

**WEST TISBURY CONSERVATION COMMISSION  
MINUTES OF MEETING**

February 23, 2010

**Present:** Prudy Burt Chair, Joanie Ames, 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:** Tara Marden, Sarah Lund, Kent Healy, Chris Egan, George Sourati, John Hoff and John Early

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

A motion was made and seconded to approve the minutes of the February 9, 2010 meeting as corrected. All in favor.

**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.

[NOTE: The minutes of this public hearing are general in nature. For more specific detail 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 2-22-10
- Notice of Intent application revised 2/17/2010
- Project description revised 2/17/2010
- Alternatives Analysis revised 2/17/2010
- NOI Performance Standards Compliance Narrative revised 2/4/10)
- Letter from Tara Marden of Woods Hole Group dated February 23, 2010 in response to the letter from LEC

Other documents submitted for the record:

- The Trustees of Reservations submitted a letter dated February 23, 2010 in opposition to the project
- The report of Stan Humphries of LEC Environmental Consultants dated February 16, 2010

**Issues discussed:**

- Why the length of the revetment had not been reduced as discussed at meeting on 2/9/10
- What is the absolute minimum length required to protect the existing house.
- Engineering data
- LEC Report
- Beach Nourishment
- No adverse effect
- Source of sediment supply
- Access
- Pond Elevations
- TTOR site visit/Chris Egan and Tara Marden
- Would TTOR permit the path to be relocated in order to shorten revetment

**Discussion:**

Tara presented the changes she has made to the project plan and plan notes. All of the documents have been revised to show a new proposed length of 220 feet. The Commission had expected to see a revision of the length to approximately 170-175 feet but Tara said that not being able to relocate the path kept the length at 220 feet.

The project description was revised to provide more detail on construction access, beach nourishment and monitoring. The monitoring plan for beach nourishment includes annual topographic beach profiles, post storm site visits, meetings with the Commission, annual site inspections to see if the revetment is having any end effect erosion, annual meeting with TTOR to discuss annual beach nourishment.

Prudy asked Tara Marden if this was as short as the revetment can be in order to protect the structure. Tara responded that it was up for negotiation. Prudy asked again if this is the plan right now. Tara said it was; she didn't want to guess what the Commission wanted. Prudy told Tara that the expectation was that she would be coming in tonight with it reduced to something less than 220ft. Tara Marden added that it could be shortened to about 175 feet if we keep the existing pathway.

A lengthy discussion was had concerning the recommendations in the Coastal Zone Management letter and LEC letters. CZM and LEC agree that the length could be reduced significantly to protect the structure.

Tara's response to the LEC report focused on the comments of Coastal Zone Management with regard to the use of fiber rolls as a feasible alternative. While Steve McKenna agreed with Tara that a soft solution such as fiber rolls was not appropriate for this site, his letter also stated that in order to minimize the end effects of the structure a small transition of coir logs might be considered.

The LEC report points out that the project documents suggest that the primary intent is to protect the property. The house is currently approximately 85 feet from the top of the bank and the erosion rate is 2 feet a year. There appears to be adequate time and perhaps other future methods as well to protect the building(s) other than a permanent revetment at this time.

The members discussed the two performances standards outlined in the LEC report; under the State regs that the revetment be permitted to protect existing buildings and under the local bylaw that there be no adverse effect on the use of the bank as a sediment source.

Tara Marden was asked why the length of the revetment had not been reduced as was discussed at the last meeting. Tara responded that she had done the research and that, “we can reduce it to 170. We are comfortable with it from an engineering standpoint”... It is something that the client needs to decide if you are willing to entertain this then they have to decide if that is what they want to do, but I’m telling you from an engineering perspective that we are comfortable with that.”

Tara Whiting and Binnie both stated that they had expected to see a shorter revetment.

Hadden spoke in favor of the project. He wouldn’t make them demonstrate the alternatives in the field. In term of protecting the house; it is subjective. We don’t have a standard such as the beach has to be within 50 ft. He is glad that the structure can be shortened. The negative effect to Long Point of Middle Cove is speculative at best. He likes that there isn’t much damage to the bank; that access of equipment over the top of the bank that Tara can bridge. He doesn’t have anything that would prevent him from approving with significant conditions at 170 or 175 feet. He added that he would love to see how they [the engineers] see that the 170-175 ft is necessary.

Members discussed whether the hearing should be closed and a vote taken on approving a revetment that is 220 feet long. It was agreed that the applicant could have one more time to come in with a plan showing the absolute minimum length needed to protect the structure and to bring the engineering data that supports that length and to demonstrate that she has met the performance standard that there is no adverse effect.

**Public Comment:**

Kent Healy (Civil Engineer and a Tisbury Great Pond Commissioner): Kent explained the pond elevations. The project plan shows mean low water and mean high water. The plan shows that the beach is 230 feet wide. According to our knowledge, the beach is never more than 30 feet wide. The topographic information comes from Vineyard Land Surveying. Note # 22 on the project plan refers to open Atlantic Ocean conditions. The question is what are the high and low water elevations in the pond? Relative to the 1929 NGVD datum, the pond is generally opened to the ocean when the pond is at +5 NGVD. In 1994 it was +6, after Hurricane Bob was +9. During the 1938 Hurricane it was about +12. The reason they keep the pond closed until it gets so high is to make sure there is enough head to keep a channel open for flushing. Under an act of legislature (1904) the riparian owners have the right to drain the low levels around the pond.

Chris Egan: The Trustees are opposed to this project for the reasons stated in their letter.

John Early identified himself as the contractor of the house on this property and the Edens property management contractor. He spoke in favor of the project.

At the request of the applicant’s representative, a motion was made and seconded to continue the public hearing on this project to March 9th at 4:30 PM. Prudy, Judy, Dan and Hadden voted in favor. Peter, Binnie and Tara abstained. Joanie did not vote as there was a quorum of eligible members present.

## **Old Business**

**Map 3 Lot 2.1/Sutula/ Tree cutting:** Maria reported that an e-mail came in from Mrs. Sutula saying they had been abroad on vacation and didn't receive the letter until February 8<sup>th</sup>. Mr. Sutula will meet with Doug Cooper on February 26<sup>th</sup> for the wetlands flagging.

**Map 6 Lot 6/ SE79-294/Ziff/** revisions to project plan including, well, septic, drainage and landscaping. (George Sourati, John Early and John Hoff)

Letter from Sourati Engineering dated February 22, 2010 requesting approval of revisions to project plan including adding landscaping, relocating the well outside the buffer zone which will require trenching a water line from the new well to the cottage, and relocating the septic tank and pump chamber out of the 50 feet setback from the top of the bank and outside the first 50 feet of the buffer zone. The Order said no new landscaping was proposed or approved.

George updated the members on the difficulty of finding water in the proposed location. The exiting well has been used during the cottage renovation but will now be filled in and abandoned. They plan to dig the trench from the new well to the cottage using directional drilling.

Drainage and landscaping: The existing driveway will be pushed slightly towards the top of the bank. The radius of the current driveway makes it difficult to turn and it is visually too close to the cottage. No trees will be removed to relocate the driveway. The new location is 26 feet from the top of bank. They need to take a couple of feet of brush.

There will be some gentle re-grading between the driveway and the cottage. A non leaching catch basin connected to a draining catch basin has been added to the plan.

Landscaping: Two cedar trees will be relocated, native grasses and no mow fescue will be used under the canopy of the trees within the previous approved limit of work area. Under the State regulations, painting native species of trees and shrubs are exempt activities. The plants are coming from Paul's Point. Fertilizing must be done in accordance with the special condition on this. They will overseed the lawn so that there will be no soil disturbance. There is no plan to install irrigation.

The method used to dig the trench will be depending on whether or not they find any subsurface boulders.

A motion was made and seconded to accept the changes to the project as shown on the plan as they do not require reopening the hearing because no new conditions are required. A letter will be sent with the details of this approval. All in favor.

### **Administrative:**

There being no further business on the agenda, the meeting adjourned at 6:40 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED