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## Minutes of the Commission Meeting Held on February 1, 2018 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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Commissioners: (P= Present; A= Appointed; E= Elected)

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|--|-----------------------------------|
| P Gail Barmakian (A-Oak Bluffs)          | - Michael Kim (A-Governor)        |
| P Trip Barnes (E-Tisbury)                | P Joan Malkin (A-Chilmark)        |
| P Leon Brathwaite (A-County)             | P Katherine Newman (A-Aquinnah)   |
| P Christina Brown (E-Edgartown)          | P Ben Robinson (A-Tisbury)        |
| - Peter Connell (A-Governor; non-voting) | P Doug Sederholm (E-West Tisbury) |
| P Robert Doyle (E-Chilmark)              | P Linda Sibley (E-West Tisbury)   |
| P Josh Goldstein (E-Tisbury)             | P Ernie Thomas (A-West Tisbury)   |
| P Fred Hancock (E-Oak Bluffs)            | P Richard Toole (E-Oak Bluffs)    |
| - James Joyce (A-Edgartown)              | P James Vercruysse (E-Aquinnah)   |

Staff: Adam Turner (Executive Director), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Jo-Ann Taylor (Coastal Planner, DCPC Coordinator), Dan Doyle (Transportation Planner).

**Chairman James Vercruysse** called the meeting to order at 7:00 p.m.

### 1. VINEYARD GOLF ELARNING FACILITY-EDGARTOWN DRI 484-M MODIFICATION REVIEW

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Commissioners Present: G. Barmakian, T. Barnes, L. Brathwaite, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For the Applicant: Sean Murphy, Jeff Carlson

#### 1.1 Staff Report

**Paul Foley** presented the following:

- The proposal is to construct a 1,248 sf learning facility (52 ft by 24 ft) to be part of the driving range and to construct an on-course bathroom. The project also includes some land swapping.
- The building would allow the golfers to practice indoors during inclement weather through video simulations or opening the garage doors to use the driving range from indoors.
- Approximately 0.46 acres of Golf Course Conservation area is to be converted to Limited Building Area to accommodate the placement of the new building.
- Approximately 0.46 acres of Limited Building Area is to be converted to Golf Course Conservation area to accommodate the placement of the new building.
- Approximately 0.25 acres of Frost Bottom Buffer area is to be converted to Golf Course (tow locations) to accurately portray that some over clearing during construction.
- The applicant has said that Sheriff's Meadow has approved the land use swapping, which must also be approved by DEP.

- Turf Management: Existing VGC condition - that the golf course shall be strictly an organic course, with the term "organic" being defined as "derived from plant materials or biological organisms or mined from natural deposits..."
- The site plan was reviewed with the elevations and the perspectives.
- The wastewater is hooked up to the Edgartown Wastewater Treatment Facility, but the newly proposed bathroom would be on its own septic and intended for women only.

### **1.2 Land Use Planning Committee Report**

**Richard Toole** said that the LUPC decided that the changes do not trigger a DRI public hearing and voted to recommend to the full Commission to approve the modification. The vote was unanimous.

### **1.3 Applicants' Presentation**

**Sean Murphy** presented the following:

- There has been a change to the plan to use cedar trim instead of PVC.
- Even though this project would account for 0.005% of the allowable nitrogen, the original decision requires an advanced treatment for septic, so the applicant is offering that.
- There has always been a teaching shed on this property, so it will be slightly larger but it is still a shed.
- With regards to the land swaps, the golf course has restrictions, but it is not like the Frost Bottom. The exchange will increase what will go to the Frost Bottom area.

### **1.4 Commissioners' Questions**

**Fred Hancock** asked if there is a restroom in the teaching shed. **Sean Murphy** said there is, but it is on the municipal wastewater line.

**Christina Brown moved and it was duly seconded that the modification is consistent and within the scope of the golf course and does not require a public hearing.**

- **Doug Sederholm** asked how Reid Silva got the figure for the wastewater.
- **Sean Murphy** said it was a ball park figure.
- **Doug Sederholm** asked if most rounds were played by women.
- **Jeff Carlson** said about 50%.
- **Sean Murphy** said with regards to the nitrogen, we asked them to be conservative.
- **Joan Malkin** asked if the applicant considered using a tight tank or a composting toilet.
- **Sean Murphy** said it was considered, but the cost is significantly more and a tight tank doesn't really work. The project would still need gray water for hand washing.
- **Linda Sibley** added that it would be hard to drive to the location, so it would be hard to pump out.
- **Gail Barmakian** asked if there was a commercial capacity for the septic.
- **Sean Murphy** said that Reid Silva will use the standards.

**Voice vote. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.**

**Christina Brown moved and it was duly seconded to approve the modifications as written and presented, as they are consistent with what the applicant is doing and it is an organic course.**

- **Adam Turner** said requested that the applicants provide an As Built plan.
- **Sean Murphy** said they will provide that.
- **Paul Foley** said the Dukes County Housing Authority has said that the Golf Course is always on time, and often early, with their payments. This is one of the first organic courses on Island, and one of only three in the country.



