

Date: 12 December 2108
To: Tim Carroll
FR: Joan Malkin
Cc: Board of Selectmen

Jim has asked me to forward to you my response to correspondence addressed to the Selectmen that raises issues about the proposed bus turnaround in Menemsha and the ConCom approval of the Town's plan. I was Chair of the ConCom at the time of the approval.

The Town filed a Notice of Intent (NOI) to undertake the proposed bus turnaround (as well as other work). The ConCom requested that the area be delineated as to what type of protected resource areas there were and the boundaries of any resource area. Doug Cooper, whom the ConCom has relied on for years for expert advice on this kind of issue, did the survey.

The ConCom requested that this be done because the regulations we operate under are very specifically tailored to the particular resource area. Doug indicated the area was Land Subject to Coastal Storm Flowage (and not Bordering Vegetated Wetlands, which includes salt marsh, despite the fact that the NOI indicated that the resource area was Bordering Vegetated Wetland. I believe that Reid Silva, engineer for the project, said he mislabeled the resource area on the NOI, and this was clarified at the hearing.) Further, the land at issue has been the repository for dredge spoils for many years.

The Concom noted that the scope of the work was to remove 12-18 inches of sand and replace it with gravel hardener to provide a stable driving surface. The excavated sand would be used to build a planted berm to provide screening for area residents.

The ConCom specifically reviewed the regulations applicable to Land Subject to Coastal Storm Flowage at the hearing. It was the ConCom's unanimous view that the conditions were met – with certain provisos – relevantly, that the parking within the interior of the turnaround not be built. We also reiterated our past request to remove the fishing gear in this area. Furthermore, the ConCom required that if portions of the inside of the 'U' were disturbed during construction, a planting plan must be provided to the Commission.

The ConCom has an obligation to adhere to all State and local laws. The project was approved unanimously.