at 7:10 P.M.

Respectfully submitted, Maria McFarland Board Administrator APPROVED