

DECOULOS & COMPANY

ENVIRONMENTAL ENGINEERING & LAND PLANNING

MEETING NOTES

MEETING LOCATION AND DATE: Gay Head Town Hall, Monday, April 8, 1996

SUBJECT: Access to Map 12, Parcels 115, 116 and 127, Gay Head, MA (the Site)

ATTENDANCE: Mitzi Pratt, Priscilla Wrenn, Vernon Welch and Buddy Vanderhoop - Gay Head Conservation Commission (GHCC); Bob Woodruff - Sheriff's Meadow Foundation (SMF); Jim Decoulos

DISTRIBUTION: Mitzi Pratt, Russell Smith and Bob Woodruff

The draft topographic site plan presented to SMF, Mitzi and Megan as prepared by Decoulos & Company was reviewed. The Site was delineated on the plan.

Jim discussed the ancient ways that traversed through the area before Moshup Trail was built. The 1944 and 1951 USGS maps of the area were presented as part of the historical roadway system discussion. Additionally, a 1939 aerial photograph was presented to display the old roadway system.

A large section of the wetland area north of Moshup Trail was shown to be created as part of the construction of the road in the 1950's. Inadequate drainage controls under the roadway at the time of construction were cited by Jim as the reason for the enlarged wetland coverage. One of the ancient ways was shown to be submerged as a result of the damming.

The ancient ways which traversed through the Site were a legal means of access as described by Jim. Specifically, the existing road which runs to the former radio transmission site on Parcel 111 was presented by Jim as the preferred route for access to the Site. A consensus was expressed by the members of the GHCC that this means of access from Moshup Trail would not be acceptable. It was stated that this would fly in the face of all the efforts to conserve the lands in the "bend of the road" area; that a legal action would likely be required to reverse the consensus opinion of the GHCC; and, that the GHCC was considering means to eliminate the way.

An additional legal right to access the Site was discussed by Jim which resulted from the Taylor v. Vanderhoop Land Court Decision by Chief Justice Robert Cauchon. Vernon requested a copy of the decision.

Four alternatives for access were discussed.

The northerly access from Wampanoag Tribal lands was dismissed due to the burdensome legal issues. The land is held in trust for the Wampanoags by the U.S.

Department of the Interior. The Housing Authority leases their lands from the Tribe under the authority of U.S. Housing and Urban Development. Additionally, the specific agreements reached with the U.S. Congress as part of federal recognition together with the Settlement Agreement reached with the Commonwealth of Massachusetts provided further untested legal issues. Jim mentioned that even the MA Land Court has no jurisdiction on Tribal lands.

Easterly access from the Weiss property was mutually agreed to be a long shot. Jim will explore this option through a letter to Weiss.

Westerly access from the Fruchtman/Ochs properties was the preferred alternative recommended by the GHCC. Bob presented the infrared aerial photo of the area which highlighted many of the fragile areas at this location. Jim showed that a minimum of two stream crossings would likely be necessary and that the area contained many fragile settings. Minimized impacts may be available to the north of the Ochs dwelling. It was suggested that the purchase of the Ochs property may help to alleviate the access issue. Jim will call the Fruchtman's to discuss the issue and Priscilla will provide telephone numbers for Ochs. Jim will discuss the matter with Ochs.

A fourth alternative was presented by Jim that would involve a new access from Moshup that would cut to the north based upon existing conditions. This was dismissed by Vern and agreed by the GHCC as being out of character with the policy established along Moshup to minimize access points.

A site visit is scheduled for Monday, April 15, at 5:00 pm to inspect field conditions at the various access locations. Jim will plot a site plan further to the northwest from the existing plan that will help to evaluate the merits of access from areas north of the Ochs dwelling.

Please notify Jim Decoulos of corrections to these notes. Thank you.

A handwritten signature in black ink, appearing to read "Jim Decoulos". The signature is written in a cursive, flowing style with a large initial "J".