

Date: July 10th, 2000

To: Secretary of Environmental Affairs
Executive Office of Environmental Affairs

Attn: MEPA Office
Arthur Pugsley- EOE A#12248

From: Aquinnah Conservation Commission
Town of Aquinnah, MA 02535

Regarding: Gorda Realty Trust
Assessors Map/Plat # 12, Parcel/Lot # 38
DEP File# 27-237

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MEPA

Dear Sirs,

The Aquinnah Conservation Commission has very serious concerns about the development being proposed for this sensitive site. Never before have we seen a project so inconsistent with our standards for wetland resource protection. The entire project either falls within a wetland, or the buffer zone, and includes significant temporary and permanent alteration that we feel will negatively impact this major resource area of Aquinnah. We believe the proposed replication plan would not satisfactorily mitigate the damage to the resource area.

This development plan for this site is far more egregious in affecting the resource area than the last plan submitted by Gorda Realty Trust (GRT), and that plan was denied by the ACC, and also denied in appeal to DEP. Also, a recent Land Court decision upheld the Aquinnah Zoning Board of Appeals decision to deny the construction of the house and septic proposed in that plan. The denial was based on the negative impact the project would have on "a major wetland".

This significant year round wetland is very complex and this makes true replication extremely difficult. The wetland contains a watershed divide and two streams discharge each watershed into different areas. This project borders on, and both streams discharge into, an area of Critical Environmental Concern: The Moshup Trail Conservation District. This conservation area has been created with State and local funding to preserve some of the last 2,000 acres of morainal heath left in the world. This area is home to endangered plant and animal species and public access is denied because of the fragility of the area.

This parcel includes and is proximate to sites included in the Habitat for Rare Species in the Natural Heritage Atlas and a survey plus an EIR should be done at the very least.

The project sites the house, well, septic, and driveway (and brings accompanying human activity) deep into the resource area. The project also permanently removes a large amount of existing tree canopy both in and bordering the resource area.

We have several concerns about the accuracy of statements in the ENF. Based on prior experience it may be advisable to get opinions and information from experts or engineers who do not have a personal interest in the project. As you may know, Mr. Decoulos and his wife are the sole beneficiaries of Gorda Realty Trust. More specifically:

a) After several site visits we are of the opinion that this property is probably closer to 80-90% wetland compared to the 68% in the ENF.

b) The replication figures used by Mr. Decoulos are incorrect. Mr. Gilmore also noticed the inconsistency and asked MEPA for a review because of these numbers.

c) The percentages used by Mr. Decoulos under the Land Section of the ENF should also be reviewed.

d) We have already addressed the project's proximity to endangered wildlife habitat and areas of critical environmental concern, neither of which were mentioned in the ENF.

e) Despite his statements to the contrary, we believe Mr. Decoulos still requires several local approvals for this project. The Board of Health has not yet received a septic plan for review. The Planning Board Plan Review Committee requires an Archaeological survey before any further work is done, and the project will require special permits for the siting of the house and road, and for the clearing of trees. Mr. Decoulos has mistakenly taken the Planning Board's failure to act on his application during the one-year moratorium imposed by the Martha's Vineyard Commission as a failure to act. The attached letter from the Town Clerk to Mr. Decoulos dated June 13, 2000 outlines our legal position on this matter.


We are concerned about the adequacy of the perc tests and feel that the entire septic field area should be tested, not just the few holes recently dug (two of the four test holes failed). Town Health Agent, Cynthia Barletta, has been present for all perc tests and describes the soil conditions as tricky at best. Attached are her reports from the last three years, which show how difficult it has been to get adequate perc tests on this site.

It is our opinion that both the State Wetlands Protection Act and our local Aquinnah Wetlands/Water Resource Protection By-law which states that we are to protect the wetlands and related water resources and to control activities deemed by the ACC likely to have significant adverse impact or cumulative adverse effect upon wetland values, such as, public or private water supply, groundwater, flood control, erosion and sedimentation control, prevention of water pollution, etc. would be seriously violated if we allowed this project to go forth as presented.

Lastly, it is our opinion that Mr. Decoulos is subject to local town board review and permit procedures. We feel that the ACC has not waived jurisdiction or failed to act on this application. Now that our moratorium is over we have scheduled a hearing for July 25th, 2000.

Thankyou for your attention to this matter and we request that MEPA require Gorda Realty Trust prepare a comprehensive Environmental Impact Report. We look forward to working with you in the future.

Sincerely,



Sarah Thulin, Chairperson
The Aquinnah Conservation Commission