*Roll call vote. In Favor: G. Barmakian, T. Barnes, L. Brathwaite, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, R. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.*

## **2. HIGH SCHOOL GREENHOUSE-OAK BLUFFS DRI 352-M6 MODIFICATION REVIEW**

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*Commissioners Present: G. Barmakian, T. Barnes, L. Brathwaite, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.*

*For the Applicant: Mike Taos, Barbara Jean Chauvin, Kyle Crossland*

### **2.1 Staff Report**

**Paul Foley** presented the following:

- The proposal is to construct a 3,600 sf greenhouse (120 ft by 30 ft) at the High School. An existing, smaller greenhouse and hoop house may be removed later.
- Local permits required are: a Building Permit, a Site Plan Review for grading more than 5,000 sf and tree clearing, and a Demolition Permit for the exiting greenhouses.
- The poly houses are 6,000 sf. The existing greenhouses are held together by duct tape and need replacing.
- The applicant has received a \$50,000 grant through the State Skills Capital Grants to Support Vocational Equipment and Programs.
- The greenhouses will be constructed of panels that should last at least 20 years and are developed to withstand the snow load of the area. If an individual panel get damaged, it can be replaced.
- The greenhouses will not be built on a slab, but on columns. The ground will be 16 inches of crushed stone covered with 4 inches of hardener, so that they can irrigate the plants within the greenhouse.
- Drainage will be directed to the low point and drywells, but the applicants will also look into capturing the rainwater for re-use irrigation.
- When there is heavy snow, the heat is turned up in the greenhouses to melt the snow and prevent ice jams.
- The existing greenhouses were shown, the site plan and the plans were reviewed.

### **2.2 Applicants' Presentation**

**Barbara-Jean Chauvin** presented the following:

- The group has been working on the project for a while to determine how to finance it. A \$50,000 match grant was received in the fall.
- The greenhouse will be removed and replaced within the existing footprint.
- The greenhouse and orchard spaces are being switched.
- The current greenhouse is past its use.
- The proposed greenhouse will be a new, fresh structure with new heating and ventilation systems that are up to date and efficient.

### **2.3 Commissioners' Questions**

**Joan Malkin** said the plan is to take down the existing facility and take it to the dump. **Barbara-Jean Chauvin** said once the new greenhouse is in place, the team will examine ways to repurpose parts of the old greenhouse.

**Joan Malkin** said existing greenhouse is not to be removed right away, and asked how the materials would be disposed of. **Barbara-Jean Chauvin** said the team will repurpose the old greenhouse to the greatest extent possible, and then properly dispose of the unusable materials.

**Paul Foley** said there are seedlings in the greenhouse right now that need to remain, which is why the old greenhouse won't be demolished until after the new one is constructed.

#### **2.4 Land Use Planning Committee Report**

**Richard Toole** said that the LUPC determined that the modification does not rise to the level requiring a public hearing and voted to approve the changes. It was approved unanimously.

**Josh Goldstein moved and it was duly seconded that the project does not rise to the level requiring a public hearing. Voice vote. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.**

**Josh Goldstein moved and it was duly seconded to approve the modification as presented.**

- **Fred Hancock** said that the MVC will want an As Built plan from the applicant.
- **Barbara-Jean Chauvin** said that will be provided.

**Roll call vote. In Favor: G. Barmakian, T. Barnes, L. Brathwaite, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, R. Thomas, R. Toole, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.**

**Trip Branes** said that it might be nice to let the audience know that if it appears that the Commission is not spending a lot of time on reviewing the projects, they have already been reviewed in detail at the Land Use Planning Committee meetings.

### **3. EAST CHOP BLUFF REPAIR-OAK BLUFFS DRI 679 PUBLIC HEARING**

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Commissioners Present: G. Barmakian, T. Barnes, L. Brathwaite, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.

For the Applicant: Carlos Pena (CLE Engineering), Liz Durkee, Joan Hughes

**Fred Hancock** said that he was formerly a member of the East Chop Association that transferred the site of this property to the Town of Oak Bluffs. He has no conflict for the project and is no longer a member of the Association.

**James Vercruysse**, Public Hearing Officer, opened the Public Hearing at 7:25 p.m. and read the public hearing notice. The applicant is the Town of Oak Bluffs and the Conservation Commission. The location is East Chop Drive, Oak Bluffs, MA. The project area is approximately 6.5 acres on the northeastern shoreline of Oak Bluffs on Nantucket Sound below East Chop Drive, from approximately Munroe Avenue to Arlington Avenue. The proposal is to stabilize approximately 2,400 linear feet of bank located along East Chop Drive in Oak Bluffs by expanding the revetment constructed of angular armor stones by 30,360 square feet for a total area of 77,650 sf.

#### **3.1 Staff Report**

**Paul Foley** presented the following:

- The zoning in the area is R-2 Residential, and the property is in the Coastal District DCPC.
- Local Permits: the project will require an Order of Conditions from the Oak Bluffs Conservation Commission. The project will also require a Special Permit from the ZBA under the Coastal DCPC regulations. The project is undergoing MEPA review and requires an Environmental Notification Form (ENF), because it requires State Agency Action and involves alteration of a Coastal Bank, new fill in velocity zone, and alteration of one half or more acres of wetlands. The project



requires a c.91 license from MassDEP. The project will require an Individual Permit (IP) from the U.S. Army Corp of Engineers (ACOE).

- The project area has historically been engineered with coastline protection features to protect the road and nearby residences. Coastal engineering projects in the project area date back to 1890 and have included revetment construction, slope improvement, groin construction, timber bulkhead construction and repairs.
- The project will increase the height of the revetment by 8 to 10 feet, to a height of elevation 20 feet, which will be more visible than what currently exists.
- The project includes the expansion of the existing revetment seaward and landward to elevation 20 feet (NGVD 29) to account for wave run up and sea level rise.
- The revetment will be constructed of angular armor stones at a slope of 1.5: 1 (horizontal: vertical).
- Fill will be placed at a 27 degree angle from the top of the revetment to be graded and planted with salt tolerant vegetation (Northern Bayberry, Beach Plum, Rosa Rugosa, Switch Grass, Goldenrod and Little Bluestem) to stabilize the slope.
- The top of the revetment will include a five foot flat area to improve public access to the beach.
- Current plans show a four foot wide road shoulder on East Chop Drive. However, the Town has stated that the plan is to restore the road to as it was with two way traffic with the same pavement arrangement. The road configuration may be changed later; the Roads and Byways Committee will be examining the road.
- Plans include Best Management Practice (BMP) stormwater drainage improvements.
- Damaged drainage outfall pipes within the existing bank will be replaced.
- The East Chop Bluff Stabilization Locus was reviewed.
- A bike rack system and an ADA accessible ramp are proposed on the southern portion of the bank to provide safe access to a gate to walk out along the proposed revetment and beach.
- Key Issues include:
  - Appearance: What will the expanded revetment look like from the water? What will the project look like from the scenic road? Are the proposed guard rails in keeping with the neighborhood?
  - Sustainability: How long is the repair expected to last?
  - Access: Some neighbors have expressed concerns about parking near the enhanced public access.
  - Construction: What is the construction schedule? Where will the construction materials and equipment be stored during construction? How will noise, dust, and traffic be mitigated during the construction process?
- Transportation: Construction Trips:
  - The applicant reviewed the near shore bathymetry and determined early on in the project that it would not be feasible to access the site from the water due to shallow water depth and near shore glacial erratics. The only feasible access for equipment and materials is through Packer's yard in Vineyard Haven and then along East Drive (north-Crystal Lake) or (south-Oak Bluffs Harbor) to the site.
  - There will be no truck traffic within the East Chop neighborhoods.
  - The applicant assumes that nearly 100,000 tons of material (backfill, gravel, intermediate stone and cap stones) using 20 ton trucks, resulting in nearly 5,000 truck trips over the estimated two year project duration will be used.
- The MVC has an unwritten policy not to apply its Affordable Housing Policy to religious or municipal institutions.

- The East Chop Bluff Stabilization Project is estimated to cost \$17 million over several development phases. The Town has secured a \$3 million grant from Massachusetts Executive Office of Energy and Environmental Affairs to begin the first phase.
- Tim Brooks has written suggesting biotechnical treatments be considered to help hold planted materials on the slope in place. He also had concerns about where people would park to access the new ramp, and the safety of pickup and drop off at the ramp. He suggested a traffic study be conducted.
- The site was reviewed.
- Photos of the existing conditions, erosion, slumping, bituminous debris that will be removed, and various forms of debris that have been left at the location were shown.
- The southern portion of the bluff is more susceptible to damage than the northern portion, which is more protected.
- The area has been cut off from two way traffic since 2012, but the Town is hoping to restore the two way traffic pattern.
- The vegetation planting detail was reviewed.
- The access ramp plan view, details and perspectives were reviewed.
- The proposed steel imbedded timber guardrail was shown.
- The proposed primary approach to deliver construction materials was shown. Deliveries will primarily use New York Avenue, and will occasionally use East Chop Drive, if necessary.
- Revetment plans were reviewed from 1945, 1946, 1952, 1954, 1956 and 1960. A number of different techniques have been used in sections of the bluff. This will be the first comprehensive plan that will cover the length of the bluff.

Doug Sederholm asked what the dimension/width of East Chop Drive is. Carlos Pena said 20 feet.

