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Sent: Monday, September 15, 2014 5:26 PM
To: Jim Malkin; Marina Lent
Cc: Tony Orphanos; Doug Liman; Wendy Jeffers; Stanley Humphries; Mark Manganello
Subject: Answers to Committee Questions

Hi Jim,

Both LEC and FOS answered different aspects of these questions. They are indicated in [].

Many thanks,

Charlie

Q: 'When was the delineation of the wetlands done?'

A: [LEC] In July and August 2014, by LEC. LEC evaluated the wetland following standard practices for an area like this one -- reviewing vegetation, evidence of hydrology, and topography. We also reviewed a set of wetlands flags that were in place when we arrived and examined them for accuracy. We determined that our conclusions as to the location of the wetlands were in alignment with the existing flags and we decided to recommend those flags for the surveying exercise.'

Q: 'What methods were used to delineate the wetlands? vegetation? soil hydrology? If soil hydrology was performed, who did the testing and analysis and what depth was it done?'

A1: [LEC] LEC reviewed vegetation, evidence of hydrology and topography. Due to the stony substrate and extensive overwash material, soil hydrology is very difficult to obtain in this area without the use of heavy equipment; however, we do consider the delineation to be reasonable even though we did not have that data. Should soil hydrology data become available, it may be helpful in refining the delineation.

A2: [LEC] The best strategy to finalize a wetlands delineation for planning purposes or for a given project is to submit a Request for Determination of Applicability to the Conservation Commission. Once the Commission approves a given wetlands delineation, we will have an 'official' delineation. Also, as a more immediate, intermediate step the Committee may want to consider asking Squibnocket Farm for their Wetlands Delineation, along with the same questions on methods. LEC would be very happy to work with Squibnocket Farm's consultants to work out any differences between the delineations prior to submitting to the Conservation Commission. This is generally the preferred method for dealing with any discrepancies that may exist.

Q: 'The proposed wetland fill is on privately-owned land - can FOS fill land that others own?'

A: [FOS] The proposed wetland fill is located on land that is leased by the Town or on VOLF land. FOS is not planning to fill any land or to perform any other construction work. FOS is developing a proposal for consideration by the Town's Squibnocket Committee. If Squibnocket Farm decides to pursue the dune ridge/road solution, they will need to submit a permit application that includes filling some of the wetlands. If Squibnocket Farm elects to pursue the bridge solution, the permitting authorities may want to review any alternative proposals that have been developed (such as the dune ridge/road).

Q: 'Where is it proposed to replicate the wetland - on whose land?'

A1: [LEC] First, our reading on the regulations for wetlands replication is as follows: wetland filling and replication as for construction of an access roadway/driveway as proposed is generally permissible if efforts are made to avoid, minimize and mitigate wetland impacts. Even if wetland filling exceeds 5,000 square feet of impact, the project remains permissible under the Limited Project provisions of the Wetlands Protection Act. The wetland delineation is a critical component of finalizing the design, but it's location is unlikely to significantly affect the viability or permissibility of the dune ridge proposal.

A2: [FOS]: Second, if wetlands replication is required, the candidates would be the two 1/2 acre unbuildable lots next to the pond that are owned by Jeffers/Orphanos and by Peter Weldon and the VOLF-owned land on the south side of the pond.

Q: 'Will the material for the dune be sand pumped in from off-shore or will it be sand or other material to be trucked in?'

A: [FOS] All material will be trucked. No pumping from off-shore.