

WEST TISBURY CONSERVATION COMMISSION

MINUTES OF MEETING

May 13, 2008

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

**Also present for all or part of the meeting:** Amy Kwesell of Rubin & Rudman, Matthew Ray of Cini Law office, Brian Caufield of Woods Hole Group, W. Sterling Wall of Tetra Tech Rizzo, and Doug Hoehn of Schofield, Barbini & Hoehn and Kris Horiuchi

Prudy Burt called the meeting to order at 5:05 P.M. Hadden and Binnie will vote as necessary in the absence of a quorum. This meeting has been recorded.

Judy motioned and Dan seconded to approve the minutes of the April 22<sup>nd</sup> meeting as corrected. Prudy, Judy, Dan, Hadden and Binnie voted to approve. Peter and Tara abstained. A motion was made and seconded to approve the minutes of the April 9<sup>th</sup> meeting as corrected. All in favor.

**Map 38 Lot 8 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 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 and Kris Horiuchi were present. We have received the final comment letter from NHESP dated May 13, 2008. The letter was noted for the record. Kris submitted a revised landscape plan that reflects the requirements of NHESP for this project to be in compliance regarding estimated and priority habitat.

After discussion in which the Commission expressed their concern about the amount of proposed clearing in the Buffer Zone, and the request for approval of view channels prior to the construction of the house, a motion was made and seconded to continue the public hearing to May 27<sup>th</sup> at 5:45 PM in order to give the Kris and Doug an opportunity to discuss further reduction in the amount of requested clearing with their client. All in favor.

**Map 1 Lot 50 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 **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.

Brian Caufield updated the Commission. The members reviewed the letter from Leslie Fields dated May 9<sup>th</sup> which addresses the recommendations/comments in the CZM letter and the Rubin & Rudman letter containing draft conditions.

Brian reported that the applicant would prefer not to shift the revetment landward as suggested by CZM.

With respect to the trigger mechanism, marks will be made in the toe stones at 3.5 NVGD. Surveys would be done in September and March to determine if the beach elevation is below the trigger point. Two survey dates will allow for seasonal changes to the beach. In the event the bottom of the toe stone is exposed on any survey date, renourishment would be done immediately.

Woods Hole Group asked that a performance bond not be required as it is not a standard practice of the Commission. The Woods Hole Group will provide construction over-site. They would have an engineer on site on a daily basis and will take photographs of the process.

A review of the Makonikee bylaws showed no time restrictions on work in this neighborhood between May and October. Brian said the Sundins rent out the property during the summer so they would not want the work to be done during this time frame.

Removal of material from the coastal bank is not included in the calculations of the volume of material to be used for beach nourishment.

Beach nourishment would be done after the revetment is built but before the top of the bank is completely revegetated. Material will be brought in to do the beach nourishment. A ramp would be placed over the top of the bank and then a track crawler can go over the rocks.

The construction protocol submitted with the NOI is still usable.

Maria reported that she spoke with Steve McKenna of CZM. He did not have an opportunity to review the May 9<sup>th</sup> letter. Steve's biggest point is that once the bank is armored, the coastal beach takes on more of the function of being a sediment source. CZM does not require that the toe of the revetment be pulled back to the toe of the bank. CZM's role is to make recommendations for the Commission to consider. Steve said that as soon as there is a date for the work to be done, an updated survey should be conducted. Base elevations will be determined in order to set the toe stones. A full survey is not necessary.

A very lengthy discussion centered on the recommendation of the CZM to pull the toe of the revetment back to the toe of the bank and the use of the material to be removed from the bank for the beach nourishment.

Public comment was heard from Amy Kwesell of Rubin and Rudman, Sterling Wall of Tetra Tech Rizzo and Matthew Ray of Cini Law office.

The outstanding issues that remain are:

- Revising the design to pull the toe of the revetment back to the toe of the bank by six feet.
- Taking the beach nourishment materials from the top of the bank.
- Who will be responsible for the monitoring?
- Is a performance bond necessary for this project?
- Time frame for work.

The applicant's representative agreed to a continuance of the hearing. A motion was made and seconded to continue this hearing to 5:10 PM on May 27<sup>th</sup>. Prudy, Judy, Tara and Peter voted in the affirmative.

**Map 23 Lot 7** - a public hearing under the requirements of the West Tisbury Wetlands Protection Bylaw and regulations on a **Notice of Intent** filed by Vineyard Land Surveying & Engineering on behalf of Iya Labunka owner of property located at 68 Tisbury Lane West. The project consists of the construction and maintenance of a 10' wide by 630' long driveway within 100' of a vernal pool. A letter dated March 26, 2008 from NHESP states that with respect to the driveway only, the project as proposed will not adversely affect the actual Resource Area habitat of state-protected rare wildlife species. With respect to MESA this project is being proposed within the habitat of five state listed species. More detailed information on the entire project and lot must be submitted to NHESP. Reid Silva called the office today to request a continuance to May 27<sup>th</sup>. Request to follow in writing. A motion was made and seconded to continue the public hearing to May 27<sup>th</sup> at 6:15 PM. The vote in favor was unanimous.

### **New Business**

**Landscapers taking water from Mill Brook:** Prudy reported on a call she received about landscapers taking water from the Mill Brook and hooking up to the fire hydrants at the fire station. After discussion the subject was tabled.

### **Administrative**

There being no further business on the agenda, the meeting adjourned at 7:15 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED