

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING

December 10, 2013

Present: Peter Rodegast, Chair, Prudy Burt, Whit Griswold, Nate Morgan, Binnie Ravitch and Tara Whiting

Staff Present: Maria McFarland

Also present for all or part of the meeting: Dick Barbini, Steve Ewing, Dave Hill, Judy Crawford, Reid Silva, Chuck Sullivan, Chris Kennedy, Seth Wilkinson, George Sourati, and Wes Edens

The Chair called the meeting to order at 5:05P.M.

Minutes: Approval of the minutes of the November 12 and 26 meetings were tabled to the next meeting.

Public Hearings/Meetings

Map 7 Lot 76: a public meeting under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Request for Determination of Applicability** filed by Tea Lane Nursery on behalf of Joe Bonaccorsi, owner of property located at 51 Black Brook Crossing, for permission to cut and remove limbs from two willows that have fallen into Blackwater Brook.

Dave Hill of Tea Lane Nursery presented the project.

Issues discussed:

- Cutting/removing only those limbs/branches that were flagged for the site visit; including the two downed willows and birch, and other limbs that have fallen and are leaning into the yard.

- Removal of the root ball of the willow at the culvert: It is creating a dam. That and the other dam on the property are causing the slack water in the yard. This would be a separate application.
- Education of homeowner: The article on deadwood will be sent to the homeowner with the paperwork. The cover letter will explain the need to address the root ball of the downed willow that is blocking the culvert.
- Maintenance of landscaped areas is an exempt activity under both the state and local regulations.

A motion was made and seconded to issue a Negative Determination of Applicability to approve the remove the limbs that were flagged and viewed by the Commission at the site visit on December 5. All in favor.

Map 35 Lot 6.133/SE79-342: 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 Schofield, Barbini & Hoehn, Inc. on behalf of Allan & Francine Kaufman owners of property located at 142 Plum Bush Point Road. The applicant seeks approval for the reconstruction and expansion of an existing gangway and fixed piling dock located in Tiah's Cove.

Issues Discussed:

- Gangway: Detail added to plan shows aluminum planking, 4 foot aluminum strips with 1 inch spacing, and a wooden railing.
- Pipe Pilings: Pipes will be slide into 3 inch PVC sleeve and hammered into the substrate. The top of the pipe will be capped in the winter. A cap is placed on the bottoms of the pilings so that the posts don't sink.
- DMF comments: Legs on float to be changed to sled. No comment on the dock being in mapped shellfish area.
- Pond Elevations/Tides: The project plan indicates that at high pond the pier and float would be underwater. Depending on how the elevation is measured there will be approximately a foot and a half of water under the structure when the pond is open. The height of the structure needs to be adjusted to take into account high pond and times when pond is tidal. Bottom of stringers should be at least 18 inches above high pond.

- Bylaw performance standards: Location of dock meets the performance standards that it does not extends across the cove by more than 25 % and that it is at least 300 feet from the next dock.
- Storage: The float is to be hauled out at Sepiessa. The gangway, ramps and decking are hauled out at the site. Only the pilings are left in the pond over the winter.

Final revisions will be made to the plan include adding sleds to the bottom of the legs on the float; show that the height of the structure will be limited to between elevation 5 and 7, and that the lowest part of the dock is at least 18 inches above high pond.

There was no public comment. The hearing was closed and a motion was made and seconded to approve the project with the changes discussed and to accept a revised plan after the hearing is closed. Special conditions will be approved at the next meeting. Vote on the motion in favor of the project was unanimous.

Certificate of Compliance/ original dock: A motion was made and seconded to sign a Certificate of Compliance for the original structures (SE79-154.) All in favor.

Map 3 Lot 85/ SE79- 343: 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 Vineyard Land Surveying & Engineering, Inc. on behalf of John and Robin Murray owners of property located at 50 Blackwater Hollow Road. The applicant proposes to construct a 458 square foot addition and add a screened porch and outdoor shower to an existing single-family dwelling within 35 feet of a bordering vegetated wetland adjacent to Blackwater Brook. All work will take place within the second hundred feet of the Riverfront Area.

Revisions to project plan since the last meeting:

- Wetland flags, contour lines and grading added.
- Bulkhead: Small access door in foundation to access crawl space.
- Location of septic and pump chamber.
- Gutters on the existing structure drain to daylight toward the wetland; drywells will be added to the design.