### **3.2 Applicants' Presentation**

Liz Durkee presented the following:

- She is the Conservation Agent for the Town of Oak Bluffs.
- The problem is that the bluff is eroding at the base and slumping at the top.
- It was owned by the East Chop Association until a few years ago, and was deeded to the Town to receive public funding for this project.
- The State and Federal governments have been involved with the bluff since the 1890s.
- It is one of the most scenic roads on the Island. It has extremely valuable recreational benefits, for walking, biking, running and dog walking. The East Chop Lighthouse is around the corner. There are historic values as well.
- There are safety issues. People ignore the current safety signs that are posted.
- An ecosystem-service value report was done by the Town. Natural public resources contribute \$133 to \$168 million per year. Natural resources include open space, coastal recreation, and wetlands habitat.
- Approximately \$400,000 per year is received from taxes for the houses on the road.
- The project is part of a bigger plan for coastal climate change adaptation planning.
- The revetment will go into the water, but there are no critical issues with that.
- There will be no scouring at the end of the revetments and there will be improved drainage.
- The North Bluff project was a huge learning process, so those lessons will be taken to heart in terms of what type of plantings will work in a salt tolerant environment to hold the bluff in place.
- The Conservation Commission will approve the landscaping and planting plans, and are more than qualified to do so.



**Carlos Pena** presented the following:

- He works for CLE Engineering and is representing the Town of Oak Bluffs and DCR Waterways.
- The project has had a local outreach component. A large presentation was held at the East Chop Beach Club, and the need for public support in order to bolster funding was emphasized.
- An emergency engineering inspection will be done on February 2, 2018 to determine if the road is safe, because there has been accelerated erosion after the storm on January 4<sup>th</sup>.
- This is a project that needs to be done.
- There has been an LUPC meeting, a site visit, and a meeting with the Oak Bluffs Board of Selectmen.
- The two way traffic will be restored and there will not be a four foot shoulder on the side.
- Construction season will occur from Labor Day to Memorial Day. Any work performed would be stabilized and fenced off for the summer, and sequenced so different portions would be done each year, depending on the funding mechanisms.
- The southern route will be the primary route for construction, and will only cross the top using East Chop Drive if needed.
- Pedestrian traffic will be funneled into one location.
- Timbers on the walkway will have a bleached rail, not white as shown in the picture, to blend in with the environment.
- The stone revetment proposed has a 50 year design life.

### **3.3 Commissioners' Questions**

There was a discussion about sea level rise and the life of the revetment.

- **Doug Sederholm** said the revetment has a 50 year life, and asked if projected sea level rise was taken into account.
- **Carlos Pena** said sea level rise was taken into account, and it is two feet.
- **Doug Sederholm** said there are estimates that are higher than two feet, and it could be much more in a 50 year timeframe.
- **Carlos Pena** said the proposal uses four to six ton armor stones and up to eight ton toe stones, so the revetment is fitted, and underlain with gravel and geotextile materials, which will be very stable. It will extend past the point where the design wave would run up and damage the coastal bank. One liter of water per meter per second is what starts to cause erosion. A 20 foot design makes sense and is fitted to this location.
- **Doug Sederholm** said this is as much as can be done based on the topography of the area.
- **Carlos Pena** said the proposal will raise the revetment to 20 feet, and the far end will taper to 15 feet. If it were any taller, it would eliminate what we are trying to save. The maximum amount of costal bank and habitat will be maintained. The existing berm along the top of the bank will also be maintained. Hoods and collection points will be added to improve the drainage. The water will be taken down the slope and deposited at the end of the revetment, so there will be no scour. There are currently no pipes to funnel water, which is creating gullies. The goal is to keep water and pedestrians off the bank itself by providing access and drainage. There will be no parking provided; the closest parking is at the beach club. There is enough pedestrian and bike traffic already in the area that more does not need to be attracted. When seeking funding, public ADA access increases the likelihood of receiving funding.

**Trip Barnes** asked how much funding has been received. **Carlos Pena** said none. A \$3 million grant has been applied for, but the funds have not been received yet.

**Trip Barnes** asked if there was any direction on what could be done to ensure the funding. **Carlos Pena** said the applicant team has been working with the Town and the State. Pressure on State Senators and Representatives would be helpful. He suggested that small group of concerned citizens spearhead the



funding mechanisms. Sometimes projects like this stall because they can't get funding, and this project will be expensive.

**Ben Robinson** said he understands the value of creating public access to prevent people from making their own access, but asked if it would be worthwhile to have accesses at both ends of the bluff with one, continuous sloping ADA access ramp, rather than the switchback as proposed. The sloping ramp could be hidden behind vegetation, and would be less visible from the water, and more interesting to walk along. **Carlos Pena** said it could be done, but would require alternative construction methods. The ramp as proposed slopes 12% over 30 feet. Each leg of the switchback configuration drops 2.5 feet. There was concern that there was not enough space to slope the access down to the revetment, and that there may need to be bumps along the way. It is conceivable that there could be a path along the coastal bank with access on both sides. The proposed ramp location was where it was thought to be most useful.

There was a discussion about the guardrail.

- **Fred Hancock** said that there were prior discussions about the berm at the top of the bluff, and the style of the guardrail along the road. Now that this is no longer considered a road project, is there any flexibility in the style of guardrail? Can concrete posts painted white with a cable be used? It is such an iconic view for the Town and the Island, and the white, concrete posts are a large part of that.
- **Carlos Pena** said the engineer that contacted Mass Highway was given four or five options for the guardrails and the proposed was by far the best. If it were possible to do something else and Mass Highway approved, it could be done. The steel imbedded timber was the least obtrusive of what they had to offer. He added that there may be some liability issues with installing a guardrail that does not meet the approval of Mass Highway.
- **Liz Durkee** said the rail is designed to stop cars from driving off the cliff, the ones currently in place would not do that.
- **Doug Sederholm** asked if Mass Highway needs to approve the guardrail.
- **Carlos Pena** said there is a classification for the road, and any guardrail replacement must meet the classification. What is being proposed is the best choice for that classification.
- **Gail Barmakian** said the old white posts were so close together that it prevented cars going through. Mass Highway does allow for variances if the safety can be proven.
- **Carlos Pena** said the applicant team met with the Town and the Town picked this example about a year and a half ago.
- **Liz Durkee** said the other options were hideous.
- **Fred Hancock** asked if a variance from the State has been explored.
- **Carlos Pena** said the decision was left to the Town, but the team could pursue a variance for the concrete white posts.
- **Linda Sibley** asked if it was possible for the MVC to leave the decision on the guardrail to the Town, in case they change their mind.
- **Adam Turner** said yes.

**Gail Barmakian** asked how it can be ensured that the vegetation on the bank will grow. It is important that it becomes vibrant. **Joan Hughes** said that the Conservation Commission has learned that they need stronger control over plantings and vegetation management. One of the things is plant the proper size and species plants at the right time of year. The Conservation Commission will hopefully be re-planting the North Bluff in March. **Carlos Pena** added that for the North Bluff, the project is closing on the June 30<sup>th</sup> for the Town, so the contractor is on the hook for the vegetation.

**Adam Turner** said it is important that this project is designed and financed properly, so that the restoration can be done, without any of the problems that arose from the repair done around 1992.



There was a discussion about the permits.

- **Gail Barmakian** asked if the project has all the necessary permits.
- **Carlos Pena** said that some permits have been received, but not all. The applicants have gone through the MEPA process for an ENF; initiated the Oak Bluffs Conservation Commission process, which has been remanded to the MVC; MEPA and following the MVC approval, the applicants will apply to the DEP. He reviewed a list of where they are to date in the permitting process.
- **Trip Barnes** said how long does it take to get the permits and do they expire.
- **Carlos Pena** said it will take another year to get the permits and they expire between 3 to 5 years. There are provisions for how long they can last, and there are extensions.
- **Liz Durkee** said they have funding to obtain the permits. A grant was received from DCR and CPA funds can be used for that as well.

**Joan Malkin** asked if the guardrail would be continuous along the length of the project. **Carlos Pena** said it would be.

**Joan Malkin** said how wide the entrance way would be, and if there were plans for bike racks. **Carlos Pena** showed on the site plans for the bike rack location and the walkway. It follows the contours of the coastal bank. The washed out area that exists now will be restored.

**Joan Malkin** said she did not think the funding would be received in one swoop, and will most likely happen in stages, and so would the construction. She would like to hear more about the phasing; when one stage is completed and the next begins, will there be any impact to the abutting areas? How will it be safe and secure to prevent erosion? And, it was mentioned that the revetment has a 50 year life, what level of storm was it designed for? **Carlos Pena** said the design wave for the area is 8 feet according to the guide documents. In this case, a 100 year storm event and projected sea level rise calculate out to an 8 foot wave on top of the still water elevation from FEMA. A similar project was done on Spectacle Island 25 years ago, and the key was to start at one end and work back, so everything left for the season was complete. Plantings are done in the spring, vegetation has taken in the summer. It's the most efficient way to do a project like this. Fencing will be installed so the public would not be able to access any of the unfinished portions.

**Linda Sibley** asked if the work would be done north to south, or south to north. **Carlos Pena** said it would depend on the funding. Both options are open depending on what's available.

**Linda Sibley** said there is a handicap ramp down to the revetment, but a wheelchair cannot be operated on the revetment. From the pictures, it doesn't appear to be wheelchair-friendly. **Carlos Pena** said the ramp is to provide some access to the waterfront for someone in a wheelchair to be closer to the water. There is a landing and a place to stop. The pictures are just renderings done by an architect. A wheelchair will not be able to go down the length of revetment. **Liz Durkee** added that the ramp is for other types of disabilities as well. **Joan Hughes** said one of the problems from the last repair, other than it was unfinished, was that the top of the revetment had adequate room to drive a pickup truck, which many people did, and there was far too much activity. Too much use does not need to be encouraged.

**Richard Toole** asked what the minimum amount of money was to get started. **Carlos Pena** said the initial \$3 million was for a ramp and emergency repairs between Brewster Avenue and Harrison Avenue. The ramp needs to be built first, as soon as that's done, stones can be brought in. \$3 million should be enough to build a ramp, prepare the area, and get started.

**Richard Toole** asked if there's been any effort to seek private funding. **Liz Durkee** said that that decision would be left up to the Town, and there is no definitive position at this time. After Hurricane Sandy, the Town applied for funding from FEMA to repair this bluff. FEMA signed a contract with the Town for the stabilization project, and then said no. The Town spent about three years appealing that decision. **Carlos**



**Pena** added that there was a problem because the land was privately owned at the time, it was disappointing because some work could have been done, and that FEMA pulled out after they had committed funds.

**Richard Toole** said if the public contributed money it might be easier to get the funding. He believes it will be hard to get the funding.

**Robert Doyle** asked how long this project will take. **Carlos Pena** said originally, the applicants were hoping for two seasons. If the funding is limited, the key would be to get the ramp built so there is access to the project, and the critical areas. The \$3 million grant would do that.

**Doug Sederholm** said there is a vegetation management issue component to this project. The area is all within the jurisdiction of the Oak Bluffs Conservation Commission; and as part of the application, he assumed that the applicants will ask the MVC to defer to the Conservation Commission to supervise the vegetation on a long-term basis. **Joan Hughes** said yes, and the Conservation Commission has never been shy about asking for help from experts. One of the things they've learned is that the vegetation management needs to be taken out of the major contracts, and given to local people who will work with the Town, and are more easily managed.

**Fred Hancock** asked for clarification about the catch basins and the drainage. **Carlos Pena** said the intent is to replace any broken parts in the catch basins and install new hoods to ensure that there's no drainage. The water will be caught and channeled down to the revetment without causing any damage to the bluff.

### 3.4 Public Testimony

**Palmer Marrin** said as far as the guardrail is concerned, the one proposed would help keep people off the bluffs. The white posts were to keep cars off, but do not stop people from walking in between them. The wood looks much better in her opinion and are low profile and would hopefully keep people off.

**Betsy Dripps** asked if there would be a safe place for bikers and walkers. She lives on the street and there are hundreds of people using the area. She was concerned about safety and where they would go when the two way traffic is restored.

- **Joan Hughes** said the Town has a Trails Byway Committee and the Town wants to address this issue internally, which is why we have asked been asked the MVC not to address the road at this time. The Town will come back to the MVC once they have decided what to do. The Town has asked for Transportation Survey from the MVC.

**Craig Dripps** is the President of the East Chop Association, but spoke as a private homeowner. The East Chop Association gave the Town the land with strict conservation restrictions. He understands to get public funding, there needs to be public access, but he does not want the conservation perspective lost in the process. He wants to be sure that 30 years from now there won't be cabanas and fishing piers because the conservation restrictions weren't strong enough. He wants to be sure that there is sensitivity to that document and the intent with which the Association gave the land to the Town. He asked if the vegetation on the top of the bluff would be removed, particularly near Monroe Avenue.

- **Carlos Pena** said the objective is to keep as much of the existing vegetation as possible, and it has done well. We need to measure the water view as well and the current vegetation prevents the view. Will it be maintained and cut to provide a water view.
- **Craig Dripps** clarified and said that the vegetation is blocking a water view, and asked if it would be maintained in such a way so the water could be seen.
- **Carlos Pena** said the vegetation management will go back to the Conservation Commission, and it could be reviewed at that point.



- **Joan Hughes** said the Conservation Commission will try to be sensitive to heights. Much will need to be done in the area due to the construction traffic.

**Craig Dripps** also asked where the access roads for construction will be, and if they were near the bend in the road by Munroe Avenue.

- **Carlos Pena** showed on the map of the construction routes; where the pink highlights meet the green highlights is the end of the project. The primary access will be the pink highlighted route. There will be no construction traffic cutting through the subdivision to get to the project site. There is access at Munroe Avenue that is only proposed in case the funding requires that there be two access points; if it doesn't, there will be one access point below Brewster Avenue. Construction will start at the north end and work south if one access point is used. Two access points will be included in the permits, in the event the funding is phased that way, but the objective is to use one access point and to fund it all at once.

**Bill Potter** said there was a sizable restoration project done in the area not that long ago, and it obviously didn't work. It cost a lot of money. What happened?

- **Carlos Pena** said since 1920, the sea level has risen about eight-tenths of a foot. An imbedded timber bulkhead was built in 1936 to elevation 8, which is now splayed along the beach and the stones have been displaced. A large volume of water can make it readily over, which is scouring the cliff. The small stones are gone and the water is attacking the coastal bank, and is now infringing on the stability of the road. If left alone, it will continue to happen until a section of the road is lost, and needs to be closed.
- **Craig Dripps** said when the East Chop Association owned the land, FEMA (which doesn't usually contribute to private organizations) caved in and with the direction of Army Corps of Engineers, gave \$600,000 for the lowest bidder. The work was sub-par for that price.
- **Joan Hughes** added that the lowest bidder went bankrupt in the middle of the repair. It was a disaster.
- **Doug Sederholm** asked if this particular section was included in the project.
- **Carlos Pena** said yes. The emergency inspection to occur on February 2<sup>nd</sup> will look to see what has happened between Brewster Avenue and Harrison Avenue. There are four or five pockets of severe erosion. If the angle between the bottom and the top of the bluff exceeds 32 degrees, it is inherently unstable and the road could collapse.
- **Doug Sederholm** said this information should be helpful for getting money for the project.

**Anne Charnley** referred to the letter from Tim Brooks with regards to the road shoulder, and how there will be nothing to distinguish the pedestrian area from the roadway. Will there be a path for the pedestrians?

- **Liz Durkee** said the pathway is not part of the project yet.

**Fred Hancock** clarified for those in the audience that haven't attended all the meetings that the construction will extend into the water at the southern end of the project.

**Carlos Pena** added that construction will extend into the water on the northern end as well. There are places where there isn't enough space to meet the 1.5: 1 ratio with a 27 degree angle, so the edges have to be pushed out as little as possible. It rises from 24 feet to 42 feet down to 36 feet at the northern end.

**Adam Turner** asked if the restoration done in 1992 was designed properly.

- **Liz Durkee** said yes, but it wasn't built properly or finished.
- **Joan Hughes** added that the engineering was done on Island, and probably did not represent the acme of coastal engineering at that point. When the Conservation Commission started



seeking engineering help this round, they decided to look nationally to find someone who really knew what they were doing.

**Betsy Dripps** asked if the heavy trucks carrying heavy stones would damage the area.

- **Carlos Pena** said there will be two temporary 10% grade ramps designed for construction on either side of the bluff that will be stable with guard rails. It is what is done for building roads. The access ramp plan was reviewed. Trucks will be able to make the turn to drop off the stone.
- **Doug Sederholm** said there's no way to build without making a mess, but it will be cleaned up.
- **Carlos Pena** said it will be done like the North Bluff. The footprint of the project will be contained and controlled for minimal impact. There will be staging areas for rocks off-site.

**Anne Charnley** asked why the materials couldn't be delivered by water.

- **Carlos Pena** said it would have been the preferred method, but is prevented by the shallow water and erratic rocks. The bathometric survey to determine that feasibility was the first thing done for this project.

**Grace Simpkins** asked what would be done to the existing jetty, and if it would be extended. She also asked what would be done to keep people off of the bluff during the summer if the construction season is from Labor Day to Memorial Day.

- **Carlos Pena** said the jetty is the lowest part of the project, so there is no need to extend past the existing shoreline. The higher areas in the middle are where the slope won't fit in the existing space and the revetment need to extend into the water. As each specific section is completed, it will have to be fenced off. There will be controlled access for people to get to the water during construction. The fenced area will be left for the summer to keep people away from the construction area. Other safety precautions could be taken if necessary. The applicants will do everything possible to keep the public from walking on uncompleted sections of the revetment.

**Palmer Marrin** asked if the funding would be applied for after the permits have been received. She said the project needs to be expedited, the damage is already extensive. The project needs to be started as soon as possible, and the vegetation needs to be done correctly. The discussions about one way or two way traffic seem trivial, because there may not be a road soon.

- **Carlos Pena** said the permitting and funding will be done simultaneously.

**Bill Potter** asked if CLE Engineering has done any similar projects, and if there were examples. Would adding artificial reefs help with the storm surge?

- **Carlos Pena** mentioned the seawall at the Scituate Lighthouse. It was designed as a double tiered sea wall and rose four feet above what was there before. We are doing a lot of work in Scituate with seawalls. In other countries artificial reefs are used as winter berms placed offshore, which disrupt the waves and the sand migrates onto the beaches, but we can't do that here. In Massachusetts, breakwaters cannot be put in the water, sand cannot be mined offshore, it's very difficult to place beach below the annual high tide line. Much more could be done if we were allowed to work offshore, before the wave hits the beach. We could do much more if we could do work offshore first. This is the last line of defense.

**Palmer Marrin** asked if the most fragile area of the bluff would be worked on first.

- **Carlos Pena** said yes, if there's complete funding. The most critical area is between Brewster Ave and Harrison Ave. If there's incomplete funding, the work would start at the north, and work south; and then later start south and work north. The critical areas will be done first.

**Grace Simpkins** asked if the guardrail and revetment would be done in one stage.



- **Carlos Pena** said the guardrail would be last because the construction crews may need to access some areas from the top of the bluff.

### **3.5 Commissioners' Discussion**

**Fred Hancock** said the MVC will need either a revised plan, or a list of things the applicant will not be doing that are included in the submitted plans. **Carlos Pena** said once the final plans and specifications are finalized, they will be submitted to the MVC. **Fred Hancock** said for the approval, the revised plan should be very obvious of the scope of the project and what the MVC would be approving.

There was a discussion about approval of the project.

