



Meeting Minutes - Edgartown Conservation Commission
August 24, 2022 (4 pm)
Zoom Meeting: 846 2369 6071

Commissioners present: Peter Vincent (Chair), Max Gibbs, Jeff Carlson, Lil Province, Geoff Kontje, Robert Avakian, Christina Brown

Commissioners Absent:

Staff: Jane Varkonda (Agent), Kara Shemeth (Admin)

Public in attendance: William "Chuck" Sullivan, Tom Tate, John Kett, Michael Berk, Tim Moriarty, Dan Gordon, Michael Bonner, Casey Decker, Doug Hoehn, Caroline Reily, Bo Reily, Reid Silva, Coleman Hoyt, Amy Brauer, Stephen Rezendes, Josh Kochin, Amada Waldron, Johanna Hynes

PUBLIC HEARINGS:

Lil Province recused herself

4:00 Public Hearing– **Notice of Intent SE20 - 1657**

Applicant: Green Hollow LLC & 32 Ocean View Avenue Realty Trust

Address: 35 Green Hollow Road and 32 Ocean View Ave (APs 29-136.1, 137, 138.1, 138.2).

Representative: Reid Silva (VLS), Dan Gordon (Landscape Architect), Tim Moriarty (Reily), Michael Bonner (Sullivan)

Project: Seeking permission to cut trees, re-grade the land and install landscape trees and plantings within a Flood Zone on the above referenced properties. The grading and plantings are intended to provide a screening buffer between adjacent properties.

Documents shared: landscape plan, existing conditions plan, aerial
Reid presented the plans with the proposed grading and plantings. He reviewed the resource areas (marsh/ shore zone and flood zone) and explained that the proposed grading follows an existing swale.

Dan Gordon explained that the intent is to add screening between the two properties, primarily eastern red cedars will be installed, the grading will be done and existing plantings reinstalled.

There was discussion of the flood zones and the methods of transplantation and the proposed slope (1:3). The applicant was asked if the Tribe had been consulted, they had not been yet.

Action: A motion was made, and seconded, to continue the hearing to 9/14 to allow for the applicant to meet with the Tribe (Randy Jardin).

Passed unanimously via roll call vote.

Continued Public Hearings

SE20-1653 – Brian Purdy -10 Fowler Way (AP 12 B - 135)

Documents shared: Site plan, architectural plans, renderings, planting plan

Eligible Commissioners: Peter, Lil, Jeff, Max, Christina

Casey Decker recapped the proposed project and presented a site plan showing the existing and proposed buildings, the planting plan and the renderings from the water.

Commissioners advised the applicant that a NOI needs to be filed to deal with the lack of boardwalk for access. Casey advised that they planned to do so. Commissioners asked for a construction zone on the water side and worked with Casey to determine the best location for the siltation protection, a new plan will be submitted showing the siltation fencing/ construction zone as discussed.

Action: A motion was made, and seconded, to approve the application as proposed with the standard conditions (as shown below):

1. All work must comply with the conditions of this order. For any change in approved plans or work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
2. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this order are complied with. Copies of this order shall be supplied to project manager and contractors.
3. Because of the property's proximity to the resource area no herbicides, pesticides, or fungicides shall be used on any portion of the property. This condition shall be considered ongoing and shall not expire with the issuance of a certificate of compliance. Applicant shall abide by the Board of Health regulations for the application of fertilizers.
4. An pre-construction site meeting shall take place between the General Contractor and the Conservation Agent
5. All siltation fencing must be installed by the contractor and inspected by the Conservation Agent prior to work beginning.

6. No additional exterior lights, other than those mandated by the building code, are permitted at this time. Should the applicant wish for additional exterior lighting, a lighting plan shall be submitted to the Commission for review. All exterior fixtures must be 'Dark Sky' compliant, of low wattage, and fully shielded to shine only downwards.
7. A Certificate of Compliance must be applied for prior to the issuance of a Certificate of Occupancy from the Town of Edgartown Building Department.

Passed unanimously via roll call vote

SE20-1650 – SSL Inc – 2 North Neck Road (AP 15-6)

Documents shared: site plan

Eligible Commissioners: Peter, Lil, Jeff, Max Bob

Reid Silva summarized the project, which had been presented previously, and discussed the need for a rip rap revetment to replace the aging existing concrete walls. The property is not a victim of heavy wave action, it's more susceptible to sea level rise and flooding. Reid spoke with Shellfish Constable Morrison and they determined that the best access would be to bring the material around and into the pond, landing on the southeastern side of the property with the emergency backup being the neighboring property to the southwest (with permission of the property owner). The concerns regarding shellfish damage would be mitigated with this landing option.

Reid added some snow fence to the plan to help secure the area and the existing material over the winter until the project is able to be finished.

Action: A motion was made, and seconded, to approve the application as presented with the standard conditions as well as specifying that the landing and offloading of materials take place on the inside of the pond and that the applicant coordinate with the Shellfish Department to determine the timing of the material delivery.

1. All work must comply with the conditions of this order. For any change in approved plans or work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
2. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this order are complied with. Copies of this order shall be supplied to project manager and contractors.
3. The construction phase of the project shall not take place during scallop season (generally Oct-March). As the timing is key to getting the stone to the site, the applicant may work with the Shellfish Warden to determine appropriate delivery dates/times based on tides.

4. The stone is to be brought in on the south/ pond side of the property. The Tyler property can be utilized as a backup location.
5. The applicant must coordinate with the Shellfish Department to determine the timing of the material delivery.
6. An onsite meeting with the General Contractor and the Conservation Agent must take place prior to work beginning.
7. The snow fence shown on the plan is allowed to be installed over the winter, prior to the construction beginning. It will be inspected by the Conservation office and removed once the revetment is installed.
8. A Certificate of Compliance must be applied for within 60 days of the completion of the project.

Passed unanimously via roll call vote of eligible Commissioners.

SE20-1652 – Robert Angevine / Cow Bay Corporation

Action: A motion was made, and seconded to continue the application to the next meeting (9/14/22)

Passed unanimously via roll call vote.

Action: A motion was made, a seconded, to approve the minutes of July 27th
Pass unanimously via roll call vote

SE20-1655 – 6 Dunham, LLC – 6 Dunham Rd (AP 29B-83)

Documents shared: Site plan,

Chuck Sullivan reviewed the project and highlighted the information that had been requested by Commissioners at the previous meeting, specifically additional grading and cross sections of the pool and retaining wall.

Eligible Commissioners: Lil, Christina, Bob, Jeff

Action: A motion was made, and seconded, to approve the application with the following standard conditions:

1. All work must comply with the conditions of this order. For any change in approved plans or work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
2. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this order are complied with. Copies of this order shall be supplied to project manager and contractors.
3. Because of the property's proximity to the resource area no herbicides, pesticides, or fungicides shall be used on any portion of the property. This condition shall be considered ongoing and shall not expire with the issuance of a certificate of compliance. Applicant shall abide by the Board of Health regulations for the application of fertilizers.

4. An pre-construction site meeting shall take place between the General Contractor and the Conservation Agent
 5. No additional exterior lights, other than those mandated by the building code, are permitted at this time. Should the applicant wish for additional exterior lighting, a lighting plan shall be submitted to the Commission for review. All exterior fixtures must be 'Dark Sky' compliant, of low wattage, and fully shielded to shine only downwards.
 6. A Certificate of Compliance must be applied for prior to the issuance of a Certificate of Occupancy from the Town of Edgartown Building Department.
- Passed unanimously via roll call vote of eligible Commissioners.

Discussion Items:

Waldron – 22 Bayside – vista/ view clearing

Documents shared: Bayside South View Channels for Con Com Review (Reed Hilderbrand)

John Kett reviewed the proposed view channels (view 1 and view 2). Commissioners commented that it seems that to take down the large Oak would open up a lot of the house from the water and given its size and age it would be a shame to lose it. They asked if there was a way to utilize the other views and allow the tree to remain. Mr. Kett explained that he understood but that there was no way to preserve the tree given the importance of the view. Jane Varkonda clarified that when the project was presented to the Commission the tree was to remain. Mr. Kett explained that when they presented the project originally, they didn't fully understand the impact the tree would have on the view. Commissioners suggested limbing up rather than taking it down. Mr. Kett advised that they'd examined it extensively with the client and there's no way to work around it.

Commissioners expressed their desire to see the Oak stay and advised that the tree broke up the massing of the house and Jeff Carlson proposed keeping P1 (pine) in view 1 and remove the other marked trees and in view 2 take out all the proposed trees *except the large oak* and adding a cedar near the oak, and come back for reevaluation. The owner spoke passionately about the need for the tree to come out.

Discussion: Mr. Kett stated that the Oak is the key part of the proposal and they may not proceed as planned if they can not take down the large Oak. Tom Tate explained that this view channel is the view that all the guests see when they arrive and reiterated that the Oak is in the building envelope/ limit of work (applicant erroneously under the impression that the building envelope/limit of work is not in the Commission's jurisdiction). Mr. Tate suggested taking out the large Oak and leaving the Cherry behind it to soften the view.

Action: A motion was made, and seconded, to implement Jeff's proposal:
View 1: keep P1 (pine), remove the other marked trees
View 2: Keep the large oak, take out the other proposed trees and allow taking an additional Cedar near the Oak and the Cherry.
Return to the Commission for re-evaluation

Passed 5-3 (Province, Brown and Gibbs "No")

A site visit from the water was proposed.

Discussion Items:

FARM leases:

- The Chair asked if everyone had reviewed and approved of the TTOR-Slough Farm sublease, they had.

Action: A motion was made, and seconded, to approve and sign the TTOR-Slough Farm sublease.

Passed unanimously.

Violations:

- Kara Shemeth briefed the Commissioners on a violation out at Lensen Way that was called in to the Building Department. Carlos Teles had previously been granted permission to take down storm damaged trees earlier this year. The property owner then asked him to clear more trees and assured him that he had the paperwork in order. 42+ trees were taken down, most within the Commission's jurisdiction. There will be a follow up at a later meeting.
- After a boat caught on fire, an illegal pier discovered in Jacob's Neck Pond, Jane is in contact with the homeowners to remedy the situation.

With nothing further to discuss the meeting was adjourned at approximately 6:15 PM