Issues Discussed:

- Structures in the Buffer Zone: Screen porch cannot be moved because the septic tanks are in the way. Outdoor shower has been removed.
- Resource Area alteration: The applicant is proposing to alter 309 square feet in the No-Disturbance/No-Build Zone and 408 square feet in the outer Buffer Zone. The closest corner of the addition (the piling) to the wetland will be 33 feet. The new foundation will be 41 feet and the porch is 45. The original house was more than 50 feet away so the addition will be 18 feet further into the buffer zone. Doug Cooper flagged the wetland edge and found it to be 10 feet further away from what Rusty flagged.
- Crawl Space: A full basement is not allowed per original DEP order. There will be an insulated slab. Applicant would like an interior stairwell to access utility box and water tank without having to go outside. Backfill to the existing height that is there. Door is at grade. Applicant will need to consult with the Building Inspector regarding code requirements for this space. Chuck Sullivan said that the property owner had to decide whether to add this structure or build a new house. Originally this house was going to be the guest house. In the end the owner decided to renovate and add on. The current size of the house is 900 square feet and they plan to add another 900 square feet.
- Waiver request: It was noted for the record that the written waiver request did not give a specific reason for requesting relief from the provisions of the bylaw. Reid explained that this house was originally supposed to be the guest house. After reviewing the cost of the design alternatives, this design was the preferred and most affordable for the applicant. They did approach the ZBA about setback relief but the design options were less than desirable. This is a 3 acre parcel and is grandfathered under zoning so in theory they could build another guest house, but the property owner would rather just have one structure.

No public comment. Hearing closed. A motion was made and seconded to approve this project as revised and to grant a waiver from the provisions of the Bylaw regarding construction in the No-Disturbance and No Build Zone. The vote on the motion: 4-0-2. Binnie and Prudy abstained.

Special Conditions:

Erosion control barrier will serve as limit of work line and will be located one foot inside existing lawn area as shown on the plan.

No outdoor shower in Buffer Zone.

No further expansion of lawn or structure within the Riverfront Area.

Map 39 Lot 11/SE79- 344: 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 Sourati Engineering Group LLC on behalf of ENDOFTHEDIRTRoad, LLC, owner of property located at 234 Middle Point Road. The project consists of site work for shorefront protection including plant-focused bioengineering measures, beach nourishment and intensive replanting with native plants to manage erosion on a coastal bank.

220 feet of fiber rolls, gabion baskets, beach nourishment and plants are included in the design. Seth and George presented their case for the need for gabion baskets to be placed between elevation 4 and 6. On average, high pond is somewhere between elevation 5 and 5.5 depending on when the pond is open the pond. Currently the bottom of the bank elevation varies from elevation 5 to 7.

Installing fiber rolls below elevation 5.5 will cause them to be inundated with salt water for long periods of time. The proposal is to place very small gabion baskets between elevation 4 and 6 and sand filled coir logs above. All would be covered with sand and planting. A planting plan and monitoring protocol was also presented.

Issues Discussed:

- **Materials:** Seth displayed a duck billed anchor, a coir log and a mockup of the gabion basket. The baskets are custom made so he couldn't get one made in time for hearing. This is the smallest size they make. It will be filled with 3 inch round or slightly angular rock and weighs about 90 lbs. The mesh in the mockup is the correct gauge but the openings are a bit wider. The primary purpose is to serve as an anchor point that won't move when it is inundated with water. Seth stated that coir logs disintegrate due to UV exposure and the fibers get wicked away. Scour will pull the fibers out. The rolls will start to look like they are shrinking and they will slump. If they are kept covered with sand they have a longer life expectancy.

- The duck bill anchors hold the fiber rolls in place so they don't float away because they are buoyant.
- Coastal Engineering Structure: Members debated whether the gabion baskets are a coastal engineering structure.
- Beach Nourishment: The applicant proposes to place sixty-three (63 +/-) cubic yards of compatible sand on the beach to provide sediment to down drift beaches. Prudy noted that sediment supply is an ongoing condition, not just for the life of the permit but for the life of the project.
- Grading: There will be no increase in existing grades. All of this work will be done just below grade because these projects perform better where there is a shallow slope.
- Length of coir wall: Determined based on site conditions. The scarfing is the worse at one end. The design tapers down to meet the grades. A best management practice is not to have the coir logs sticking out at the end. The grade smooths out at the end as the number of baskets and logs taper down. There is more natural protection closer to the house it also where the dwelling is closest to the top of the bank. There is always some amount of end effect.
- Time of year Restrictions: NHESP has placed a time restriction of no work between April 1 and September 30. The array will be constructed in March.
- Rate of Erosion: Continues to be approximately 1.9 ft. per year.
- Primary Access: The ideal construction access is essentially where the fiber roll is located. A gentle sand ramp for access would be created in order to come down to the beach above the water level. A time of year restriction by NHESP will be a factor, at least for the initial construction.
- Alternative Access: Possible high pond levels make require the project to be constructed from the top of the coastal bank. Seth put an allowance in the protocol to put bring the access down the driveway, around the upland around the house and enter the construction area from the existing path. Seth said they can build the whole thing from the top of the bank if necessary.
- Driveway: A condition to reroute the driveway would be perfectly acceptable to the applicant. Seth stated in the short term they propose to leave the driveway where it is. They consider the overland erosion of the coastal bank to be a road maintenance issue that can be addressed. As Greg

Berman suggested in his review of the emergency project to repair the driveway, a berm or speed bump could be installed, or the road pitched so the water will move into the upland away from the coastal bank. In the long term, the road should be rerouted. The applicant is happy to make a commitment to move the driveway in the next three years. Mr. Edens has a conservation restriction here and multiple properties so the plan has to work for all of his properties. In Seth's opinion, the logical time to make repairs to the driveway would be right after construction.

