

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
April 18, 2017

Present: Prudy Burt, Whit Griswold, Binnie Ravitch, Peter Rodegast, Michael Turnell, Peyton Wallace and Tara Whiting

Absent: John Brannen

Staff Present: Maria McFarland

Also present for all or part of the meeting: Brad Chase via telephone, Cody Coutinho, George Crawford, John Hoy, James Mahoney, Chris and Hope MacLeod, Reid Silva and George Sourati

The meeting was called to order at 5:05 P.M. Tara Whiting, Chairman presiding.

Map 3 Lot 63/SE79- a public hearing under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Sourati Engineering Group LLC on behalf of Christopher M. and Hope T. MacLeod. The project consists of the construction of a 567 sq. ft. addition to an existing single-family dwelling and the construction of a 616 sq. ft. workshop. The project is within the Riverfront Area and is located at 170 Lambert's Cove Road.

George Sourati presented the project on behalf of the MacLeods.

The one bedroom addition to the existing house will be placed on a crawl space. The proposed workshop will be located approximately 176 feet from the edge of Blackwater Brook. The area where the construction will take place is already disturbed. George reviewed the written alternatives analysis required under the Riverfront regulations. The location of the workshop is as far away from the wetland and brook as is practicable.

Commissioners Comments/ Questions:

Prudy said that the first 100 feet of the Riverfront Area is a no-disturbance zone. Even though nothing is proposed in this area, she emphasized to the MacLeods how important it is to maintain a buffer to the bordering vegetated wetland and Blackwater Brook.

Peter said the proposal looked good.

There was no public comment. The hearing was closed. A motion was made and seconded to approve the project as presented. All in favor.

Special Conditions: A pre-construction site visit is required. A 50 foot long construction fence will be placed 15 feet from the foundation of the house toward Black Water Brook to provide a limit of work line. Erosion control measures are not required. No equipment or stockpiling of materials is allowed beyond the fencing. A motion was made and seconded to approve the special conditions. All in favor.

James Pond/SE79-364: 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 West Tisbury Board of Selectmen and Herring Warden for a project proposed at James Pond and Map 6 Lots 13 and 20. The project consists of work associated with breaching the barrier beach at James Pond including dredging the associated meander for the purpose of restoring a fish passageway, placement of fiber rolls and salt marsh plantings.

Vineyard Land Surveying was the only respondent to the request for quotes to provide survey work for this project. Task 1 and 2 of the scope of work have been completed. Reid was present to begin discussion with the Commission and the project applicants to determine how to proceed. Reid reviewed the survey plan and provided a technical review of the site conditions.

The plan Reid submitted shows the property lines based on available assessors data and maps, existing grades, and field delineated wetland resource areas.

Issues Discussed:

Greg Berman's alternatives:

- Alternative 1: placement of coir logs along the backside of the bar
- Alternative 2: Cut a new channel through the dune/ marsh system on Susie Trees property.
- Alternative 3 Removing most of the recently deposited sand on the landward side of the channel and reusing the sand to restore the dune on Susie Trees property.
- Alternative 4 is a narrow cut along the previous channel edge along the marsh on the Graham property.

Reid said the solution to the change in depth is to remove sediment. In his opinion the wind is more of an issue. The placement of coir logs would be to stabilize the channel after it was dredged. Reid added he would put the spoils on the beach rather than directly adjacent to the channel.

Issues discussed:

Where to dredge: The goal is to get a sustainable channel. Johnny would like to dredge the channel in the area(s) shown on the plan as minus 1 elevation.

Whit suggested looking at the feasibility of breaking through the marsh on the Graham property because it would be much quicker and a shorter run.

Size of the channel: To be determined. Dredging more than 100 cubic yards of material will trigger a water quality certification.

Access and Equipment:

Johnny reminded everyone that both Dave Merry and John Keene expressed concern about going out on the bar with machinery because it is peaty and soft.

Taking a piece of equipment over the path to Lambert's Cove Beach would require approval of the Town and Sheriff's Meadow Foundation. The equipment would have to be small.

Someone suggested seeing if a piece of equipment could be brought to the site using the barge belonging to the Town of Edgartown. A mini excavator could be put on the barge and used to create a channel as the barge went along.

It was suggested that Keith Gazaille of Aquatic Control Technology be contacted to see if they have a piece of suitable equipment.

Brad said there might be a piece of equipment owned by Division of Marine-Fisheries that could be brought over.

Spoils: Reid feels that putting the spoils to the north wouldn't allow the plants time to get established. A barrier would be needed to protect them. Task 4 of the RFQ was to have Vineyard Land Surveying come up with a price to handle this paperwork. Reid said it is going to be expensive to do a water quality certification application on that amount of material.

Full Project or test area: Brad Chase said the Commission has some options.

Greg's report alternative 2 is the cut going across the dune. Going through the marsh would be a departure from a blend of the other alternatives. Brad noted that none of the alternatives in Greg's report are being discussed tonight.

Brad said that as long as everyone is committed to trying to find a way to maintain this opening and to come up with rules that are flexible we can see what happens over the next couple of years.

Brad said that the board could permit the activity, pick a path that might be stable and see what happens.

Reid suggested doing a test section in the most accessible, least disruptive area such as digging out a section and seeing how long it takes to fill in.

He said we need to know the depth. A protocol would have to be written on how to document a test section.

Johnny did not think doing a test section made sense. Peter said whatever is done is going to fill in. Tara said she preferred to see a full project.

Next steps:

Currently we have an open Notice of Intent application with a narrative that needs to be revised.

