



Meeting Minutes - Edgartown Conservation Commission  
February 8, 2023 (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: Reid Silva, Doug Hoehn, Stephanie Pierce, Chris Alley, Dan Melrod, Dan Richards, Deb Butler, Jodi Sieber, Joe Sieber, Jonathan Kirby, Matthew Goodfriend, Michael (MV Regency), Michael Luft-Weissberg, Mike Tomkins, Norman Rankow

4:00 - Public Hearing - Notice of Intent SE20-1673

Applicant: the North Neck Trust (Shirley Wilcox)

Address: 20 North Neck Road (AP 18-59)

Representative: Reid Silva (VLS)

Project: Septic Upgrade

Documents shared: GIS aerial, Site Plan (

Reid explained the resource areas and contours of the property and that the existing leaching trenches had failed inspection and they propose to dig those out and install the new system nearby. The existing tank will remain in use.

Commissioner Comment: none

Public Comment: none

**Action:** A motion was made, and seconded, to approve with standard conditions and siltation as shown on the plan.

Passed unanimously via roll call vote

Continued 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.

Eligible Commissioners: All

Documents shared: GIS aerial, photo pf walkway, site plan (DATE)

Reid summarized the application regarding replacing the boardwalk and noted that after previous meetings they have revised the application to keep the existing posts and raise the framing and decking to the existing height of the posts. Posts that need to be replaced would utilize butterfly brackets. Reid addressed the concerns of the lawn and noted that in 2019 the applicant had done a restoration of that area to address lawn concerns and advised that Doug Cooper had done a report to document the restoration and the Agent confirmed that they had done what was asked.

Commissioner Comment: Reid was asked how he would document the changes and advised that he would submit a new plan to show what had been revised.

Public Comment: none

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

Passed unanimously via roll call vote with one abstention (Gibbs)

Continued Public Hearing - 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

Documents shared: none

Chris Alley noted that the Planning Board had not acted yet and it was still being reviewed by Counsel. Commissioners felt they should wait for the Planning Board to rule.

**Action:** A motion was made, and seconded to continue the hearing to 2/22/23

Passed via unanimous vote of eligible Commissioners

Continued Public Hearing – Local Notice of Intent

Applicant: Goldeneye, LLC (formerly David Malm)

Address: 24 Katama Bay View Road (AP 46-18.1)

Representative: Doug Hoehn, SBH

Project: Proposed construction of a pool, pool cabana and related site activities within 100' of the 100 year flood (AE 10).

Documents shared: GIS aerial,

Doug Hoehn reported that they had satisfied the concerns of the Board of Health and reviewed the resources areas, the cabana being the closest to the resource at 50' from the 100 year flood. Doug added contours, the dry well for the pool, description of pool specs, and a note that the bottom of the pool is set at 1' above presumed ground water

Commissioner Comment: Commissioners asked to view the cabana plans, Patrick Ahearn explained the cabana had a fireplace, cathedral ceilings, a bar and washer & dryer.

Public Comment: Abutter Joe Sieber noted that the applicant is known for purchasing properties for rental use and Jody Sieber asked if the Commission would mandate lighting and water disposal. Jane Varkonda noted that any lighting would need to be to code and down lit and the water would be dealt with via the drywell.

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

Passed unanimously with one abstention (Brown)

Continued Public Hearing – Notice of Intent SE20-1670 & SE20-1671

Applicant: MV Regency Group LLC

Address: 71 Butlers Cove (AP 53-7)

Representative: Doug Hoehn (SBH)

Projects: The construction and maintenance of a 182' long, elevated wooden boardwalk across a wetland & the creation of a Comprehensive Land Management Plan and a 3' wide path to the beginning of a proposed elevated wooden boardwalk.

Eligible commissioners: Jeff, Max, Lil, Christina, Bob

Documents shared: renderings from the water, site plan, plans for the boardwalk and platform.

Doug Hoehn reported that Doug Cooper had flagged the individual wetland communities as requested by the Commission and that he and Stphanie Pierce had collaborated to develop a narrative and that Wilkenson Ecological had been brought in to develop an invasive species management plan.

Commissioners noted that the trail is currently very wet, which isn't unusual for this time of year. Doug Hoehn suggested placing temporary decking as the boardwalk is built so the area doesn't get trampled during construction.

The platform was discussed and Commissioners noted that these historically are not allowed on the Great Ponds. It was also noted that the grass path leading to the boardwalk would likely need to be a boardwalk as it is wet. There is a proposed 9' swath to allow for 3' to work on each side of the 3' wide boardwalk during construction, the plan is to allow it to regrow once the boardwalk is done. Max advised that they could lay the frame out and walk along that as they construct the boardwalk and that the materials should be brought in via boat from Wilson's Landing. SUGGESTED CONDITION: *allow the 9' swath during construction only*. Further discussion concentrated on the poison ivy removal and the restoration of the 9' swath. The merit of pulling the poison ivy out by the roots vs cutting it down along the boardwalk was discussed. Doug advised that he could make the changes to the plans and get an updated plan to the Commission Assistant.

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

- SE20-1670 - elevated boardwalk
- Temporary construction boardwalk allowed to reduce trampling of resource area
- Minimum disruption during construction
- Vegetation is to be allowed to revegetate once construction is complete
- The sitting platform is DENIED
- The grassy trail leading to the proposed elevated walkway will also be required to have an elevated walkway
- Only one path is allowed, any additional paths will be abandoned and the first 20' will be revegetated
- Poison Ivy to be clipped only where it encroaches on the elevated walkway
- Materials will be brought in by boat
- Regular and ongoing maintenance of the elevated walkway will be ongoing, a full re-build will require a new Notice of Intent
- SE20-1671-comprehensive land management plan
- The comprehensive management plan is approved as presented

Passed unanimously of eligible Commissioners with one abstention (Gibbs)

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

Applicant: 20 Orr Lane Realty Trust & 26 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

Continued from 1/5 & 1/25- Eligible commissioners: Jeff, Max, Lil, Christina, Bob

Document shared: updated site plans

Jonathan Kirby reviewed the modifications that had been made based on the Commissioners comments at the previous hearing. Specifically they pulled the proposed retaining walls out of the buffer and changed the grading plan to keep proposed grading and limit of work out of the 100' setback.

Commissioner Comments: Commissioner noted that they will need some room to work along the buffer and offered a 3' incursion into the setback to allow work

Public Comment: none

**Action:** A motion was made, and seconded, to approve the applications as revised with standard conditions and to allow the siltation fencing to be installed 3' into the buffer to allow work to be done.

Passed unanimously via roll call vote

Administration:

Review Park City Wind denial

Commissioners noted that they had reviewed the denial and added a note regarding the concern of impact on the Right Whale population.

**Action:** A motion was made, and seconded to approve the wording of the denial.

Items not reasonably anticipated by the Chair:

The idea of having an executive session regarding the TOR application and concerns about ongoing litigation was discussed and it was decided that it does not meet the criteria to hold an executive session

With nothing further to discuss the meeting was adjourned  
at approximately 5:32 PM