



Meeting Minutes - Edgartown Conservation Commission
May 10, 2023 (4 pm)

Commissioners present: Peter Vincent (Chair), Max Gibbs, Geoff Kontje, Jeff Carlson, Lil Province, Robert Avakian, Christina Brown (currently not eligible because she has not been sworn in)

Commissioners Absent:

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

Public in attendance: Doug Hoehn (SBH), Suzan Bellincampi (MAS FN), Reid Silva (VLS), Alex Morrison, Sarah Jane Hughes, Jessica Snare, Margaret Klugman, Bill Brine, Travis Ritchie (R+D Studio), Darran Rubins, Sofya Nadelstein, Michael Barclay, Chris Alley (SBH), Peter Breese

Public Hearings

Public Hearing – NOI SE20-1689

Applicant: **Robert Mnookin**

Representative: Lil Province

Address: 10 Myobar Lane (AP 7-2.2)

Project: Seeking permission for pruning in a resource area

Site Visit: 5/3/23

Note: Lil Province recused herself

Documents shared: aerial, site plan

500-100 sq ft of grass will be forfeit and the area will be replanted with natives.

The applicant proposes to remove some gray willow, russian olive, and cherry.

The area has been neglected and invasives have taken over.

Commissioner Comment: Site visit report - Commissioners noted that the lawn was larger than approved and there was a question about removing trees across the water. The Agent noted that the proposed trees to be removed are invasive and that the lawn area by the water wants to be wetland and should be pulled back as the applicant proposes. A permanent delineation should be installed so that there is no further mowing in the area of lawn that is to be returned to native plantings. Alex Morrioso noted that he could install edging and planned to remove the sod and leave the topsoil for stability.

Public Comment: An OB abutter asked to be present when the cutting is done as the applicant has previously cut on their property.

Note: A painted turtle and eggs were observed on site and work during the time it is nesting will be prohibited.

Action: A motion was made, and seconded, to approve the application, pending any DEP comments, with standard conditions and a condition limiting work during box turtle nesting timelines.

Cristina Brown and Lil Province did not vote on this matter (Brown not sworn in yet, Province recused)

Public Hearing – NOI SE20-1687

Applicant: **MVY Home LLC**

Representative: Reid Silva (VLS)

Address: 17 Garden Cove Road (AP 53-8.1)

Project: Seeking permission to construct and maintain an addition to an existing dwelling, a pool house, septic tie in and associate landscaping within the flood zone.

Documents shared: aerial, site plan, aerial with site plan overlay

Reid Silva reviewed the site, the most prominent addition being the 600 sq ft pool house/ gym that will replace the existing pool shed. The proposed patio (dry laid) is adjacent to the existing guest house and is planned around an existing tree. There was discussion of view channels and vegetation management and it was determined that they were unnecessary due to the low nature of the existing vegetation. The applicant asked that the view channels be withdrawn from the application and noted that they do not currently manage the vegetation, only the lawn.

Commissioner Comment: There was discussion of the size of the lawn and if a drywell was on site for the pool, the pool predates those requirements and the applicant noted that a dry well could be installed during this project.

Public Comment: None

Action: A motion was made, and seconded, to continue to 5/24 for a site visit and to allow the applicant to make the following edits to the plan: remove view channels, add drywell

Passed unanimously via roll call vote

Public Hearing – NOI SE20-1683

WITHDRAWN by applicant (**MV Land Bank**)

Action: A motion was made, and seconded, to accept the withdrawal of the application without prejudice

Passed unanimously via roll call vote

Public Hearing – NOI – NOI SE20-1688

Applicant: **MA Audubon – Felix Neck**

Representative: Suzan Bellincampi

Address: 100 Felix Neck Drive (AP 6-36)

Project: replacement and ongoing maintenance of a damaged boardwalk, relocation of a granite bench, and installation of stairs to the shoreline along the trails at Felix Neck Wildlife Sanctuary and to maintain these improvements.

Site visit: 5/10/23

Documents shared: NHESP map, site photos, sketch of plates

Suzan Bellincampi, Director of Felix Neck, presented the plans and site photos of the current boardwalk and the proposed boardwalk. She shared pictures of the eroded area around a stone bench that they would like to move back from the bank and install wooden stairs. Jean Marc Dupon, Regional Property Manager for Felix Neck explained the brackets/ base plates that they would like to use, they are small and sit on the ground with a pipe driven through them. These are similar to the butterfly brackets and allow for adjustment of the walkway (up and down).

Commissioner Comment: Commissioners noted that the plan shows ¼" between boards and that seemed too small. The Agent asked about the height above the ground. The applicant noted that they tried to keep it as low as possible and was advised that it would need to be higher than a few inches. 6" above the highest grass is a standard that has worked well for other towns. The applicant noted that this is part of their accessibility initiative. It was noted that finding a balance between light penetration and keeping it low enough so that folks don't fall off the walkway is the sweet spot.

Public Comment: None

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

Passed unanimously via roll call vote

Continued Public Hearings

Continued **Public Hearing** - Notice of Intent **SE20-1679**

Applicant: **The Selby Family 2012 Trust**

Address: 12 Swan Neck Road (AP 43-3.23)

Representative: Doug Hoehn (SBH), Darren Rubins & Peter Breese (Breese Architects), Eric Chase (Landscape Contractor)

Continued from 3/22/23 Eligible commissioners: Peter, Lil, Geoff, Jeff, Bob, Max

Site visit 5/10/23 to review unpermitted clearing

Documents shared: Updated site plan, building plans, pictures from the water

Doug Hoehn reviewed the proposed project and shared an updated site plan and recapped the site visit that took place earlier in the day. Doug explained that in the early 90s the previous owner got permission for the large view channel (90 degrees) for which a CoC was issued. The vegetation that was cut lower than allowed was shown in green on the plan. Doug noted that the cutting in question was lower than allowed but within the previously approved view channel with some brush cutting for the new guest house is outside the established channels but further from the resource.

Darran Rubins reviewed the guest house/ boathouse plans and photos of the site from the water.

Commissioner Comment: Commissioners asked for additional wetlands flagging and extension of the 100' setback.

Commissioners noted that the clearing that was done is a major infraction and this is a case of asking for forgiveness rather than permission. It was noted that parties involved have been cooperative but property owners and landscapers bear the responsibility of knowing the regulations when doing work in resource areas and buffer zones.

Public Comment: None

It was noted at the site visit that additional work had been done and it needed to be delineated on the site plan. Massive amounts of highbush blueberry and sweet pepper bush and other plants have been brush cut. The Commission needs an inventory of the cut area so that the damage is documented and an appropriate revegetation plan being put in place. The platform at the end of the walkway and path (there is currently no permit to maintain these items). The applicant's representative asked to be allowed to file a separate NOI for the platform and path maintenance.

At the site visit it was determined that the southern channel was cut much lower than was approved.

Action: A motion was made, and seconded, to continue to 6/14/23 for additional delineation of wetlands, an updated site plan and an inventory. Passed unanimously via roll call vote

Continued **Public Hearing** - Notice of Intent **SE20-1686 Kruppers, LLC**

Address: 5 Briggs Road (AP 27-9.22)

Representative: Doug Hoehn (SBH)

Continued from 4/26/23 Eligible commissioners: ALL

Site Visit: 5/3/23 - cutting violations discovered, DEP has questions regarding impact of cutting view channels

Lil Province recused herself

Doug Hoehn presented a site plan, the plan showed the view channels that were approved by and Order of Conditions for a previous owner, this

applicant is proposing a slight modification to fit their house (the previous owner cut the channels but did not build) as their proposed structure is slightly further back than the previously proposed structure.

Doug noted that the landscape designer is working on a solution regarding the southern view channel. Commissioners asked if the view channels needed to be on this application if the house is the main concern. The applicant theorized that the view channel may have been enhanced during marketing because when it was initially done everything was within the parameters laid out in the previous Order.

The grassy path shown on the plan was discussed and it was noted that it is virtually abandoned and will be. The landscape plan will pull any landscaping outside the 100' buffer.

The Agent noted that if the view channels are separated from the application there is very little ability for enforcement and while the applicant is very cooperative and proactive about solving this issue, if the property were sold the Commission may not have the ability to enforce the correction of the view channel.

Action: A motion was made, and seconded, to continue to 5/24/23 for additional information.

Passed unanimously via roll call vote of eligible commissioners

Continued **Public Hearing** - Notice of Intent **SE20-1685 - Eastern Wall**

Address: 58 Oyster Watcha Road (AP 41.1.1)

Representative: Chris Alley (SBH) & Michael Barclay

Jeff Carlson Abstained

Commission staff noted that there had been a mix up with the proposed plans and they had been sent to the wrong email and not received in time for today's hearing. At the same property, a Local Order of Conditions was approved and the applicant has asked to slide the approved guest house 20' south west to get the structure out of the swale. This new proposed location wouldn't require any fill whereas the previously approved location would have required fill. The new location isn't any closer to the resource area.

Commissioner comment: None

Public comment: None

Action: A motion was made, and seconded, to approve the 20' move.

Passed unanimously via roll call vote of eligible Commissioners

Action: A motion was made, and seconded, to approve the minutes of 2/22/23 with minor edits

Passed unanimously via roll call vote of eligible Commissioners

Conditions:

- SE20-1684 - Crackatuxet Trust - Well
- SE20-1681 10 CC Road LLC - redevelopment

Action: A motion was made, and second to approve the conditions as presented

Passed unanimously via roll call vote of eligible Commissioners with Bob Avakian abstaining

- SE20-1680 - EYC Tennis Courts - renovations

Action: A motion was made, and second to approve the conditions as presented

Passed unanimously via roll call vote of eligible Commissioners with Peter Vincent and Lil Province abstaining

Items not anticipated by Chair:

The Agent reported that on the site visit today it was noted that there was unpermitted landscaping taking place at 2 Swan Neck Road. It was noted that the species for the meadow needed to be reworked and that topsoil should not be brought in for a native meadow. The landscape plan has not been approved yet and no work should be taking place yet.

Commissioners and staff expressed frustration with property owners not adhering to the WPA and bylaws and just doing whatever they want. It was noted that this is also frustrating for property owners who are following the rules.

The Chair asked if there was a recommended action, the Agent recommended fining the landscaper (Millers) \$300/day for 3 days (Mon-Wed) for starting the landscaping prior to approval and a stop work order would be in effect until the landscape plan is reviewed and approved.

Action: A motion was made, and seconded to accept the Agent's recommended course of action

Passed unanimously via roll call vote of eligible Commissioners

Action: A motion was made, and seconded, to adjourn the meeting at 5:57 PM
Passed unanimously