Prudy said she would like to have Greg take a look at the alternatives now that we have the survey work.

Brad will work with Reid and Johnny to revise the project narrative. He suggested a subcommittee work on the refining the options adding that it does look as though whatever is done will trigger a water quality certification.

Funding: There was a brief discussion about whether CPA monies could be used. Grant opportunities would need to be investigated. Tara said she would like to do a big plan and figure out a maintenance project.

- Johnny will contact Bill Graham to see if he would allow a project through his property as suggested by Whit.
- Whit will talk with Susie Trees and the Mullins. Reid will talk to the owners of the Peltz property.
- Someone will need to ask Jen Rand and Kristen Fauteux about access for the Lambert's Cove Beach path.
- Brad will be out on May 9 for a site visit.

A motion was made and seconded to continue the public hearing on this matter to June 27 at 5:10 PM.

After the hearing, Johnny asked if he could have Bruce Marshard bring his horse and scoop to help with clearing the channel. The horse would go down the path at Lambert's Cove beach.

Tara said she was not in favor of because of liability. Peter said it is experimental and was in favor of giving it a try.

Maria suggested having a conversation with the Board of Selectmen. Horse going over a property the town doesn't own and if there is a liability issue. Johnny didn't know if Bruce would want to be paid. He will discuss that with Jen.

A motion was made and seconded to allow Bruce Marshard to bring his horse and a scoop to the opening at James Pond one time to see how it works. The vote on the motion was 5 in favor and 2 opposed. Motion carried.

Old Business:

Map 39 Lot 7/SE79-354/208 Middle Point Road George gave the board an update on the revetment project.

The contractor was supposed to complete the work between October 1 and March 30 in accordance with the NHESP conditions. When the pond was opened, Pastore Excavation, the contractor, mobilized and was able to work for two weeks to rebuild a section of the revetment before the pond closed after a big storm. The contractor demobilized until the pond was reopened on March 29. With permission from NHESP, they were allowed to work until April 15 provided a shore bird monitor was hired to check for nesting shore birds. Seth Wilkinson has provided the bird monitor.

They were able to reconstruct the remaining section of the revetment and start the installation of the gabion basket sections. George said he had been doing as built surveys as sections have been completed. After the first portion of the revetment was rebuilt, it looked very good. The construction of the revetment is proper; they did a good job it's just that one section of the revetment is too far out. The difference is about 5.5 feet but it varies.

George explained that when the contractor returned to work after the pond was opened they essentially misread the plan. They moved the top of the revetment seaward and shifted the gabions shifted from the approved location and are longer, further inland and about 6-7 inches too high. For example, in section F, the bottom of the gabion baskets are supposed to be at elevation 35, and the top at elevation 6.5 but were placed at 4.1 and 7.3. Prudy asked if the baskets more easily be exposed in a storm event. George said they should not stay like this.

They have now obtained permission from NHESP to continue working until May 30.

Maria said that she and Tara met with George and came to the conclusion that it would be too disruptive to make the contractor redo the section of revetment that was rebuilt in the wrong place, but that the gabion basket/ coir log sections should be redone because they are the transition points.

George said they contractor will move the gabions back about six feet. The back of the gabions need to line up with the back of the revetment.

Prudy asked if this could be tied into getting the driveway moved sooner as a result of this screw-up. George said he could not speak for the owner, but the last time the board discussed this, it was agreed that the driveway would be done after the project was finished.

Both of the ends of gabions will be fixed. They haven't started the coir logs yet.

Peter and Prudy asked about the land gained from the revetment being built seaward. Prudy said the property owner should have no expectation that they will be allowed to have a lawn to the top of the revetment. There is a condition about restoration.

Tom Della Rocco will do the planting once the coir logs are in place. Seth Wilkinson will do any further nourishment work.

No action was taken.

Map 14 Lot 2/SE79-368/ Drier: George Crawford and Reid Silva were present to ask the board if the changes they are going to present require a new Notice of Intent or if the board will accept a request for an amendment to the current Order of Conditions. Reid said an amendment would be sufficient because it is all the same components of the original project it is just that the house and guest house will be different location.

George Crawford: The existing house would be taken down. The new house would be shifted slightly. On one side it would be within the No-Build Zone but further way from the wetland behind the existing house.

When asked if there would be an issue moving the guest house away from the Seven Gates corner bound, George replied that the biggest concern for Seven Gates is maintaining the view channel. George doesn't think there is an issue with this revision.

Tara pointed out that there would not be permission to change the view channel to match the new location of the guest house.

Reid will file a request for an amendment.

Administrative:

Map 34 Lot 10.1/SE79-336/Yale Landscaping: A motion was made and seconded to issue a Certificate of Compliance with ongoing conditions. Vote on the motion was 6 in favor, one opposed. Motion carried.

Committee appointments: Binnie was congratulated on her election to the full Land Bank Commission. Peter said he would be willing to take Binnie's place as the Conservation Commissions appointee to the West Tisbury Land Bank Advisory Board. A motion was made and seconded to make this appointment. All in favor. Peter abstained from the vote.

Correspondence

In Map 1 Lot 50/SE79-270/ Tate/ Revetment monitoring report
Priester's Pond Inspection/ Evaluation Report dated February 2, 2017 submitted by
Kent Healy
New MVC DRI checklist

Out: Map 3 Lot 2.1/ Sutula: Letter dated March 30 re: tree cutting

There being no new business to conduct, the meeting adjourned at 7:05 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED