



Meeting Minutes - Edgartown Conservation Commission
December 14, 2022 (4 pm)

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

Commissioners Absent: none

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

Public in attendance: Alexis Colantonio, Dylan Sanders, Becky Ross, Chris Kennedy, Casey Decker (MVE&D), Chris Alley (SBH), Chris Scott, Darci Schofield (TTOR), Deb Butler, Doug Hoehn (SBH), Edward B Self, E M McDonough (TTOR), Hans van Lingen (Avangrid), Joe Russo, Jonathan Kirby, Judy Murphy, Karen Osler, Leslie Self, Matthew Goodfriend, Michael Luft-Weissberg, Noah Mercer, Penn Edmonds, Peter Sliwkowski, Phil Horton, Rachel Self, Reid Silva (VLSE), Ron Dumurat, Russ Hopping (TTOR), Scott McCarthy, Tim Webster, Victor Colantonio, William Gazaille

Warrant Articles discussion

Proposed:

Land Acquisition: \$20,000

Land Management: \$20,000

Action: a motion was made, and seconded to increase to \$30,000 each.

Passed unanimously

PUBLIC HEARINGS:

Public Hearing – Notice of Intent **SE21-1665**

Applicant: **The Chappy Nest Realty Trust**

Address: 26 Caleb Pond Rd (AP 30-42)

Representative: Casey Decker (MVED)

Project: Proposed removal and replacement of an existing wooden stairs from the top of a coastal bank to an adjacent landing adjacent to the water.

Documents shared: existing conditions site plan, proposed site plan, engineered plans, photos of existing conditions.

Casey explained that the new plans follow the same footprint but bring the stairs and platforms up to code. The PE46 hex anchors would be used to secure the structure in the bank rather than posts going into the ground.

Jane noted that the commission would need a construction narrative prior to closing the hearing.

Action: a motion was made to continue to 12/21 for a construction narrative
Passed unanimously via roll call vote

Public Hearing –Notice of Intent **SE20-1666**

Applicant: **Melrod Family Martha's Vineyard LLC**

Address: 11 & 17 Faulkner Drive (AP 45-123 & 124)

Representative: Reid Silva (VLS)

Project: Proposed reconstruction of an existing elevated walkway and permit ongoing maintenance of the walkway.

Documents shared: site plan, aerial,

Reid described the property and the project; it is an existing, permitted walkway that has sustained storm damage and the applicants would like to replace it with fiberglass grating rather than wood and new posts. Decking to be 12" higher than currently and posts would be secured with the butterfly pin system. The walkway would be built from the existing decking/ stringers rather than walking back and forth through the marsh.

Action: A motion was made, and seconded, to continue to the 1/11 meeting for a site visit.

Passed unanimously via roll call vote with 1 abstention (M. Gibbs)

Public Hearing – Notice of Intent **SE20-1667 & SE20-1668**

Applicant: 20 Orr Lane Realty Trust

Address: 20 & 26 Orr Lane (AP 20B - 76.4 & 76.3)

Representative: Dough Hoehn (SBH)

Project: Remove existing structures, construct dwelling, pool, cabana, garage, landscaping & related site activities and Remove existing structures, construct dwelling, garage, landscaping & related site activities (26 Orr Lane)

It was noted that the town's assessor's data shows the house is over 100 years old and thus would need to be referred to the Martha's Vineyard Commission (MVC). Doug Hoehn noted that the Inspector of Buildings is currently looking into the construction history to determine if any of the historic structure remains.

Action: A motion was made, and seconded, to continue to the 1/11 meeting and to refer this project to the MVC.

Passed unanimously via roll call vote

Continued Public Hearings

Notice of Intent **SE20-1662**

Applicant: Chappaquiddick Beach Club

Address: 36 & 37 Chappaquiddick Road (AP 30- 2, 5)

Representative: Chris Alley (SBH)

Project: Connection of existing plumbing at 36 Chappaquiddick Road to an existing septic system at 37 Chappaquiddick Road within land subject to storm flowage.

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

Chris Alley reported that he and Jane had met on site and have come up with a way to avoid putting anything in the ground. The bucket for the ejector pump will be hung from the building and will not be set in the ground.

Action: A motion was made, and seconded, to approve as modified and with standard conditions.

Passed unanimously via roll call vote

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.

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

This application has been sent to Town Counsel by the Planning Board. Chris noted that they have collected data on the trees around the site, as requested by Commissioner and will submit a new plan showing the trees shortly.

Action: A motion was made, and seconded to continue to 1/11 to allow Town Counsel to weigh in.

Passed unanimously via roll call vote

Public Hearing –Notice of Intent SE20-1672

Applicant: **Trustee of Reservations**

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

Eligible commissioners: ALL

Darci Schofield noted that TTOR has submitted all the requested information to the DEP and is awaiting a file number.

Abutters voiced concerns about the fragility of the resource and disappointment that a completed application is not yet submitted. It was noted that the most recent map/ plan in the TTOR application was from 2019 which doesn't reflect current or recent conditions.

The Conservation Agent clarified for attendees that any Order of Conditions issued by the Conservation Commission does not grant rights over private property and she noted that Darci has been making an effort to get the DEP file number but that the DEP is overwhelmed and understaffed, the DEP anticipates a number being issued shortly.

Abutters noted that there is no way for TTOR to access Cape Pogue without passing over private property. The Chair clarified that approval by the Commission only extends to the applicant's property. Property owners at Cape Pogue noted that the application implies ownership or management of 12 miles of contiguous beach which is not the case.

Chris Kennedy spoke of the importance of providing for interim OSV access to allow for continued use of the beaches and noted that there were issues that needed to be resolved in regards to ownership and access rights.

Pogue property owners reiterated repeated attempts to get information from and to work with TTOR in regards to TTOR visitors access on privates land and noted that the organization regularly expressed an inability to enforce their own rules for unruly behavior once their visitors are on private property and rights of way ((August 15 2022 email referenced), abdicating responsibility for their customers in the eyes of the residents. Residents noted unsafe conditions that went with very little response from the applicant.

Residents requested a cease and desist, it is not known if that is an available route for the Conservation Commission to implement.

Island residents interested in beach access recognized the complex situation and spoke in favor access noting that there are three distinct beach areas here and most of the discussion is centered around Pogue.

Darci Schofield noted that TTOR is listening and compiling the questions and concerns raised by attendees and the organization will address them all in one document.

There were questions regarding breaking the application into 3 separate NOIs as the contention of one area could derail the entire application in a long appeal process.

The agent also posed several questions/ notes to the applicant:

- The application lacks a necessary assessment of the condition of the state ranked community of cedars and a plan for its management.
- What is the carrying capacity for the upcoming season?
- If the Commission approved an interim plan, what is the timeframe for a "real" plan?
- Will you allow AWD? There are concerns about some of the roads in the intertidal zones and roads that regularly flood.
- Are you exceeding the state guidelines for bird management on the state owned property?

The historic access to the gut was discussed and homeowners noted that they don't want to end access for fishermen and responsible OSV users but the number of people that lack education about OSV use and a lack of etiquette has grown in recent years and is a problem. Visitors have been driving up into beach grass, relieving themselves in yards when they can't find the portapotties amongst other behaviors.

Action: A motion was made, and seconded to continue to January 25 meeting to allow the applicant to address the questions raised by the Agent and abutters.

Passed unanimously via roll call vote

With nothing further to discuss there was a motion to adjourn at approximately 5:27 PM

Discussion Items:

Administration:

Approval of minutes

Items not reasonably anticipated by the Chair

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