

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING

June 25, 2013

Present: Peter Rodegast, Chair, Prudy Burt, Whit Griswold and Binnie Ravitch

Absent: Tom Della Rocco, Nate Morgan and Tara Whiting

Also present for all or part of the meeting: Reid Silva and Elaine Florio

The meeting was opened at 5:05 P.M.

Minutes: A motion was made and seconded to approve the minutes of the May 28th meeting as amended. The vote was 4-0-0. No meeting was held on June 11th.

Public Hearings/Meetings:

Map 39 Lot 10/SE79-338: 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 ENDOFTHEDIRTRoad, LLC, owner of property located at 225 Middle Point Road. The project consists of site work to install, vegetate and maintain a coir fiber envelope coastal engineered structure on the face of a coastal bank on Tisbury Great Pond and to provide beach nourishment. Resource Areas: Coastal Beach, Bank, Land Subject to Coastal Storm Flowage, Buffer Zone See 310 CMR 10.24, 10.27, 10.30. Sections IV, VI, IX and XIII of the Bylaw.

Reid Silva began by asking for a continuance of this public hearing to a date when more members would be present. A motion was made and seconded to continue the public hearing on this matter without taking testimony.

Discussion: Whit said he would be away on July 9th. It was noted that there was no guarantee that members who were absent tonight would be present on the 9th. The Chair asked Elaine Florio, Eden's project manager, if continuing the public hearing without presenting the project was acceptable to her. She asked for a moment to speak to Reid out in the hall. The hearing was recessed while Reid and Elaine conferred.

The hearing was restarted and Reid asked to withdraw his request for a continuance and presented the project. Motion withdrawn.

The applicant seeks to install shoreline protection on a coastal bank for a length of 95 feet. Any part of the bank that is vegetated at the time of installation of the project will not be disturbed. There is approximately 40-50 feet of disturbed/eroded coastal bank at the site at this time. The actual length of the installation would be determined prior to construction.

It was noted that "soft solutions" such as the coir envelope and beach nourishment being proposed is not considered a coastal engineering structure under the Wetlands Protection Act. This was verified by the DEP circuit Rider Mark Bartow.

Reid described the process used to create the coir envelopes. There would be three envelopes. Sand excavated from the face of the bank to adjust the slope would be used to fill the envelopes. They would not be anchored. The pressure of the envelopes weighs down the one below it. The face of the envelopes would be covered with like-kind sand of the same grain size and color. Vegetation would be planted on the face of the envelopes. The project plan identifies the plants to be used. Reid said he based the proposed plant list on an old report prepared by Rusty Walton. (This report identified the vegetation located on the adjacent Pease property.) Additional sand for beach nourishment would come from an outside source.

The following issues were discussed:

- Removal of excess fill from the site. This would not be acceptable. All sand removed from the bank would need to be used either in the envelopes or as part of the beach nourishment. Discussion centered on sand sources, the need for a grain size analysis and the submittal of a sample to the Commission for review to avoid using an incompatible material.
- 5 year limit on beach nourishment and reporting: When asked why only 5 years, Reid said it would allow for sufficient time to analyze the effectiveness of the project.
- Prudy asked about the use of Rosa Ragosa which is now considered invasive.
- Compliance with the coastal bank performance standard in the bylaw that all project shall be restricted to activity determined by the Commission to have no adverse effect on bank height, bank stability, wild life habitat, vegetation, or the use of the bank as a sediment source. Reid said that adding the sand as nourishment addresses the use of the bank as a sediment source. The trigger for nourishment would be exposure of the toe of the envelopes.
- Failure of the two coir logs permitted under an Emergency Certification in 2012. These were destined to fail as there was no plan to maintain them. They were intended to slow erosion of the driveway area while the property owner explored alternative driveway locations for access, either by obtaining an easement from a neighbor or moving the driveway.
- Purpose of project: There was some confusion as to the purpose of this project. Reid said it was not to protect the driveway. Elaine said that Wes Eden (principal of Endofthedirtroad LLC) recently purchased the adjacent Pease property (Map 39 Lot 8) and that the reason for the filing was because of the safety issue regarding the location of the driveway.
- Consultant: In advance of this hearing the Commission requested and received a proposal from LEC Environmental Engineering (LEC) for a third party peer review of the project. After discussion, a motion was made and seconded to engage LEC at the applicant's expense (\$2,100) for the purpose of hiring a consultant to assist the Commission in its review of this project. The applicant agreed to the hiring of the consultant. All in favor.

The following paperwork on this application is outstanding:

- Request for a waiver for work in the Buffer Zone under the Bylaw
- Project review letter from the Natural Heritage and Endangered Species Program
- Additional filing fee (Reid submitted project as a category 1. However it is a category 2 c and category 5 project.)

With the consent of the applicant's representatives, a motion was made and seconded to continue the public hearing on this project to the July 23rd meeting at 5:10 PM. All in favor.

Old Business

Mill Brook Watershed Study- Maria reported that revisions were made and circulated to Kent Healy, Bill Wilcox and the Board of Selectmen. No action taken.

Lambert's Cove Road/Stormwater runoff/ Driveway letters: Richie Olsen has received one response to the letters from Bill Graham's caretaker.

Map 3 Lot 65.3/ Brian Athearn/Letter from Don Liptack: Members were asked to submit comments revisions to this letter so that it can be mailed.

Map 1 Lot 14/Keen/ Possible Violation: A letter was mailed to the Keen's on May 31st. No response to date.

Administrative:

- A motion was made and seconded to issue a Certificate of Compliance for Map 3 Lot 38/ SE79-319. All in favor.

Correspondence:

In:

Copies of the following Tisbury Great Pond/oyster restoration project/ permits:

- Chapter 91 License (includes GPS coordinates of project site per OOC, DEP Water Quality Certification, MEPA/Final Record of Decision, Army Corp of Engineers MA General Permit and CZM Federal Consistency Review.
- Copy of letter from Kent Healy to Brian Howes dated June 12th re: Tisbury Great Pond MEP report.
- Map 7 Lot 76/ E-mail inquiry regarding regulating flow of Blackwater Brook and downed tree.

Out:

- Lambert's Cove Road/letters to property owners.
- Map 1 Lot 14/Keen/letter re: clearing.

There being no further business, the meeting was adjourned at 6:20 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED