



Meeting Minutes – Edgartown Conservation Commission
Wednesday 23 March 2022
4:00 p.m. via ZOOM*

Commissioners present: Peter Vincent, Bob Avakian, Christina Brown, Lil Provence, Jeff Carlson, Max Gibbs
Commissioners not present: Geoff Konje
Staff: Jane Varkonda (Agent), Kara Shemeth (Admin)

Public in attendance: George Sourati, Penn Edwards, Doug Hoehn, Joanne Brine, Stephen Wardwell, Reid Silva, Bill Brine, Phil Regan, Jonathan Kirby, Dillon Prives, Brad Guidi, Diane Slater, Sandra (iPhone), Carlos Teles, "Tim" (removed to waiting room and asked to provide full name, did not), Mark J, Carmichael Roberts, Daniel C. Hill, Christopher Lyman, Bryan Collins, Michael Luft-Weissberg, Joane Gosser

Request for Determination of Applicability

Applicant: **Fairwinds Property of Chappaquiddick Limited Partnership**

Address: 115 Chappaquiddick Road (AP 30-68)

Representative: Joanne Gosser, Synergy MV

Project: 8'x7' addition to an existing home. Proposed addition is within the shore zone, coastal district and within 200' of top of bank.

Documents shared: Aerial, site plan

Joanne Gosser presented the plan to add an 8'x7' bathroom to an existing structure. While within the Con Com's jurisdiction, the proposed addition is on the landward side of the existing structure and in an already developed area.

Action: A motion was made, and seconded, to find a negative determination. Passed unanimously via roll call vote.

Public Hearing SE20-1637 – Notice of Intent

Applicant: **Ralph & Shellane Santana**

Address: 8 Old Wintucket Way

Representative: Reid Silva, VLS

Project: Seeking permission to construct and maintain a new dwelling, guest house, septic system, swimming pool, utilities, and associated landscaping on the above referenced property. This work is being applied for under the Ponds District regulations, a separate NOI was filed for a view channel within the wetland buffer zone.

Documents shared: Aerial, site plan, house plans

Reid presented the project again and discussed the logistics regarding the filing, the house and pool are within the 300' pond district, NHESP has approved the proposal. The view channels are within the DEP and local jurisdiction and they would like to obtain an Order allowing for the house, pool, etc and associated site work while allowing for the view channels to be approved post-construction with Con Com review.

Phil Regan added that the water view is non-existent during the summer. HE mentioned that the house is sited between an existing, in use, water line easement and the buffer zone. The proposed garage and guest house are on the landward side of the water line easement. The garage will likely be acted on soon, the guest house is a masterplan item that will possibly be built sometime in the future.

The Commissioners wanted to see an elevation, it was not easily accessible and it was suggested to move to the next agenda item and revisit this at the end of the meeting to allow the applicants to retrieve the requested elevations.

Note: The applicant withdrew the first application for the view easements as this application includes them.

Public Hearing SE20-1636 – Notice of Intent

Applicant: **Audmer, LLC**

Address: 118 Meetinghouse Way (AP 37-117)

Representative: Doug Hoehn, SBH

Project: Proposed construction of a pool, pool fence, equipment, shed, terrace, and related site work within 300' of a Great Pond.

Documents shared: Aerial, site plan, photo of site

Doug Hoehn presented the proposed project, explaining that the pool and a majority of the surrounding patio, is sited in an existing lawn. There is a proposed dry well for pool draw-down or drainage and fencing (as required by code) Pool is about 450' from the pond itself, the location is between zone 2 & 3 and within the 100 year flood. Fencing, sound proof shed and leaching pt will be sited in the woods. Terrace around pool will be terraced to get 2' out of the ground to avoid the bottom of the pool being in groundwater (groundwater found at 3.5'-4') the bottom of the pool will be at 5'.

Commissioners felt this site needed a site visit given previous violations.

Bob Avakian noted that 20 years ago he built this house and verified with the Commissioners that he could vote on this application, it was decided that enough time had passed and that he could.

Action: A motion was made, and seconded, to continue to April 6 to allow time for a site visit and for the applicant to get the requested plans to the Commission.

Approved unanimously via roll call vote.

Public Hearing SE20-1635 – Notice of Intent

Applicant: **24 Navy Way Realty Trust**

Address: 24 Navy Way (AP 52-26.64)

Representative: Sourati Engineering Group

Project: Proposed construction of a pool house and associated utilities within 100' of the 100 year flood.

Documents shared: Aerial, site plan, building plans

George Sourati presented the proposed pool house, the wastewater will be pumped around the eastern side of the existing house and into the existing

septic. There is a half bath, refrigerator and sink proposed in the pool house. The proposed pool house 18'x23x with a spiral staircase leading to the roof deck. The elevation of the roof deck is 10' and the elevation of the top of rail is 13'. The foundation will be slab due to the site being within the 100 year flood.

Discussion: Regarding the historic views and vistas, will the public see people on the roof deck? Concerns regarding lights and patio furniture on the roof deck were brought up.

Action: A motion was made, and seconded, to continue to April 6 to allow time for a site visit and for the applicant to get stakes in the ground representing the roof deck height and top of railing.

Passed unanimously via roll call vote.

Public Hearing SE20-1634 – Notice of Intent

Applicant: **Caleb Pond Beach Association**

Address: Chappaquiddick Road (AP30-28.2)

Representative: Stephen Wardwell

Project: Installation of 5 private parking places in a coastal dune.

Documents shared: Aerial, site plan, sketch of proposed parking.

Stephen Wardwell presented a brief history of the Caleb Pond Beach Association and explained that for decades they'd been utilizing AP 30-26 for parking for their members but a new beach association at an abutting beach property are also using that area now and the small lot is less than ideal for the increased use. Mr Wardwell referenced the parking allowed at the Edgartown Yacht Club (EYC) property, the Commissioners noted that the EYC property does not have permission to have cars parked there.

The proposed area is lower than the road and will be screened by existing foliage. The project does not propose to put down any new surface for the parking area and they would consider hardener as a last resort. Mr. Gibbs asked if there were any renderings showing what cars would look like from the water and road. There are no renderings.

Jane Varkonda confirmed that vegetation does not define a coastal dune, geology does and this area IS a coastal dune. Jeff Carlson noted the size of this proposal and the previous are the same despite the first application being for 10 cars and this one being for 5.

Commissioners confirmed that they cannot permit this sort of activity in a resource area per the MA wetlands protection act or the town by-laws and it does not meet the performance standards laid out in both sets of regulations.

Action: A motions was made, and seconded, to deny the application. The denial was approved unanimously via role call vote.

Public Hearing SE20- 1492 – Request for an Amended Order of Conditions

Applicant: **David Malm**

Address: 17 Forever Wild Way (AP44-45.2)

Representative: Doug Hoehn, SBH

Project: Stone retaining wall addition/ modification

Documents shared: Aerial, photo of site, site plan

Doug Hoehn and Carlos Teles explained that the house is still under construction and that the terrace (12.2' elev) currently drops down to the current grade (9.0' elev +/-), the proposed wall would allow for the area be filled (2.4' of fill) to allow for a level area. This would allow for a physical barrier and contain human activity to the area within the wall rather than spilling in to the Zone 1 area.

Commissioners raised concerns with the limit of work as well as the wall extending into Zone 1 of the Ponds District which is not supposed to have any sort of structure or disturbance.

It was determined that the wall would have to be reworked to allow it, and the limit of work to remain outside of Zone 1.

Action: A motion was made, and seconded, to continue to April 6 to allow time for a site visit and for the applicant to send revised plans.

Passed unanimously via roll call vote.

Public Hearing SE20-1630 Continuation – Notice of Intent

Applicant: Carmichael Roberts Jr & Sandra Park

Address: 44 Turkeyland Cove Road (AP 37-118)

Representative: Reid Silva, VLS

Project: Proposed construction and maintenance of a dwelling, garage, pool house, swimming pool, enhanced treatment septic system, and well.

Documents shared: Aerial of site, site plan, house plans

Reid has presented the project at a previous meeting. A site visit was supposed to happen today but it fell off the radar and was missed by all. There were no red flags during the initial presentation on 2/23/22 and Jane suggested that the Commission approve the application pending her sign off after a site visit with Reid. Reid went over the proposed structure again and verified that NHESP has signed off on the project.

Action: A motion was made, and seconded to approve the application pending nothing detrimental found by the Agent at the site visit. The view channels will be approved post construction.
Passed unanimously via roll call vote.

George Sourati began to summarize the proposed Kelley House project and his connection was lost.

In his absence, Reid Silva finished up the Santana presentation and shared the requested elevations and renderings.

Public Hearing SE20-1637 (Santana)

Action: a motion was made, and seconded, to approve the project as presented. The view channels will be approved upon the completion of construction.
Passed unanimously via roll call vote.

Public Hearing SE20-1632 Continuation

Applicant: 23 Kelley St LLC

Address: 51 & 55 North Water St and 6 & 24 Kelley St (AP 20D-298.1, 300, 301, 302)

Representative: George Sourati, Sourati Engineering Group

Project: Renovations and additions to the Kelley House Complex which is composed of 9 buildings on 4 separate parcels. Some of the proposed work is below the 100 year flood elevation.

Documents shared: Aerial, current conditions site plan, drainage plan, proposed conditions.

George Sourati informed the Commission that they are pursuing a DEP permit to allow the existing drain that empties into the harbor and requested that the project be approved and the current drain allowed if a DEP permit is acquired and will be removed if the DEP does not issue the permit.

The Commissioners reviewed the debris control narrative and the plan showing where the fencing is going to be placed. An example of the fencing was requested for the file.

Action: A motion was made, and seconded, to approve the project as presented with the existing drainage into the harbor either being permitted by DEP or remedied if a DEP permit is not obtained.
Passed unanimously via roll call vote.

Administration:

Action: A motion was made, and seconded, to approve the minutes from 2/9
Passed unanimously via roll call vote with 1 abstention (Gibbs).

Action: A motion was made, and seconded, to approve the minutes from 2/23 subject to Kara correcting the attendance record.
Passed unanimously via roll call vote with 1 abstention (Carlson).

Updates: Jane Varkonda informed the Commissioners that Jim Green will be looking at what needs to be done to the whale's tail and necessary repairs to the flag pole. Karen Fuller is going to touch base with the Beautification Committee in regards to funding of the repairs.
Jane will not be here for the Town Meeting.

It appears that the town sculptures are on the Kelley House property, we will confirm with George Sourati.

Action: A motions was made, and seconded, to adjourn
Passed unanimously via roll call vote