- **Adam Turner** said the Commission needs to think about how to approve this project, since the construction will depend on how much funding is received and when, which the applicant has no control over. There needs to be strategies on how to get this project done.
- **Josh Goldstein** asked if the MVC could approve this in a way that allows the applicants to move forward with other permits and funding, while still maintaining levels of regulatory protection. Could the Commission approve with the condition that they return as they receive funding?
- **Fred Hancock** said no, a real plan is needed. He agreed that this application needs to be expedited, but due diligence still needs to be done.
- **Linda Sibley** said the MVC cannot approve in theory, a real plan is needed.
- **James Vercruysse** said the public hearing will be continued, but will not delay the project significantly.
- **Trip Barnes** expressed concern about the delay, considering the condition of the road and the effects of the past few storms.
- **Gail Barmakian** asked what the next step is for the application, and if having a formal written decision would cause delay.
- **Carlos Pena** said the application still needs to go back to the Conservation Commission.
- **James Vercruysse** said the MVC is not going to approve the application without a thorough review, so the public hearing will be continued.
- **Carlos Pena** said if there is a real emergency, there are ways to deal with it.
- **Robert Doyle** asked if it would be helpful for the applicants to return with a phase one request so they could get started.
- **Carlos Pena** said the phasing depends on the money received, and there is no way to predict that. The majority of the work will be the revetment, there's also the coastal bank, the drainage, the guardrail and the public access. None of this will change.
- **Linda Sibley** said the MVC can approve, but needs slightly clearer conditions about returning.
- **Adam Turner** said MVC staff needs to review the information again.

There was a discussion about the plans.

- **Fred Hancock** said it would be helpful on the drawing sections, if it showed the entire section all the way up to the roadway.
- **Carlos Pena** said the sections do include the roadway, but are so small in scale it would not be clear to show all of them. The preliminary plan was to show the magnitude of the project, and not the exact details, but he could do that.
- **Fred Hancock** said it is important to document it, so if the soil is taken away in the construction part of the project they know what to put back. The top elevation varies along the bank.
- **Carlos Pena** said he agreed; the initial survey from three years ago detailed the edge of the road. The applicants could go back to those plans and profiles, but some of it has eroded already.

- **Fred Hancock** said it is important to note in writing that the applicant's intent is to restore the berm.
- **Carlos Pena** agreed.
- **Carlos Pena** said if questions are submitted, we can have the answers for the next meeting, but more time would be needed to change the drawings.
- **Carlos Pena** said there are permit plans and there may be changes to those, so perhaps the MVC could add a condition about restoring the berm.

**James Vercruysse**, Public Hearing Officer, continued the Public Hearing until February 15, 2018.

#### **4. NEW BUSINESS**

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*Commissioners Present:* *G. Barmakian, T. Barnes, L. Brathwaite, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.*

##### **4.1 Executive Director Report**

**Adam Turner** presented the following:

- He has been selected to speak at the National American Planning Association that will be held in New Orleans. He will be speaking on the development of affordable housing in places where there are multi-million dollar homes.
- The budgets were submitted to the towns. He has met with Chilmark and overall has received good comments.
- The MVC is working with the Healthy Aging Task Force on the programming and strategies that they have asked for. There is quite a bit of work.
- The Up-Island Water Quality Group is being set up.
- A grant has been received to continue the Housing Production Plan implementation.
- Funding for permanent automatic traffic counters has been received.
- The Eversource vegetation management plan is out and includes the use of herbicides, there are 45 days to comment. It is important to have herbicide policies. He will send the draft notice to the Commissioners. There was a coordinated response the last time.

The meeting was adjourned at 9:05 p.m.

##### **DOCUMENTS REFERRED TO DURING THE MEETING**

- Martha's Vineyard Commission DRI # 484-M7 Vineyard Golf Driving Range Facility MVC Staff Report – 2018-01-29
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of January 29, 2018
- Letter from McCarron, Murphy & Vukota, LLP, RE: Vineyard Golf Club DRI # 484-M Edgartown, MA, Dated January 24, 2018 from Sean Murphy
- Letter from Vineyard Land Surveying & Engineering, RE: Vineyard Golf Club-Golf Club Road VLS&E Job No. 1023-1, Dated January 25, 2018 from Reid Silva
- Letter from Sheriff's Meadow Foundation, Re: Vineyard Golf Club, Dated January 30, 2018 from Adam R. Moore
- Martha's Vineyard Commission DRI #679 East Chop Bluff Repair MVC Staff Report – 2018-02-01
- Letter from Town of Oak Bluffs, Board of Selectmen, RE: East Chop Bluff Stabilization DRI, Dated January 11, 2018



- Letter from Tim Brooks, Re: East Chop Bluff Repair-OB (DRI 679) Public Hearing, Dated January 31, 2018
- Site Plan, Access Ramp Plan View and Detail and Vegetation Planting Detail, East Chop Bluff Repair
- Martha's Vineyard Commission DRI # 352-M6 High School Greenhouse MVC Staff Report – 2018-02-01
- Martha's Vineyard High School Greenhouse Plan, Elevation and Details, Dated January 10, 2018
- Martha's Vineyard Regional High School Proposed Improvements Horticulture Grounds CTE- Horticulture Jan. 2018
- Permanent Count Site Locations FY' 18 TIP Counter Locations, Proposed Permanent Counter Sites, Dated 11-15-17

  
Chairman

5.3.18  
Date

  
Clerk-Treasurer

3 MAY 2018  
Date