- Coir Logs: Seth said that inundation of sustained duration will cause the coir logs to fail before plants can be established. He said based on his considerable experience with the installation of coir logs over the last decade he agreed with the Woods Hole Group and Coastal Zone Managements comments from the previous application that periods of inundation would limit the life of the fiber rolls.
- Amount of rock: Prudy calculated 440 baskets at ~90 lbs each for 20 tons of rock. Seth said it equals 16 cubic yards and 36 cubic yards are coming out so there would be a net reduction in the amount of rock at the site.
- Alternatives Analysis: Seth explained that the purpose of the gabions is primarily to serve as an anchor point that won't move when the array is inundated with water. He went on to say that because coir logs and coir envelopes are susceptible to considerable breakdown from sustained inundation, the coir logs would be too unstable to allow plant colonization without the gabions baskets.
- Colonization of Plants: Seth explained that it is hard to get the plants to colonize on the array if they are constantly undermined. The life expectancy of the fiber rolls is much shorter if they are inundated making it harder to for the vegetation to get established. The concern is that they will degrade rapidly because of the scour and that the whole array will be undermined.
- Monitoring: Success of these projects comes down to maintenance. Wilkinson Ecological would do the monitoring. They have a conservation biologist on staff that is responsible for monitoring, there is a monitoring protocol that they follow and there is the ability to check the site after storm

events. Survey markers can be used. Pictures are taken from the same spot using the same camera every time. The trigger point for monitoring is when 50% or more of the leading or seaward edge of the array becomes exposed.

Commissioners Comments:

Tara thought the presentation was fascinating and that she is interested to see how it does out there. She stated her concern about the 220 foot length and the requirement that only the structure can be protected and to be consistent she thinks it needs to be shorter to protect the house, but not the property.

Binnie: Agreed with Tara stating that the house is 110 feet long, DEP issued an SOC for 135 ft.

Prudy asked why the gabions were needed if the coir logs that were installed over 2 years ago that were done as part of an emergency order to protect the driveway, are still intact. She elaborated by saying that there was no sediment supply and they have never had any maintenance. She stated she was glad the applicant was back and that the Commission is looking at something a little softer. The gabion baskets are a surprise because the informal conversations with the applicant had been strictly about coir logs.

Whit said we are all invested in this thing and that he liked the idea. On the length he offered that he would hesitate to urge them to try to cut it back as it sounds like they designed so that the thing is going to even off. He thought a consultant is ok as long as it doesn't slow things down for months.

Prudy: Asked why land under a salt pond and coastal dune were not indicated in the NOI as resources impacted by this project.

Public Comment:

Chris Kennedy introduced himself as the MV superintendent for TTOR. He said he had an opportunity to walk the site with George and Seth and that he sent the plans to the TTOR ecology department for review and comment. Overall the design is creative and seems mostly benign ecologically as they are conducting

beach nourishment. From TTOR's perspective that is the key. If this is allowed to happen. And in four or five years the beach nourishment goes away we could see some serious impacts to the Trustees property next door. Overall TTOR is very, very supportive. Chris asked who would be responsible for monitoring between annual monitoring visits, especially after storm events.

Mr. Edens responded that there are maintenance folks on site regularly; not every day about at least once a week. He acknowledged that it's going to take a lot of maintenance and it is going to take a lot of money. In response to Peter's question if he was on board with the maintenance requirements of this type of project, he said he was very much so.

Chris Kennedy pointed out that the NOI application talks about sea level rise. He asked if the project it's a temporary or permanent solution. We know that in 50 years we are looking at a 1 to 2 foot of sea level rise and has this been factored into the design. Chris also asked that the equipment be power washed before being brought on site because of invasive species.

Seth responded that they have looked at the models available and have tried to account for everything except if the barrier beach were gone. In terms of adaptation, different gradients of salt tolerant plants have been incorporated into the design and are an important aspect of the design. Seth said they use a hot pressure wash to help neutralize any seeds.

Following information to be provided for the next meeting:

- DEP comment letter
- NHESP comment letter
- More detail on the short term plan to address the overland erosion at the driveway
- More detail on the monitoring. Clarification of how the 50% trigger would work.
- Consultant: A consultant will be hired for a third party peer review at the Commission expense. Greg Berman of the Woods Hole Sea Grant has also been asked to review the proposal. A proposal from LEC will be requested for the next meeting.

A motion was made and seconded to continue the public hearing on this matter to January 14, 2014 at 5:10 PM. Motion carried.

New Business

FY 2015 Budget: A motion was made and seconded to approve the FY 2015 budget and budget submission document. All in favor.

Administrative

The following items were tabled to the next meeting:

Lot 1.333/SE79-54/Kaufman/Certificate of Compliance/original boardwalk/pier

The meeting adjourned at 6:20 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED