

**WEST TISBURY CONSERVATION COMMISSION
MINUTES OF MEETING**

February 9, 2010

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

Also present for all or part of the meeting: Joe Famely, Tara Marden, Wes Edens and Chris Egan

Prudy Burt called the meeting to order at 5:00 P.M.

A motion was made and seconded to approve the minutes of the January 26, 2010 meeting as corrected. All in favor. Hadden abstained.

Map 39 Lot 11/SE79-296: 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 the Woods Hole Group on behalf of Endofthedirtroad LLC for property owned by Endofthedirtroad LLC located at 234 Middle Point Road. The proposed project includes the installation of approximately 255 feet of sloping low-profile rock revetment along the eastern shoreline of the Tisbury Great Pond, together with the routine maintenance of the revetment, in order to stabilize an eroding coastal bank. Work will take place on a coastal beach, coastal bank, coastal dune, land subject to coastal storm flowage and in the buffer zone. Construction access will be over the buffer zone, considered a resource area under the West Tisbury Wetlands Protection Bylaw. [An audiotape of this hearing is available for review.]

The hearing was reopened. Woods Hole Group has submitted the following documents and plans:

- Project plan revised to 2-3-10
- Survey Plan by Vineyard Land Surveying dated January 29, 2010
- Undated Alternatives Analysis
- NOI Performance Standards Compliance Narrative (revised 2/4/10)
- Opinion of Rackemann, Sawyer & Brewster dated February 4, 2010
- Letter from Tara Marden of Woods Hole Group dated February 5, 2010
- Pictures of the type of stairs proposed to be constructed

Tara presented the changes she has made to the project plan.

- Length of the Revetment: The original NOI states that the proposed revetment would be 255 feet. Tara Marden said that it wasn't ever 255 feet and that it is currently 215 feet long. The revised project documents and plan notes say that the revetment is 230 feet. When measured the current version of the plan shows that it is 220 feet.

Prudy asked about shortening the revetment just to protect the house. The house is 100 feet long. Tara Marden replied that it could be shortened to 150 feet to stabilize the bank in front of the house but the rest of the bank would continue to erode causing loss of property. The rate of erosion at this site is two feet a year on average since 1988. Erosion rates are based on on the ground surveys. Tara stated that the revetment mimics the top of the bank. It was noted that the plan shows that the top of the revetment is higher than the top of the bank.

The use of fiber rolls at the ends of the revetment was discussed. Tara reminded that Coastal Zone management's letter says that fiber rolls will not work at this site. The revetment extends 30 or 40 feet beyond the house so that it could wrap the end. End effect erosion will be on the Eden property.

Tara was asked to revise the plan and documents to accurately state the length of the revetment and to make the revetment as small as it needs to be to protect the house.

- **Construction Access:** The construction access has been moved out of the buffer zone and down onto the beach. The only place the construction access comes through the buffer zone is over the driveway. The buffer zone has eroded back to the driveway. The revetment will be placed right along the face of the existing coastal bank. No work is planned on the top of the bank. No plants or trees, just the area overhanging will be cut back.

It goes from the driveway down the beach to the southern terminus of where the revetment is proposed. The Narrative says the access is 120 ft but looking at the plan it appears to be about 400 feet long.

The same construction access would be used for future beach nourishment. Fifty cubic yards of sand would be placed on the beach by a front end loader on an annual basis.

Tara Marden was asked to make the details of the construction access and process clear in the project description.

- **Alternatives Analysis:** The alternatives discussed include doing nothing, frequent bank restoration through sand replenishment, coir fiber rolls, relocation of the existing dwelling and rock revetment with annual beach nourishment. None of the proposed alternatives have been tried in the field.
- **Performance Standards:** Members reviewed the letter from Rackemann Sawyer which discusses whether the language at Section IX.C. 1 of the Town's wetlands bylaw pertains to this property. Tara Marden said the applicant may request that the Commission get a legal opinion from Town Counsel. [No action was taken.]

Under the regulations the Commission is obliged to protect the structure not the property. Revetments approved in the past have been cases where the house was in imminent danger.

The water quality of Middle Point Cove was discussed. Tara explained that she put dredging the cove into the proposal in case the Commission was looking for mitigation for the revetment. Tara was questioned on where the information was coming from to support the statement that there are water quality issues as there is no water quality testing data available. Tara said she had a conversation with the Edgartown Shellfish constable. Prudy pointed out that the pond is part of the Mass Estuaries Project, and has also had testing by the MVC, but that the study has not been issued. It was noted that photos from the 1940's forward show that the sand spit has always been there.

- **Stairs:** The staircase would be replaced with new stairs built right into the front face of the revetment. A note has been added to the plan.

- Survey Plan: The Vineyard Land Surveying plan was revised to show the building envelope, zoning setbacks and resource areas. When asked why the coastal dune was not delineated, Tara Marden said that according to Reid there is no dune; it is cord grass and salt marsh grass. The project site is 50 to 60- feet from the coastal dune. The Commission questioned whether Reid was qualified to make such a determination.

Vineyard Land Surveying will locate the 10 year flood elevation and 100 flood zone boundary on the survey plan. It was noted that there are new FEMA flood maps for West Tisbury that are to be effective July 6, 2010.

- Project Plan: The project plan notes will be updated accordingly. Note 23 should be changed reflect that the pond is opened when the elevation is at 5 NGVD rather than seasonally. A note will be added that on that the entire property is within the 100 year flood plain.
- Project Description; Tara Marden was asked to submit a revised project description that outlines the project in writing even though it is shown on the plan.

Public Comment:

Written public testimony dated February 8, 2010 from Chris Egan of TTOR, abutter to the project, was read into the record. Chris answered questions on the conservation restriction. He clarified that the restriction is a conservation covenant or a deed restriction. In part, it doesn't allow modification of vegetation for construction access. Any removal of vegetation requires written permission from TTOR. The covenant starts at the shoreline and goes inland 100 feet. There is no specific language regarding the coastal bank.

Discussion of the conservation covenants are between the Trustees and the property owners.

Chris Egan suggested that the pond might be opened more often when the pond elevation reaches 4 ft NGVD instead of 5 ft. NGVD.

The property owner, Wes Edens said he was aware of the conservation covenant. He wants the revetment to be the least intrusive. He understands that this revetment would not protect the property in the event of a 100 year storm event.

Stan Humphries, the consultant will issue his report before the next hearing.

A motion was made and seconded to continue the public hearing on this project to February 23rd at 5:10 PM. Prudy, Judy, Dan and Hadden voted in favor. Peter and Tara abstained. (Binnie left before the vote was taken as she is not eligible to vote on this project.) Joanie did not vote as there was a quorum of eligible members present.

Old Business

Map 32 Lot 101.2/SE 79-297/ 1002 State Road: Members reviewed and revised the draft special conditions. A motion was made and seconded to approve the special conditions. Judy, Dan, Prudy, and Tara voted in favor. Hadden abstained.

Map 3 Lot 2.1/Sutula/ Tree cutting: Maria reported that the letter to the Sutula's went out in the mail. No response yet. The deadline is February 26th.

Administrative:

Map 32 Lot 101.2/SMF/SE79-262/ Request for Certificate of Compliance: A motion was made to approve this Certificate of Compliance. There are no ongoing conditions. Seconded and voted unanimously.

Bills:

- **MAP 39 Lot 11/** Consultant/ LEC Environmental Consultants, Inc. invoice #13130 dated in the amount of \$1, 529.60
- Open Space Plan: Survey Monkey bill.

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

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED