

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