

Conservation Commission
Minutes January 20, 2016 12:30 PM Town Hall
FINAL

Present for the Conservation Commission and attending the meeting were: Sandy Broyard, Chairman, Candy Shweder, Vice Chairman, Joan Malkin, Chris Murphy, Pam Goff, Russell Maloney, and Chuck Hodgkinson. Also attending was: Mark Haley, Jo-Ann Taylor, Alex Elvin, Meg Rehrauer, Daniel Padien, Jane Slater, Jim Malkin, Warren Doty, Charlie Parker, Wendy Weldon, Sally Davis, Andy Goldman, Rosalie Hornblower, Steve Flanders, Jessica Roddy, Janet Weidner and Adam Turner. Bob Hungerford and Maureen Eisner were absent.

The meeting came to order at 12:30 PM. Ms. Broyard appointed Alternate Commissioner Russell Maloney as a voting member. Mr. Maloney proceeded to read a disclosure statement of appearance of a conflict of interest for the record. He concluded he feels he can perform his official duties as a Commissioner objectively and fairly.

NOISE 12 - 757; REID SILVA FOR TOWN OF CHILMARK; off Squibnocket Rd. and Squibnocket Farm Rd.; AP 35-1.30, 17.2, 17.3, 17.4, 20, 21, 22, 23: Ms. Broyard opened the continued public hearing at 12:35 PM and explained the Commission will ask each applicant to review the written questions and answers that were submitted after the January 6th meeting. Mr. Silva read each question and his written responses dated 1/12/16 for the record—attached. When he finished the Commission asked that the west end of the revetment removal be clearly marked on site. They also discussed that while wetland replication has been proposed it very rarely is successful and, therefore up to the Commission to determine if it is needed—especially given the significant amount of beach restoration that is proposed. Chuck H. summarized the plan to use 3,000 cubic yards of the Menemsha Pond dredge sand for the Squibnocket Beach nourishment. The Commission mentioned a grain size analysis is required to make sure the dredge sand is compatible with the Squibnocket sand.

When asked, Mr. Silva said the southern end of the proposed cul-de-sac is approximately 120 feet from the existing mean high tide mark. Ms. Weldon mentioned the Squibnocket Pond District Advisory Committee supports the Town's parking lot plan for storm water drainage. Mr. Silva was asked whether a gravel or pavement parking surface would be better for the resource areas in view of potential storm water flow and erosion. He stated that he felt that each offered essentially equivalent protection, noting also that both are easily removed in the event of further managed retreat. Ms. Weldon added the Shellfish Constable explained to her the new skiff launch area is needed for pond access. Mr. Parker asked to review a revised version of his presentation from January 6 that is now dated 1/20/16. Ms. Broyard said to please only cover the parts that are relevant to the Town's proposal at this time. Mr. Malkin said the Town Committee on Squibnocket heard this discussion for seven months and said a dune was not proposed. Mr. Silva clarified that the proposal is not trying to create a dune resource that shouldn't naturally exist. The plan is to restore the area under the current parking lot and roadway to a composition that is not man-made by placing natural material to help facilitate the natural process. The area is generally sand veneer and is not like Stonewall Beach. Cobble is not a natural geologic form at Squibnocket Beach. The area planned for replication would be re-graded, stripped of vegetation and then replanted with vegetation consistent with the adjacent BVW. Mr. Silva noted that the current vegetation in that area is not materially different from that in the adjacent BVW and is clearly better suited to the area in which it currently exists. He expressed his view

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that creating the replication area will not enhance the overall project site resource areas and that it will be temporary in any event with anticipated wash overs over the years.

After further discussion the Commission said it has a good understanding of the proposal and explained it must first refer this to the Martha's Vineyard Commission. A motion was made to refer the Town's plan as presented to the Martha's Vineyard Commission for review under DRI sections 8.3 and 8.5b. The motion was seconded. In discussion it was asked if this is required because of the long public planning process that led to this proposal. The motion came to a vote and passed with five in favor and one opposed (Ms. Goff). A second motion was made to continue this hearing until after the MVC concludes its deliberations. The motion was seconded. In discussion Chuck H. said all abutters will be re-notified of the continued hearing date and time and it will also be advertised in the MV Times. The motion came to a vote and passed unanimously with six in favor.

NOISE12 - 759; DANIEL PADIEN FOR SQUIBNOCKET FARM, INC.; off Squibnocket Rd. and Squibnocket Farm Rd.; AP 35-1.30, 17.3, 17.4, 21, 22, 23: Ms. Broyard opened the continued public hearing at 1:35 PM. The Commission asked Mr. Padien to review those written questions and answers that were not already covered by Mr. Silva. Mr. Padien asked that his written responses dated 1/19/16 be considered as the official record and proceeded to review each question and answer--attached. The Commission thanked Mr. Padien. When asked about the height of the elevated causeway Mr. Padien said the higher the causeway is better as this will have fewer archaeological and resource impacts than a lower deck. A lower causeway with lower connecting roadways would require greater excavation to ensure an acceptable slope thus, resulting in greater disturbance to the resource areas.

Mr. Parker was asked to review those parts of his report dated 1/20/16 that pertain to this project. He asked how the causeway will connect with Squibnocket Rd. and Squibnocket Farm Rd. The Commission reminded Mr. Parker it is not in the business of re-engineering bridges and asked if he has concerns relating to the resources. Mr. Parker said his primary concern is aesthetic and agreed that this is perhaps an MVC issue. Ms. Broyard thanked Mr. Parker for taking the time and said the Commission will take his report under advisement. The Commission will consider the plan's impact on the resources and their compliance with the Bylaw Regulations. Ms. Broyard then asked if story-poles could be erected on site to demonstrate the proposed height of the elevated causeway. This will most likely be needed for the MVC review. Mr. Haley agreed.

As with the Town's proposal a motion was made to refer this project to the Martha's Vineyard Commission for review under DRI Sections 8.3, 8.5a and 8.5b. The motion was seconded and passed with five in favor and one opposed (Ms. Goff). A subsequent motion was made to continue this hearing to March 2, 2016 @ 12:30 PM. The motion was seconded and passed unanimously with six in favor.

The December 16, 2015 meeting minutes were reviewed and approved as presented by consensus.

The next meeting will be Wednesday, February 3, 2016 @ 12:30 PM.

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With no further business to discuss the meeting adjourned at 3:10 PM.

Respectfully submitted by Chuck Hodgkinson, C.A.S.

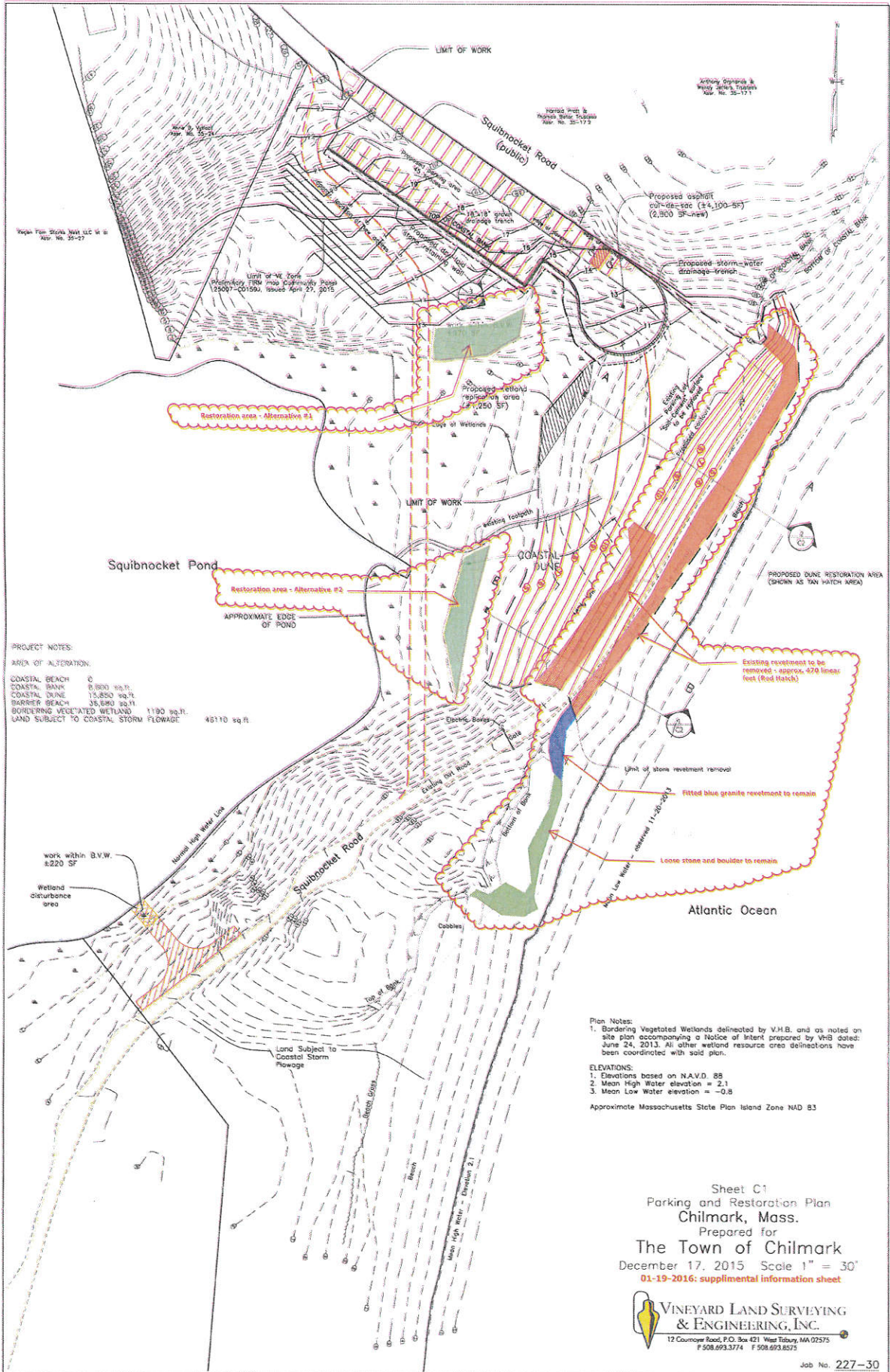
Chilmark Conservation Commission Questions
January 12, 2016

Questions for Reid:

1. How many feet of parking lot revetment are being removed? **Approx. 470 ft.** Once the parking lot revetment is removed, how many feet westward does the remaining revetment extend? **Approx. 35' of blue granite and a total of approx. 140' of stone will remain in place.** Please indicate both the removed and remaining revetment on a map. **See attached plan**
2. What impacts, if any, can be expected to occur at or around the end of the remaining revetment? **Erosion will continue northward along the newly restored barrier beach. Some wave refraction may occur during storm events around the end of the remaining revetment, however refraction could be minimized by maintaining a broken rip-rap stone face as opposed to a fitted revetment face.**
3. What would the impacts be, if any, on the coastal dune when a portion of the dune is converted to BVW (as part of the replication)? **The "coastal dune" within the restoration area consists primarily of woody vegetation that will be replaced with similar woody wetland vegetation. There will be no measurable impacts on the functioning of this section of dune.**
4. Were alternative sites for the replication area considered? If so, which ones and why were they considered inferior? **Yes, alternative sites were considered but were found inferior (see attached sketch). Alt. 1 was rejected due to added disruption to an area outside of the project limits. Alt. 2 was rejected due to the dis-similar wetland types. Most of the displaced wetland borders a freshwater spring adjacent to Squibnocket Road. Alt. 2 is a low lying area adjacent to the pond consisting primarily of marsh grasses and fringe marsh vegetation. The proposed replication area was chosen to limit disturbance to an area within the project boundary and to provide similar wetland species and characteristics to those that are being displaced.**
5. In terms of protecting wetland resource interests, is there a material difference between a paved or a gravel parking lot? **For this particular project site, it is my opinion that protection of the wetland resource interests could be accomplished with the use of either bituminous concrete (asphalt) or gravel. There are advantages and disadvantages with both materials. The advantages of gravel include the ease of removal, reduction in point source drainage structures, and lower cost. Disadvantages include higher maintenance costs and less control of storm-water drainage treatment. The advantages of asphalt would be greater control of storm-water drainage and reduced maintenance. Disadvantages of asphalt would be greater costs to install and remove when necessary; and the placement of point source drainage structures. Which option would be better for the resource areas in a planned retreat? It is my opinion that either material could be incorporated into the design to equally protect the wetland resources, however gravel accomplishes more of project goals and provides a better drainage system than asphalt.**
6. Please provide an exit plan that outlines when and how the parking lot will be removed as the shoreline and mean high tide continues to migrate to the north. This plan should specify how close mean high tide will be to the parking lot and turnaround to trigger the development and submission of a plan for further managed retreat. This trigger should be done such that there

will be sufficient land area for the required equipment to perform the work. As the shoreline migrates inland there will be a time at which an evaluation of alternatives will need to occur. The evaluation will need to occur before the parking area components, including the retaining wall are in imminent danger from erosion. We propose that this moment be defined as the point at which the parking lot retaining wall is within 40 ft of the mean high water line of the ocean. When this condition occurs, the town will investigate options for removal and replacement of portions of the parking area that are in jeopardy. When portions of the parking lot and retaining wall need to be removed or relocated, all work could be done by machine from the landward side of the wall.

7. Presuming that there will be some gas powered tools or machines on site, what are the plans in how to use gas on site and plans to avoid any contamination of the resource area with gas or oil. The greatest risk for contamination arises from refueling of equipment and machinery. It is proposed that all refueling of equipment and machinery occur in the northernmost portion of the new parking lot. This will reduce the potential of contamination reaching the resource from a possible spill.
8. Please compare the impacts to the resource areas if the skiff launch area is developed as proposed vs laying gravel on top of the existing surface area. The impact resulting from the placement of gravel and cobble directly onto unstable organic and fine material will be greater than the impact resulting from removal of organics and fine material and placement of gravel on a stable base. Placement of gravel on the existing organic material will displace sediment and organic material into the adjacent wetland and pond. As vehicles and trailers pass over the surface, rutting will develop as the material is compacted and displaced. More short-term maintenance will be required to maintain an even surface. Removal of the organics and fine material will minimize the amount of disruption to the adjacent land and the amount of short and long-term maintenance of the area.
9. Please provide the most currently available data for mean high tide at Squibnocket Beach. Attached is a copy of the 2014 Eldridge tidal station data for Squibnocket Point. The published tidal range for Squibnocket Point is 2.9'. Assuming elevation Zero (0) of our survey datum (NAVD) equates to Mean Sea Level the resulting Mean High Water would be elevation 1.4. Our survey plan identified MHW = 2.1 based upon local observations.



PROJECT NOTES:

AREA OF ALTERATION:

COASTAL BEACH	0
COASTAL BANK	0,800 sq.ft.
COASTAL DUNE	15,850 sq.ft.
BARRIER BEACH	35,690 sq.ft.
BORDERING VEGETATED WETLAND	1,190 sq.ft.
LAND SUBJECT TO COASTAL STORM FLOWAGE	40,110 sq.ft.

Plan Notes:

1. Bordering Vegetated Wetlands delineated by V.H.B. and as noted on site plan accompanying a Notice of Intent prepared by V.H.B. dated: June 24, 2013. All other wetland resource area delineations have been coordinated with said plan.

ELEVATIONS:

1. Elevations based on N.A.S.D. 88
2. Mean High Water elevation = 2.1
3. Mean Low Water elevation = -0.8

Approximate Massachusetts State Plan Island Zone NAD 83

Sheet C1
 Parking and Restoration Plan
 Chilmark, Mass.
 Prepared for
The Town of Chilmark
 December 17, 2015 Scale 1" = 30'
 01-19-2016: supplemental information sheet



Response of Squibnocket Farm, Inc. to Chilmark Conservation Commission Questions

Submitted: January 18, 2016

The following responds to the written questions that the Conservation Commission directed to Squibnocket Farm, Inc. on January 8, 2016 (as revised January 12, 2016). The Commission's question is repeated, followed by our response. Capitalized terms not defined below have the meaning given to them in the Notice of Intent (NOI):

1. *Are the cited studies, which indicate no significant impact to vegetation from shading when the causeway height to width ratio is at least 70%) applicable to the kind of vegetation currently in the BVW?*

Response: The cited studies evaluated salt marshes in North Carolina, but their conclusions were not limited to the types of vegetation present in those resources. We interpret the studies as having generic applicability to vegetated wetlands beneath roadway overpasses. As stated in the NOI narrative, the studies conclude that in order to avoid adverse impacts on underlying wetlands vegetation, a height-width (H/W) ratio of *at least 0.70* is preferred. (The studies also suggest that it is preferable for a span to have a clear height of at least 9 meters (~30') in addition to a H/W ratio of greater than 0.70, but this obviously is not achievable or desirable in our situation, regardless of the marginal wetland protection benefits that might result from such a high span.) The referenced studies should not be read as establishing that a structure with a H/W ratio of 0.70 will necessarily have benign shadow effects, but merely, that structures with a H/W ratio less than 0.70 are likely to result in reduced productivity beneath. The studies do, however, corroborate our site-specific shadow study, which determined that shadows cast by the Low Causeway, which happens to have a H/W ratio slightly greater than 0.70, will have a negligible impact on the viability of the underlying BVW.

2. *Please indicate on a map the specific areas (9370 sq ft) subject to 'vegetation clearing' and other disturbances on the coastal bank and associated buffer zone at the project site. Please also indicate where the 9730 sq ft of impacted LSCSF is and the nature of the impact(s). (See page 6 of the NOI.)*

Response: The areas subject to vegetation clearing within coastal bank and associated buffer are within the "limits of work" shown on NOI Plan Sheet PC-1. The impacted LSCSF consists of all areas that are (1) within the "limits of work" shown on Sheet PC-1, and (2) below E.L. 15. The activities to occur in the impacted LSCSF areas consist of vegetation clearing, grading, placement of fill, and installation of epoxy-coated piles, followed by revegetation.

3. *What is the plan to deal with the spoils from the "shallow excavation" of land comprising the coastal bank and associated buffer zone between Squibnocket Pond and Squibnocket Road? (See page 5 of the NOI.)*

Response: We anticipate that there will be no excess excavated material generated during construction of the Access Project. Material excavated during Roadway construction will be reused to achieve final grades for the Roadway. If, contrary to expectations, there is any excess

material, it either will be made available to the Town for use in the construction of the new Town parking lot or dune, or transported off-site for lawful disposal or reuse.

4. *Please indicate the limit of work and placement of erosion control barriers for the roadway and causeway activities.*

Response: Limits of work and associated erosion controls are illustrated on NOI Plan Sheet ERC-1. A revised version of this sheet, showing limits of work within the Low Causeway section of the Project, is submitted with these responses.

5. *Please explain the plan, if any, to interrupt/slow the storm water flowing down the sloped paved road. How will the water flow be directed into the berm along its length.*

Response: The final grading for the Roadway, which will be depicted on final (100%) design plans for the Project, will direct runoff to the adjacent vegetated areas and bio-filtration swales in order to prevent the sheeting of runoff down the road.

6. *The storm water catchment proposal is designed for what level of storm (eg typical/10/25 yr)? Describe the consequences if that level is exceeded.*

Response: As a "redevelopment project" within the meaning of 310 CMR 10.05(6)(k)7, the Access Project is not held to strict compliance with the Stormwater Management Standard relating to post-development discharge rates (310 CMR 10.05(6)(k)2). This means that the Project's open drainage system is not required to maintain "pre-development" rates of runoff for any specific design storm event. Instead, redevelopment projects are required to meet this standard to the "maximum extent practicable," and this requirement can be waived in this instance because most of the Project is located within LSCSF. Still, the standard is met because the pitched hillside construction of the vegetated swale will prevent it from overflowing during most storm events. During any precipitation events in excess of the swale's capacity, some portion of runoff from the Project site may be released from the swale to adjacent vegetated areas. This would be an ephemeral condition experienced only at the peak of the storm. (In considering pre- and post-construction rates of runoff, it is important to keep in mind that the Project will enable the Town's removal of the existing Town parking lot and abandoned portions of existing Squibnocket Road, effecting an overall net reduction of impervious cover in the Project area and a corresponding reduction of stormwater runoff during all storm events.)

7. *Please clarify the paragraph titled "Temporary Stabilization" (page 7 of the NOD).*

Response: The intent of this paragraph is to confirm that appropriate short-term measures will be used to stabilize exposed soils during construction to avoid, minimize and mitigate potential impacts to down-gradient resource areas. Temporarily disturbed areas will primarily fall within the vegetated hillside between Squibnocket Road and Squibnocket Pond, and not within "previously-paved" areas as inadvertently stated in the NOI. Temporary stabilization measures may include use of a gravel layer or crushed stone to facilitate continued access by construction equipment. Additional stabilization measures on steep slopes may include hydro-seeding with appropriate seed mixes, use of locally-procured straw or hay mulch and erosion control blankets as deemed necessary.

8. *Please confirm that the concrete slabs will lie atop the coastal bank (and beyond the BVW).*

Response: Confirmed. The at-grade concrete slabs at the terminal ends of the Low Causeway will lie atop the coastal bank, and not in BVW.

9. *Please detail what activities comprise the "minor alteration of the Coastal Bank" (See pp. 11-12 of the NOI).*

Response: The list of activities on pages 4-5 of the NOI narrative are the activities that will result in the "minor alteration" referenced on page 11.

10. *Please clarify why the performance standards for barrier beaches are included in the NOI, as it does not appear that any work is to be performed on or a barrier beach. (Note the ENF certificate indicates that 6500 sq ft of barrier beach will be impacted by the Access Project. Please clarify this issue.)*

Response: The NOI narrative does address the performance standards for barrier beaches, but only to indicate that these standards are satisfied because no work is proposed within barrier beach. The ENF (which was prepared prior to the completion of geotechnical studies at the Project Site) conservatively estimated 6,500 s.f. of barrier beach alteration may occur in connection with the Access Project. The actual number is 0 s.f. Admittedly the treatment of the barrier beach topic has not been as clear as possible, and we hope this response eliminates the confusion.

11. *Please detail the design rationale for the 10.8'/13' height of the causeway insofar as it is relevant to wetlands protection issues? Please also indicate separately any safety, resilience, cost, feasibility, visibility or other concerns considered.*

Response: Numerous considerations influenced the selection of the Low Causeway's design elevation. The elevation of the Low Causeway has only an indirect (if any) effect on the underlying wetlands, through shadowing, and the higher the elevation of the Low Causeway, the lower the indirect impact on the underlying wetlands. Furthermore, the higher the elevation of the Low Causeway, the less the structure will overwash, reducing the frequency and intensity of repair and maintenance events that that may require direct access across the wetland areas to perform. The proposed design strikes the best balance between the desire to have a high span for wetland protection purposes and the Committee's preference for a lower span that overwashes with some regularity but is responsive to engineering considerations such as those cited in the question (e.g., "safety and resilience"). Other factors included a desire to minimize the amount of excavation needed to construct the connecting Roadways, which are located in archaeologically sensitive areas. The rationale for the selected design and its consistency with the Committee's recommendations were presented in detail to the Chilmark Selectmen at their meeting on December 5, 2015. The Selectmen approved the design. As explained in the NOI and as elaborated in these responses, the design is protective of the underlying wetlands.

- 12. If the width/height ratio of the proposed causeway is reduced to 70%, what would the elevation of the deck be and what impacts (positive or negative) would this have on the concerns noted in the immediately preceding question.*

Response: The NOI estimates a H/W ratio of 0.89. This likely is a slightly high estimate because it assumes the pile bents, at one-foot high, will have a negligible shading effect. Furthermore, the ground surface of the BVW is between elevation of El. 1 and 2. As the NOI narrative states on page 2, the Low Causeway is "approximately 9 feet above the existing grade for the majority of the span." With a span width of 12', this means that the H/W ratio is likely between 0.75 and 0.80 than 0.89. A reduction of the H/W ratio from 0.75 to 0.70 would lower the span by only 0.6 foot (7.2"), while marginally increasing the span's shadow impacts, exposing the span to more frequent overwash and damage, and potentially reducing its longevity. As discussed in our response to the Commission's first question, 0.70 is not a rule or standard below which there definitely will be adverse impacts, and above which there definitely will not be adverse impacts. Rather, the studies indicate that ratios above 0.70 are more likely to be protective than ratios below 0.70.

- 13. In terms of protecting wetland resource interests, is there a material difference between a paved or gravel/dirt access road?*

Response: A gravel/dirt access road is more prone to erosion and sedimentation than a paved roadway, and requires more frequent maintenance. From the perspective of protecting adjacent wetlands, a paved road is for these reasons preferable. We do not believe the difference is "material," particularly where, as here, storm water runoff from the roadway will be treated in vegetated areas and bio-filtration swales.

- 14. Can the height of the elevated causeway be designed with a hydraulic, adjustable feature to progressively raise the causeway deck as needed over time? If so, how will this affect the two connectors from Squibnocket and Squibnocket Farm Roads? If this was feasible, what would be the estimated additional or reduced impacts on the resources versus the current proposal?*

Response: It is not feasible in cost or practical terms to construct a hydraulically-controlled, adjustable height causeway. We are aware of no precedent for such an approach, and no reason for considering it because, as demonstrated, the Low Causeway complies with all relevant wetland performance standards and with the Committee's recommendations.

- 15. Please provide an exit plan that outlines when and how the elevated causeway, utilities and causeway connectors on each end will methodically be removed as the shoreline and mean high tide continues to migrate to the north. This plan should specify how close mean high tide will be to the most vulnerable section of the causeway and connectors to trigger the development and submission of a plan for further managed retreat. This trigger should be done such that there will be sufficient land area for the required equipment to perform the work.*

Response: The Low Causeway is designed for a useful life of at least 50 years. Based on

historic and predicted rates of erosion, our expectation is that the Low Causeway will survive much longer than that. It is not possible to plan in any meaningful detail for a relocation project that would occur, if ever, only at such a distant future time and in a natural and regulatory environment that cannot be predicted. We respectfully suggest that instead of developing a detailed plan for "how" the Low Causeway will be replaced or relocated if the need arises, the task should focus on defining "when" the process of planning for such a project should commence. The "most vulnerable section" of the Low Causeway is at its approach to Money Hill. By "most vulnerable," we mean that this is the portion of the Low Causeway with the smallest setback from mean high water. That distance is approximately 100 feet. We suggest that a planning process for a possible relocation or replacement project be initiated when the distance between either of the causeway's ends (south or north) and mean high water narrows to 10 feet.

16. What type of heavy equipment will be used in the vulnerable areas of the transitional areas at each end of the causeway where land topography will be altered? This question also applies also to the paved road leading to the causeway. What is the perimeter of disturbance beyond the roadways edge?

Response: Until a contractor is selected for the Project, the actual equipment to be used during construction cannot be defined. We expect that the equipment used will include a track or rubber tired crane, dump trucks, backhoes, bulldozers, front end loaders, and service trucks. This equipment will operate within the limits of work shown on NOI Sheet PC-1.

17. Presuming that there will be some gas powered tools or machines on site, what are the plans in how to use gas on site and plans to avoid any contamination of the resource area with gas or oil.

Response: Equipment mobilized to the Project Site will be refueled outside of vegetated resource areas, in construction staging areas that have secondary containment. In the unlikely event of any releases of gas or oil, whether or not to wetland resource areas, spill response will be performed immediately in accordance with the Massachusetts Contingency Plan and other applicable law.

18. Please provide an indicative time table for all phased construction activity at the project site.

Response: No definitive construction schedule has been prepared yet because the start date for construction cannot be identified until the permitting process has been completed, construction services and materials are procured, and any applicable time of year restrictions are met. Conceptually, the construction process would take 17 weeks in total, divided into the following phases: (1) a mobilization phase of three weeks; (2) a Low Causeway construction phase of 12 weeks; (3) a Roadway construction phase of three weeks (overlapping with final three weeks of Low Causeway construction); and (4) demobilization for two weeks.

19. The NOI states that there will be 25 sq ft of permanently impaired BVW. Does the Applicant take the view that no replication is necessary under the performance standards set out at 310 CMR 10.55(4) and, if so, why?

Response: In both absolute terms and relative to the overall size of the Project Site, the proposed 25 s.f. permanent loss of BVW as a result of pile installations is de minimis. We believe that it falls within the discretion of the Conservation Commission under 310 CMR 10.55(4)(b) to not require replication for this very small loss. Replication is ordinarily not pursued, and is difficult to implement successfully, on such a small scale. If, however, the Conservation Commission does require replication, we suggest that this be accomplished, at the Proponent's expense, as a 50 s.f. addition to the BVW replacement area proposed as part of the Town Project.

