

Meeting Minutes
Herring River Executive Council (HREC)
Thursday, August 13, 2020, 1:00 pm

Virtual meeting via Webex

HREC members participating: Janet Reinhart, Maria Broadbent, Brian Carlstrom, Geoff Sanders, Helen Wilson; Coordinator: Carole Ridley; Others present: Tim Smith, Steve Spear, Martha Craig, Christine Odiaga, Bill Biewenga, Olga Kahn, Eugenie Murray-Brown, Gail Ferguson, Beth Chapman, Dave Koonce

-Welcome and introductions

Maria Broadbent was welcomed as new Town Administrator for Wellfleet

-Meeting minutes of July 16, 2020 were approved by unanimous consent of members present (Ms. Broadbent did not participate in discussion of the minutes as the meeting was prior to her tenure.)

-Herring River Restoration Project – High Toss Road design considerations

A portion of High Toss Road crossing the marsh plain will be excavated and the natural channel connecting Lower and Upper Herring River will be re-established. Plans also call for the elevation of High Toss Road to address potential over-topping of the road due to tidal flow. Two design questions were posed to the HREC to provide guidance to the project team. Decisions about these two design issues are needed to finalize permit applications and continue the land transfer process between the Town and Cape Cod National Seashore.

1. Options for elevation of High Toss Road:

- Elevating the road from Way 672 to Pole Dike Road (3,300 ft)
- Elevating the road from Way 672 to just east of Hopkins Drive (1,100 ft), leaving 2,200 ft in current condition (not elevated).

Both options maintain emergency access for all residences, and the only difference in use of High Toss Road would occur in later stages of restoration, following phase 1.

2. Once the length of roadway to be elevated is determined, a second question is whether to relocate the travelway, which currently runs outside the bounds of the existing right of way and in some cases encroaches on Cape Cod National Seashore property.

Carole Ridley and Steve Spear reviewed a PowerPoint describing the design issues (attached.) The presentation included note of questions raised by Wellfleet DPW regarding implications for maintenance, public safety, and town liability.

HREC members offered comments and raised questions:

Geoff Sanders asked if the length of elevation was an either or option, meaning the elevation is not proposed to occur in stages, and this was confirmed. However it was later noted by Brian Carlstrom that if the shorter elevation were selected, modifications through adaptive management could be considered, including a future decision to elevate or alter the remainder of the roadway.

Helen Miranda Wilson noted that either option would require review by the Conservation

Commission. She offered that since the Town is taking the High Toss Road right of way through Town Meeting action, it would make sense to keep the travel way alignment as is. This would do the least amount of damage to the adjacent resources. She also favored the shorter elevation option.

Janet Reinhart asked for clarification about roadway materials, which would be packed gravel and could include use of material excavated from the causeway. She also asked for clarification on the cultural resource assessment and what types of issues that would encompass, which includes native artifacts. She expressed a preference for the shorter elevation option.

Mr. Carlstrom noted that he felt that the design questions include a number of factors, including the ability to address parcel encroachment. There are a number of factors to balance. If, for example, the travel way remains where it is, that would require a land exchange for areas of the travelway that encroach on Seashore property. A decision about design can always be monitored and modified through adaptive management.

Following comments by the HREC, members of the public offered input.

Eugenie Murray-Brown is one of four homeowners who rely on High Toss Rd for access. Although she is a member of the Great Pastures Homeowners Association, she felt it was odd for residents to be required to rely on a private road for access. She also asked about visual impacts of relocating the travel way, which would include cutting extensive vegetation. Mr. Spear offered to meet onsite with Ms. Murray-Brown to review her concerns about visual impact.

Ms. Wilson explained that because the Town plows Hopkins Drive, the public has a right to use it.

Martha Craig noted that Friends of Herring River has met with all property owners along High Toss Road and all prefer that the travel way remain in its current position. They do not favor increased encroachment on their land and loss of vegetation.

Gail Ferguson asked about fee ownership of the land under the right of way that the Town would be acquiring. She is concerned about who is responsible for repairs. Mr. Spear said that this issue would be discussed by the Town and National Park Service, and any maintenance issues would be worked out by those parties.

Ms. Wilson noted that the Town also maintains High Toss Road and therefore needs to make sure it remains drivable.

Following comments by the HREC and public, Ms. Ridley asked if the HREC was ready to consider whether to provide direction on either design question. She suggested addressing the design questions one at a time, beginning with the length of road elevation.

Ms. Broadbent asked what authority had been given to the HREC to make a decision on road design.

Ms. Ridley explained that under MOU IV, the HREC members are appointed by the Town and Seashore, but that the Town and Seashore retain their respective jurisdictional decision making authority. If something requires Selectboard action, the town representatives on the HREC would need to identify that necessary step.

Ms. Wilson felt that the design issues could be made by the HREC because they do not change public access to the road. However, all agreed that whatever decision the HREC came up with should be run by the Selectboard to make sure it agrees.

Ms. Ridley asked if the HREC members were ready to provide direction on the length of elevation. Ms. Wilson, Ms. Reinhart, Mr. Sanders, Mr. Carlstrom and Ms. Broadbent all said they preferred the shorter elevation option, primarily because it reduced resource impacts and was a more resilient approach. The shorter elevation option, from Way 672 to just east of Hopkins Drive, was preferred by unanimous consent.

Consensus was not reached on the question of alignment of the travelway. Mr. Carlstrom, Mr. Sanders and Ms. Reinhart favored moving the travelway into the existing right of way. Ms. Wilson preferred keeping the travelway in its current location, which runs outside of the right of way. Ms. Broadbent felt that she did not have enough information and would need to visit the site. It was agreed that a decision on alignment would be deferred until any HREC members who wanted to could visit the site, and the Selectboard could be briefed at an August 25th meeting. Because time is of the essence in preparing permit applications, it was agreed that the HREC would reconvene at 10 am on Wednesday, August 26th to consider the matter and make a decision.

-HREC member announcements

Brian Carlstrom acknowledged a significant contribution to the Wellfleet Conservation Trust of 18 acres of land adjacent to the project area.

-Public comment

There was no public comment

-Next Meeting dates

Wednesday, August 26, 2020, 10:00 am

Thursday, September 17, 2020, 3:00 pm

Thursday, December 17, 2020, 3:00 pm

-Adjourn

The meeting adjourned by unanimous consent at approximately 3:20 pm.

Approved by HREC on August 26, 2020

Submitted by Carole Ridley

Herring River Executive Council

Via Webex

August 13, 2020

The meeting will be recorded by the HREC. Anyone else desiring to record the meeting may do so only after notifying the HREC and may not interfere with the conduct of the meeting in doing so.

Agenda

- Welcome and introductions
- Approval of minutes: July 16, 2020
- Herring River Restoration Project
 - Discussion of design options for High Toss Road
- HREC member announcements
- Public comment (15 minutes) *

**Any discussion of an issue not on the agenda that is raised in the public comment section shall be limited to whether that issue should be placed on a future agenda.*

-Next Meeting dates

Thursday, September 17, 2020, 3:00 pm

Thursday, December 17, 2020, 3:00 pm

-Adjourn

Approval of Minutes

- July 16, 2020

Project Update

- Seek HREC direction on selection of option for elevation of High Toss Road
 - Needed for permitting direction
 - Part of lands transfer process with NPS
- This information compiled to assist HREC with its decision-making
- Both options
 - maintain emergency access for residents at all phases of restoration
 - Provide similar use/access of High Toss Rd during Phase 1
- Access along High Toss Rd east of Hopkins Drive differs between options at later stages of restoration (after Ph 1)

High Toss Rd design objectives

- Remove causeway/culvert from west of Way 672 to Duck Harbor Road, now crossing marsh
- Elevate High Toss Road to maintain use if tidal waters overtop the road under certain conditions
 - Maintain access for four homes that rely on High Toss Rd for primary access and for emergency vehicles
 - Other road users include Great Pastures neighborhood, possible school bus route, recreational users from other parts of Town



2014/08/05
 Drawing Date: 20/10/2013
 2014/08/05
 Project Name: Herring River - High Toss Road Project
 Project Location: Wellfleet and Truro, Massachusetts



Herring River Restoration Project

Wellfleet and Truro, Massachusetts

1 inch = 1,000 feet

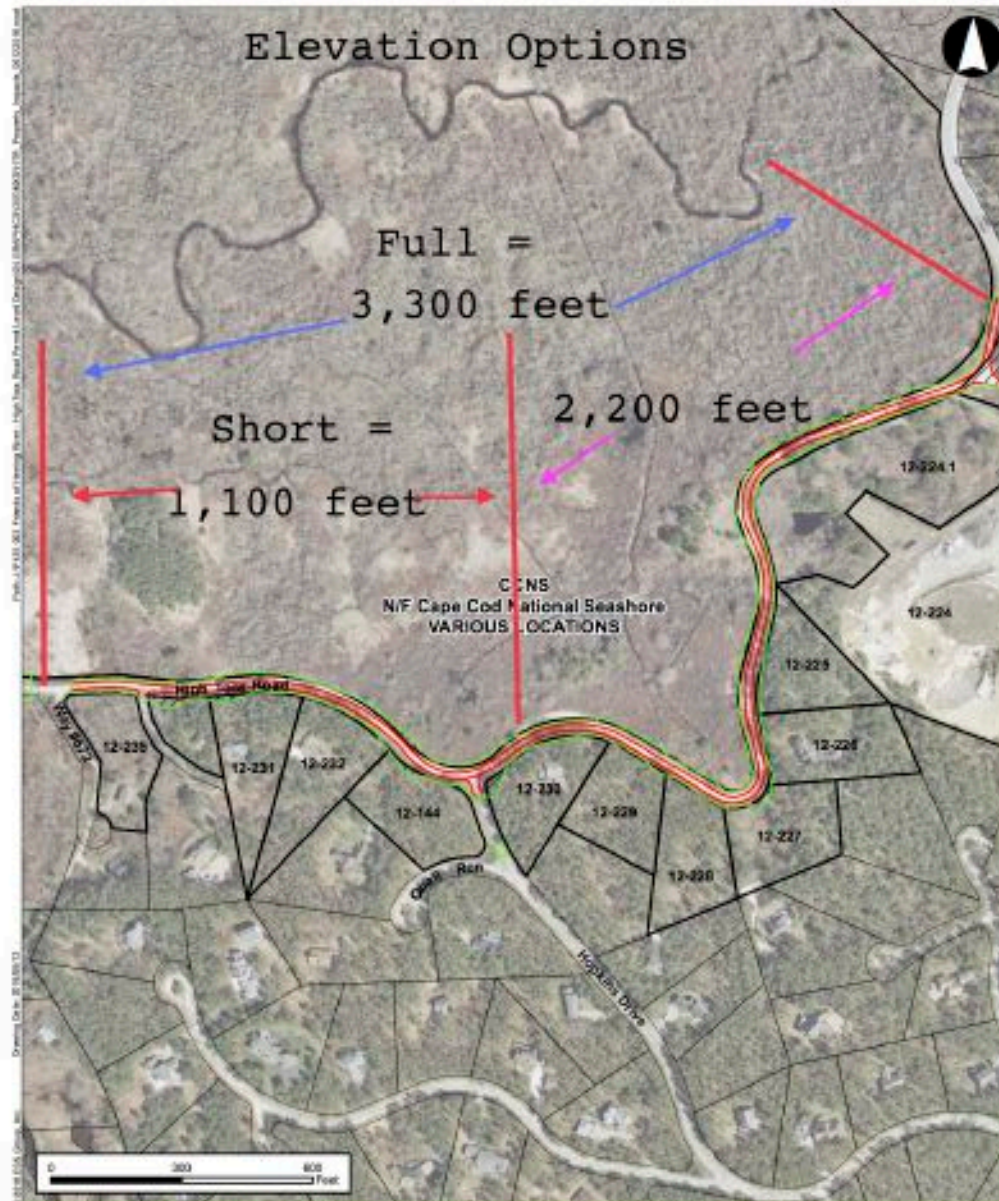
Legend

— Project Location

High Toss Road
Locus Map

Design Options

1. Elevate High Toss Road from just west of Way 672 to terminus at Pole Dike Road.
2. Elevate High Toss Road from just west of Way 672 to just east of Hopkins Drive. Remainder of High Toss Road stays in current condition.



Herring River Restoration Project
Wolfeet and Truro, Massachusetts

1 inch = 300 feet
 Source: 1) MassGIS, Property Lines, 2017
 2) GSI, Road Design, 2016
 3) USGS, Aerials, 2014

- Legend**
- Limit of Disturbance
 - Proposed Roadway Improvements
 - Property Impacts
 - Property Boundary

High Toss Road Impacted Properties

Figure 1

Summary of High Toss Road Design Options and Impacts

Impact Consideration	1. Elevate the whole length from Pole Dike Rd to just past Way 672 = 3,300 ft.	2. Elevate only from about 100 ft. east of the center line of Hopkins Dr to just past Way 672 = 1,100 ft.
Cost	1-most costly option (\$797,000)	2-least costly option (eliminates cost of 2,200 ft of road elevation)
Habitat impacts to private upland (land south of the town ROW)	1-greatest impact on private upland	2-least impact on private upland
Habitat impacts town-owned upland within the NPS (land south of the dirt travel way within both the town ROW and the Park boundary).	1-most impact	2 – least impact
Habitat impacts to NPS wetland (land north of town ROW).	1- most impact	2-least impact
Number and locations of intrusions onto NPS property due to the road elevation either from slope extension or the path of the existing travel way where it goes outside the town ROW.	1- largest number of intrusions	2- fewest intrusions
Public Safety considerations (Police, Fire)	2-Provides two access routes at all levels of tide	1-Access via Hopkins Drive at all times; access via High Toss tide limited to MHWS, AHW, Storm of Record (12-14 days per year and only under full tidal restoration – CNR tide gates fully open)
Number of private property permanent easements needed.	1-Greatest number of easements needed	2-Fewest number of easements needed
Tide limited use of the road during MHW (minimal), MHWS, AHW, Storm of Record	2-Retains maximum use of entire length of High Toss Rd	1-Use of road is most limited at some levels of tide to MHWS, AHW, Storm of Record
Cultural resources review	1 – greatest potential for impact	2- least potential for impact
Using Hopkins Drive for access during times that parts of High Toss Road is inundated.	2- no change in potential need to use Hopkins	1- Greatest increase in potential need to use Hopkins
Salt marsh resilience/migration potential	1 – least resilience	2 – most resilience
Score	14	19

Ranking: 1= lowest 2=highest (preferred); Highest total score denotes preference based on impacts

Town maintenance issues and input from Town, Seashore, and neighborhood also to be considered.

Impacts to upland and wetland both private and public



Herring River Restoration Project
Wellfleet and Truro, Massachusetts

1 inch = 40 feet

Source: 1) MassGIS, Property Lines, 2017
2) ESS, Road Design, 2016
3) USGS, Aerials, 2014

Legend

- Limit of Disturbance
- Proposed Roadway Improvements
- Property Impacts
- Property Boundary

High Toss Road Impacted Properties

Figure 4

issues with the current path of the travelway



Herring River Restoration Project Wolfleet and Truro, Massachusetts

1 inch = 80 feet

Source: 1) MassGIS, Property Lines, 2017
2) ESS, Road Design, 2016
3) USGS, Aerials, 2014

Legend

- Limit of Disturbance
- Proposed Roadway Improvements
- ▨ Property Impacts
- Property Boundary

High Toss Road Impacted Properties

Figure 6

HREC Member Announcements

Public Comments

- (15 minutes)
- *Any discussion of an issue not on the agenda that is raised in the public comment section shall be limited to whether that issue should be placed on a future agenda.*



Next Meeting Dates

- Thursday, September 17, 2020, 3:00 pm
- Thursday, December 17, 2020, 3:00 pm

Adjourn