



Meeting Minutes - Edgartown
Conservation Commission
August 23, 2023 (4 pm)

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

Commissioners Absent: Geoff Kontje, Jeff Carlson

Staff: Kara Shemeth (Assistant)

Public in attendance: Reid Silva (VLS), Annie & Andre Mallegol, Chris Alley (SBH), Warren & Deb Gaines, Emily & Joe Monteiro, Lauren Galvin, Anna Doar Sinaiko, Josh Klevens, Karen Driscoll, Amy Denton, 802 299 1597

4:00 – Notice of Intent – SE20-1698

Applicant: **Joyce B. Sabatini**

Representative: Chris Alley (SBH)

Address: 15 Katama Point Road (AP 12-34).

Project: Construction/ Upgrade of a septic system within land subject to Coastal Storm Flowage

Documents Shared: Aerial, septic plan (8/2/23)

Chris Alley explained that this home is one of the ones built in this area in the 70s and was historically serviced by two cesspools. The homeowner had the one in the parking area cave in with total structural failure and the home has had limited usability this summer due to this. The property is below the 100 year flood. The proposed upgrade

Commissioner Comment: Commissioners felt this needed to get done.

Public Comment: None

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

Passed unanimously via roll call vote

Continued Public Hearing

Notice of Intent **SE20-1695** No DEP Comments - Continued from 6/28/23

Applicant: **Lenssen Realty Trust**

Representative: Reid Silva (VLS)

Address: 5 Lenssen Way and 63 Eel Pond Lane (AP 13-23 and 20A4)

Project: Tree clearing, installation of a driveway/parking area, trenching for underground utilities and associated landscaping within the buffer zone to a bordering vegetated wetland. The proposed structures are located outside of the state and local buffer zones.

Documents shared: VLS Site Plan (8/8/23), Staff showed the nearmap aerials pre-clearing and post-clearing.

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

Kara noted that Jane was at a meeting downstairs and had wanted more information on the species of tree to be planted and more detail on the landscaping plan that was submitted.

The Applicant (Emily Monteiro) explained that they weren't aware that they needed that much detail and would work on that. Reid Silva reviewed the buffer to the wetlands and the AE9 flood zone. He reviewed the jurisdictional concerns and the clearing done in that area. On the current plan there are 12 trees shown whereas 40+ had been cleared in the buffer prior to any permitting.

Emily Montiero spoke to their willingness to take direction from the Commission and that they want their lawn to be by the house and pool and that this area would be more natural.

It was noted that the construction work and majority of the work is outside the buffer.

Commissioner Comment: Commissioners felt Jane needed to review the specifics, Lil Province offered to assist in the review. Commissioners asked how many trees had been cut (40+) and noted that 12:40 is not a sufficient replacement for that many mature trees being removed and that the replanting in the buffer should be more substantial than is being proposed.

Public Comment: Andre Mallegol (abutter) requested that the applicant leave as many large trees as possible. Joe Monteiro spoke to their desire to keep as many trees as possible and that they are looking to replace the pines they take down with better trees. Debra Gaines (abutter) asked about the utilities, Joe Monteiro clarified that they did a walk through yesterday and their GC (Waterfront Builders) confirmed that the utilities will need to come in through Plantingfield Way/ Lenssen Way. There was discussion of the second driveway which is out of Conservation jurisdiction. Amy Denton (abutter) spoke to the need to retain vegetation and voiced concern about the WPA and bylaws and not taking into account the impact of actions outside the buffer on the buffer. She raised several concerns which the Chair noted were well outside the Conservation jurisdiction.

Action: A motion was made, and seconded, to approve the application for the driveway and utilities pending the review and approval by the Agent of a more

detailed Landscaping Plan reflecting what was discussed at the meeting. (The Applicant agreed to waive the 21 day window for issuing the Order as the approval is conditioned on receiving and reviewing the Landscape Plan)
Passed unanimously via roll call vote of eligible Commissioners (Brown abstained)

Notice of Intent – SE20-1697 No DEP Comments

Applicant: Christopher Soverns

Action: A motion was made, and seconded, to continue the hearing to 9/13/23 to allow for a site visit and reception of updated house plans that reflect the accurate height.

Passed unanimously via roll call vote of eligible Commissioners

Administration:

Action: A motion was made, and seconded, to approve the minutes of August 9, 2023 as presented

Passed unanimously via roll call vote

The Agent noted that 81 South Water St (Malm) recently had a dance floor and tent (Big Sky Tent) in the resource area for an event held by Patrick Ahearn. She told the Commissioners that she had been in touch with Mr. Malm and explained that this was a violation of the WPA and the Edgartown Wetlands Protection Bylaw and would not be tolerated.

The Assistant advised that there had been an increase in projects starting without the required pre-construction meetings taking place and with contractors not knowing there was an Order of Conditions or in some cases, a protected resource area. The staff is working on some solutions for this.

Action: A motion was made, and seconded, to adjourn at approximately 4:37 PM

Passed unanimously