



Meeting Minutes - Edgartown Conservation Commission
November 9, 2022 (4 pm)

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

Commissioners Absent: none

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

Public in attendance: Aaron Gouveia, Alexis Colantonio, Debra Cedino, Dylan Sanders, Bill Brine, Bo Reily, Chris Alley, Chris Kennedy, Darci Schofield, Doug Hoehn, Elizabeth McDonough, Erin Michaud, Jason Forend, Jim Gammill, John Kett, Judy Murphy, Karen Osler, Kirk Oswald, Leslie Carter, Michael Barclay, Michael Count, Michael Smith, Morgan Herman, Nelson Giannakopoulos, Penn Edmonds, Peter Sliwkowski, Phil Horton, Rachel Self, Ron Domurat, Russ Hopping, Sol Watson, Tom & Becky Ross, William Sullivan, William Gazaille

PUBLIC HEARINGS:

Public Hearing –Notice of Intent SE20-1660

Applicant: **16 Bayside North LLC**

Address: 16 Bayside North (AP 36-159.11)

Representative: Doug Hoehn (SBH)

Project: Construct, maintain and repair a 50' "T", a 6'x20' float and to remove two pilings at an existing licensed pier (pier lic #14007)

Documents shared: aerial, pier plan

Doug Hoehn went over the plans, showing the existing pier and where the proposed float is, the "T" has a depth of around 5' and is positioned along the faired pier line. The float has a depth of around 4'. The application is requesting light on each end of the 50' "T" as there is already water and electricity to the end of the existing pier. The lights will be the same lights as approved in the previous application and meet the Commission's requirements for dock lights. The piles are green heart lumber.

Action: A motion was made, and seconded, to approve the application as presented with the standard pier conditions.

Passed unanimously via roll call vote with Max Gibbs recusing himself

Request for Determination

Applicant: **James Zins**

Address: 95 Edgartown Bay Road (AP 51-42)

Representative: Debra Cedeno (Architecture+Indigo), Jason M Forend (GC)

Project: proposed renovations to an existing structure. The property is within the 100' buffer zone of multiple resource areas.

Documents shared: site plan, architectural plans, aerial

Debra Cedeno explained that the home has been in the Zins family for 30 years or so and are planning and interior renovation and external work including a new roof, new trim & siding, and new exterior doors, windows and decks & stairs. There is no proposed change to the footprint of the building. The only new disturbance to the ground is a 4'x8' concrete pad for a new AC condenser (the home currently has no AC), the concrete pad is on the landward side of the existing structure. The existing posts under the deck will receive bracing per the structural engineer.

Jason M Forend noted that they have installed siltation fencing and plan to install outriggers with a tarp as a catchall for debris on the water side, he will submit a narrative to the Conservation office.

Action: A motion was made, and seconded, to find a negative determination with conditions that the Agent will inspect the site prior to work and that the debris mitigation narrative be received prior to issuing the RDA.

Passed unanimously via roll call vote

Public Hearing –Notice of Intent SE20-??? (no DEP number issued at this time)

Applicant: **Trustee of Reservations (TTOR)**

Address: Norton Point to the Gut

Representative: Darci Schofield, TTOR

Project: Application seeking an Order of Conditions to permit Over Sand Vehicle (OSV) access on the Trustees owned, or managed under contract, approximately 12 miles of beach from Norton Point Beach to the Gut at Cape Pogue Wildlife Refuge in Edgartown, Massachusetts

Documents shared: none

Darci Schofield, TTOR Island Director presented the NOI to obtain permission for Over Sand Vehicle (OSV) access on the beaches owned or operated by TTOR. This application is intended to obtain an Order of Conditions to fill the gap between now and 2023 when a more thorough beach management plan is submitted by TTOR. Darci Schofield mentioned that TTOR would like to install snow fencing to help build up the dune. In 2016, a Beach Management Plan was requested by the Conservation Commission, prompting this application. Darci Schofield noted that this application reflected current practices and reflects the work currently being done on the ground.

After Commissioners did not have any questions, Chair Vincent asked if any members of the public had questions. Peter Silowski of the MV Beach Access Group had some questions about some of the items in the application not being current practices.

Agent Jane Varkonda noted that this application covers all aspects of the Beach Management Plan and not just OSV access.

Several Cape Pogue property owners/ residents objected to the TTOR's running of Cape Pogue and noted that land north of the Dyke Bridge has unclear ownership and questioned how an Order of Conditions could be issued for land that TTOR does not own or have a management agreement for.

Cape Pogue property owners/ residents expressed concerns about the management practices of TTOR in the Cape Pogue area and the lack of current permits. The behavior of and the lack of education provided to those accessing the beach utilizing TTOR access stickers is very concerning. Bill Gazielle asked that the Commission take time to look at the proposal and how it affects the people who live on Cape Pogue and the fact that TTOR is "selling stickers to trespass". Abutters spoke of lack of communication regarding trail closures which poses a safety concern for them as the trails are their access to and from their homes.

There were questions regarding the legality of operating a commercial enterprise and it was questioned if the activity could even be permitted under Edgartown's Zoning. Abutters asked that the Conservation Commission consider a cease & desist order for activities north of the Dyke until TTOR can get the necessary protections and permits are in place. (note: Abutters Rachel Self and Alexis Collantonio the requested cease & desist order)

Darci Schofield acknowledged the challenges that are faced by TTOR and spoke to the group's goals of finding balance between conservation of the resource and access. She noted that she looked forward to and that some of the specific issues would be addressed by TTOR's attorney with responses submitted to the Conservation Commission.

A decision was made to continue to 12/14/22 to allow TTOR to submit the supplemental information requested by the DEP

Local Notice of Intent

Applicant: **Eastern Wall, LLC**

Address: 58 Oyster Watcha Road (AP 41-1.1)

Representative: Chris Alley (SBH)

Project: Proposed construction of a guest house and associated site work within Zone 2 of the EPAD and within 200' of a BVW.

Documents shared: aerial, site plan, floor plans, rendering from the pond

Eligible commissioners: Geoff, Jeff, Peter, Max, Lil, Christina

A site visit took place earlier in the day

Chris Alley reviewed the site via aerial and explained the current and proposed structures. Chris went over the proposed 1 story flat roofed house and its surrounding grade. The architect has reduced the amount of glass on the waterside of the proposed guest house based on the previous meeting with Commissioners (2 out of 9 glass panels have been replaced by solid wall).

Jane Varkonda noted some compliance issues noted at the site visit, specifically view channels that may be larger than allowed/ not in the right areas and the yard is MUCH larger than the allowed 2500 sq ft (per Ponds District bylaw).

Jeff Carlson noted that as an abutter he could not vote on this but as a representative of the Oyster Watcha HomeOwners Association, there was concern regarding the number of guest houses on this property as it is unclear if the large pool barn (3 bedrooms and a bar) is considered a guest house already. Chris Alley thinks that it will be the Building Inspector that makes the call if the pool barn is considered a guest house. Michal Barclay noted that in 2006 the Planning Board approved a similar guest house to what is now before the board and the barn was already built.

Commissioners felt that clarification was needed regarding the guest house question and the view channels and lawn should be resolved prior to a decision being made. Jane noted that when a new application is heard, the applicant needs to be in compliance with their previous permits and that the current applicant can apply to have a larger lawn but it would need to be a new filing.

Action: A motion was made, and seconded, to continue the matter to the next meeting.

Passed unanimously via roll call vote

Kara Shemeth noted that a vote hadn't been recorded to continue the TTOR application.

Commissioners discussed the concerns of the abutters and considered a special meeting. It was noted that the applicant had left and any further conversation ceased until a future meeting.

Action: A motion was made, and seconded, to continue the TTOR application to 12/14/22

Passed unanimously via roll call vote

Notice of Intent **SE20-1658**

Applicant: **The McCourt Martha's Vineyard Trust**

Address: 85 Chappaquiddick Road (AP 30-63)

Representative: Chris Alley, SBH, Chuck Sullivan & Nelson Gian

Project: Seeking approval for modifications (additions & deletions) to a guest house complex and to establish a location for housing of utilities along with associated site work.

Commissioners had reviewed the revised plans at the previous meeting.

Eligible commissioners: Geoff, Jeff, Peter, Max, Lil

Conservation Agent Jane Varkonda noted that the applicant had met all the requirements asked of them.

Action: A motion was made, and seconded, to approve the application as modified.

Passed via roll call vote of eligible Commissioners (No Avakian or Brown)

Discussion Items:

Waldron – Landscaping at 22 Bayside - continued to the next meeting

Dredge - Gammill

Mike Count explained the changes requested for the which include the limit of the dredge zone being slightly modified and designating a staging area. The changes are minor and are necessary for the project to be in compliance with the state and federal permits.

Action: A motion was made, and seconded, to approve the minor modifications.

Max Gibs asked about the previous limit of dredge and Mike Count explained that the changes were made based on updated data and DEPs requirements. Commissioners asked that a narrative be supplied and that the delineations be very clear to the operators when dredging is taking place.

Passed via roll call vote

Administration:

Unanticipated Item - Smith site plan - 4 & 6 Caleb Pond (AP 30-24.1 & 24.2)

A previously approved plan is before the Commissioners; Joe Scott (GC) is asking for a 12' shift and rotation for the guest house to accommodate the necessary septic upgrade. Geoff Kontje gave a site report and noted that the new location is equally compliant as the original position and he didn't see any issue.

Action: A motion was made, and seconded, to approve as a minor modification.

Passed unanimously via roll call vote.

Action: A motion was made, and seconded, to meet the following Tuesday 12/15/22 at 5 PM regarding the request for a cease & desist order north of the Dyke Bridge. (Staff will seek advice from Town Counsel prior to posting the meeting)

Passed unanimously

With nothing further to discuss the meeting was adjourned at approximately 5:50 PM