

WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING

February 26, 2008

Present: Prudy Burt Chair, Hadden Blair, Judy Crawford, Binnie Ravitch, Peter Rodegast, Tara Whiting and Maria McFarland

Absent: Dan Pace

Also present for all or part of the meeting: Matthew Ray, Esq. Amy Kwesell, Esq. Leslie Fields and Brian Caufield of the Woods Hole Group, Kris Horiuchi, Doug Hoehn of SB&H, Nate Davis of TTOR, Richard and Lee Dubin, and George Sourati

Prudy Burt called the meeting to order at 5:00 P.M. This meeting was tape recorded.

The minutes of the February 12, 2008 were reviewed. A motion was made and seconded to accept the minutes as revised. All in favor.

Map 1 Lot 50 - reopen a continued 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 **revised 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 stabilize an eroding coastal bank by installing a low profile rip-rap revetment along the toe of a coastal bank , and to re-grade and re-vegetate the upper face of the bank.

A site visit was held earlier today. Steve McKenna of Coastal Zone Management attended. He will be submitting his observations and comments in writing to the board.

For the record, Peter, Prudy, Judy and Tara were present for the two previous sessions of the public hearing on this project.

Leslie Fields and Brian Caufield were present on behalf of the Sundin family. The first proposal for this property was a soft solution. Due to the erosion caused by the so called Patriots Day storm in April 2007 it was necessary to redesign the project. On July 24, 2007 this hearing was continued indefinitely. On February 10, 2008 a revised NOI and plan was submitted; abutters were renotified and a new legal ad was placed in the in the newspaper and posted in town hall.

The revised project calls for a 20 ft. long rock revetment to start near the existing wooden bulkhead and ending 30 ft. from the opposite property line. Leslie gave the details of the new plan.

Equipment access to the beach will be via a ramp built across the face of the bank at a low spot on the bank. Some trees will have to be removed. Equipment will be brought off the beach each day. Equipment and materials will be stored the yard in an area delineated by silt fencing. The existing stairway will be removed and replaced in kind. Leslie was asked to add a section to the construction sequencing document for access for on going beach nourishment post construction.

The current plan calls for beach nourishment to be provided based on 220 cubic yards of sand which is what Leslie has calculated the bank would provide as a sediment source for a 10 year period.

To arrive at this amount of the sand the average annual erosion rate from the Coastal Zone Management change rate maps was extrapolated over a 10 year period and multiplied by the surface area of the bank to be armored by the rocks. As suggested by Steve McKenna at the site visit, Leslie will recalculate this number using the full height of the bank. The area where the toe stones will be placed will be excavated and that sand will be used on the beach. That amount of sand was not included in the calculations.

At the site visit, Steve McKenna of CZM suggested that the applicant propose a trigger mechanism for post construction beach nourishment that will involve some elevation of the beach. Leslie will come back with a recommendation.

A discussion took place regarding connecting the proposed revetment to the Berlin revetment. Currently there is a section of bank that straddles the lot line between these properties where a small section of the original wooden bulkhead once located on the Berlin property. Leslie said that they have encouraged both parties to allow the structures to be connected. Mr. Berlin does not want the Sundin project to come up to the property line and the Sundins may not want to pay for a revetment on the Berlin property. If it can be done, the plan will have to be revised again.

Leslie will prepare and submit a revegetation plan for the top of the bank and a plan for future maintenance of the beach. .

Public Comment:

Amy Kwesell attorney for abutter Burgess Berlin asked that the plan be updated to include the date that Schofield, Barbini and Hoehn updated the site conditions. Ms. Kwesell said that she is will be doing some title research to determine who owns the beach in front of the Sundin property and will work with the Woods Hole Group on this issue. Mr. Berlin would like to know what will be required for landscaping. Sterling Wall, consultant for Mr. Berlin will also be submitting something for the record.

Matthew Ray attorney for abutters Moeller and Baylson said he had no comments at this time He did ask the Woods Hole Group if they thought the existence of the Berlin revetment had any impact on the Sundin property during the Patriots Day storm. He also asked if it is possible to taper the end of the revetment. Leslie responded that it was not their feeling that the Berlin revetment did exacerbate the Sundin issue. They did not notice any impact on Sundin until 2007.

With the consent of the applicant's representative a motion was made and seconded to continue the public hearing on this matter to Wednesday April 9th at 5:35 PM. All in favor.

Map 38 Lot 8 a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Notice of Intent** filed by Schofield, Barbini & Hoehn Inc. on behalf of Bagehot Backs LLC for property located at 55 Oyster Watcha Road owned by Peter deRoeth. The project consists of selective view clearing and tree removal within the Buffer Zone of a Bordering Vegetated Wetland.

Doug Hoehn submitted a letter requesting a waiver from the provision of the Bylaw concerning work in the first 25 feet of the Buffer Zone. Kris Horiuchi submitted a written project narrative. She also submitted a revised plan which shows that the main house has been rotated to slightly further away from the resource area. Work within the 100ft buffer work proposed work is shown

by triangles on the plan. Kris outlined the proposed work. 18 trees have been flagged to be removed.

Kris described the clearing to be done within 25 feet of the wetland. In the upper view channel 4 trees to be removed are within the first 25 ft. There are 8 trees in total. Work proposed between 25 and 100 feet within the buffer includes selective removal of remaining trees that were flagged to remove dead or fallen material and to prune dead material. They are proposing to maintain the existing understory to a height of 4 feet between 25' and 100' of the buffer zone. All of the proposed work will be done by hand. All construction related work associated with the house will be outside the limit of work area.

Judy asked about the second partial path. Kris said they could limit their access to the shore via one path.

Prudy asked Kris to confirm that they are planning to maintain all the existing understory vegetation between 25 and 100 ft not to exceed 4 feet. It is unclear if this is within the whole buffer zone or just in the area of the view channels. Kris was asked to document the area the applicant is proposing to keep clear and maintain on the plan. Kris said they do not intend to brush cut the buffer zone.

The applicants were reminded that the Commission does not approve view shed clearing before the house is built. Kris and Doug were asked to consider limbing trees rather than cutting trees down. Of major concern is the impact of night lights on habitat with this much clearing.

Doug explained that the buyer of this property is not asking to do this work before the house is built but they are looking for approval to do something once the house is up.

Prudy noted that the Commission will not entertain the wholesale clearing of 80% of the buffer zone.

Asked if this project needed Planning Board approval Doug informed the board that they have already been to the Planning Board for site plan review where this lot was determined to have a wooded landscape.

Kris was asked to revise the plan to show the extent of clearing the understory and to look at a couple of zones for pruning. Kris described what they are trying to achieve with this clearing to be a filtered view.

In the absence of a comment letter from NHESP the hearing needs to be continued. With the consent of the applicant's representatives a motion was made and seconded to continue the hearing on this matter to March 11th at 5:20 PM All in favor.

Map 42 Lot 1 a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Notice of Intent** filed by the Trustees of Reservations owners of property located at 330 Long Point Road. The project consists of the restoration of 3 historical duck blinds at the edge of a Bordering Vegetated Wetland. Nate Davis was present for the Trustees. NHESP has signed off on this project. After a brief discussion and with the approval of the applicant, a motion was made and seconded to continue the hearing to March 11th at 5:40 PM as the DEP has yet to issue a file number. All in favor.

Map 1 Lot 33 a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations on a **Notice of Intent** filed by Sourati Engineering Group, Inc. on behalf of Richard & Lee Dubin owners of property located at 94 Norton Farm Road. The project consists of the construction of a single family dwelling with detached garage, septic system, well, driveway and associated site work and the construction of a 40 ft. single span steel bridge to cross a perennial stream and wetlands for access to the house. This work will take place in the Riverfront Area and in the Buffer Zone to a Bordering Vegetated Wetland.

The total Riverfront Area on this property is 233,000sq ft. The total proposed alteration is 22,900 ft. Within the first 100' the proposed alteration is 7,700 sq. ft. and 15,200 sq. ft. in the second 100'.

George Sourati and Dick Dubin reviewed the proposed plan. The only access for this property is over a perennial stream. George presented a revised plan showing updated wetland flagging which includes the wetland behind the house. Rusty Walton and Doug Cooper have each done flagging at this site. Rusty's flags are more restrictive so Rusty's flagging is shown on the plan.

George went over the plan to show the board which elements of the project are within the board's jurisdiction. The leach field is within the second 100 feet of the Riverfront Area. The septic system is in compliance with the BOH regulations.

The bridge which has been previously approved by the Commission is in the same location as originally proposed by the prior owner. The house has been placed to have a second story water view and is located in the second 50 ft of the buffer zone to the Bordering vegetated wetland behind the house on Assessors' Map 1 Lot 29.

The detail of the bridge construction was reviewed. The design meets the Army Corp of Engineers Stream Crossing Guidelines. In order to avoid having to do replication, sheet piling will be used to keep the wetland undisturbed. A discussion took place on the logistics of the excavation and pouring of concrete for the bridge abutments without damage to the wetland. The applicant needs to submit a more detailed proposal for this.

The alternatives analysis was reviewed. It does not provide enough detail. Dick Dubin spoke to the issue of alternative access. The Land Bank can't grant easements without an Act of the Legislature and he doesn't have a right to use Brickworks Road which is a private way. We reviewed the 1954 plan which created these lots and shows the extension of Norton Farm Road. The road association will take over the road once it is built.

Dick will revise the alternatives analysis letter to include these reasons for not having an alternative means of access. Abutter Will Runyans letter was accepted for the record. Dick said he would address Mr. Runyan's concerns.

Tara asked if the bridge will be light penetrable. There will be a minimum of 28 inches above the stream.

The applicant need to submit a written description of mitigation measures, a construction sequencing schedule and a more detailed alternatives analysis as well as a more detailed project narrative and a landscaping plan.

A discussion then took place concerning road repairs under the original Order of Conditions. Before we can issue a Certificate of Compliance on the old order, all matters must be addressed.

With the applicant's consent a motion was and seconded to continue the hearing to March 11th at 5:55 PM. All in favor.

Map 11 Lot 82. 1 Conservation Restriction Bennett/ Land Bank A new plan was received today. Derrill Bazzey will come in on March 11th. The matter was tabled.

New Business

Map 10 Lot 199. 8 Notice of Planning Board hearing on a project in Greenlands Water Resource Protection District. Members received copies of the application for their review. Maria was instructed to prepare a letter outlining the members concerns.

Administrative

Maria and Hadden will be attending the MACC Annual Conference at Holy Cross College in Worcester on March 1st.

There being no further business on the agenda, the meeting adjourned at 6:50 P.M.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED