



Meeting Minutes - Edgartown  
Conservation Commission  
October 11, 2023 (4 pm)

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

Commissioners Absent: none

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

Public in attendance: Abigail Rosen, Alexis Colantonio, Ann F, Becky Ross, bill brine, Bo Reily, Bob, Brad, Brooke Kushwaha, Bruce Dew, Brush, Flanders & Moriarty, llc, Charles Hoopes, Chris Kennedy, Chris Tuccelli, Christina Brown, Chuck Willette, Connor Downing (Edg Health Agent), Cynthia, Cynthia Dittbrenner, The Trustees, Cynthia Hubbard, Dan Karparis, Darci Schofield, Trustees Islands Director, david brush, David Faber, David Tyler, DCron, Dylan Sanders, Edwina Rissland, Eli, Elizabeth McDonough, Ellen, Emily Godfrey, Erin Michaud, Frank Pereira, George, Hillary, J W, jack livingston, jay hunter, John Piekos, Jonathan Herman, Joseph Russo, Judy Murphy, K Oswald, Karen Osler, Kris Horiuchi, Lindsay Allison, Lionel Spiro, Louise Brooks, Malissa and Jay Osler, Marilyn Vukota, Mark Carlson, Mary Dettloff, Megan, Morgan, Morgan Herman, Msgr. Bransfield, MV Striped Bass and Bluefish Derby, mv times, Oliver Valdes, Patrick Paquette, Penn Edmonds, Peter Sliwkowski, Petervaz, Phil Horton, Rachel Self, Richard Thompson, R. Morrison, Robert, Robert Hayman, Roger Becker, Russ Hopping, Sal Tummino, Scalpel, Sean, Sean Francis, Sourati Engineering Group, Thomas Ross

### **Great Pond Associates**

Representative: Kris Houriuchi

Location: 11 Boldwater Road (AP 38-3.17)

Project: seeking permission for the view channels approved under SE20-1621 to be approved on this property, which they cross.

Documents shared: aerial of site, site plan

Kris Houriuchi reviewed the property and explained how the Rubin's property, which was issued an Order of Conditions for view channels, is the main part of the view channels and this application is for the portion of the view channels that cross onto locus from the Rubin's property. The existing trees are shown on the plan and the ones in green are to remain and orange are dead and they are requesting to be able to

remove those. Kris noted the existing native shrub line alongside that SBH went out and located, they would like to manage those areas using selective pruning at 5' (some areas in the area are around 10'-12') to accommodate the view and the existing habitat.

Commissioner questions/ comments: Commissioners discussed the limbing up of trees and the management of the clethra and how it will open up the view in a responsible manner. The native shrubs come back very healthy once cut and would need annual pruning. Kris noted that Josh Kochin from Landscape is involved and they would like to meet out on site with Jane to go over the details regarding the pruning. The Agent asked about the plan and Kris noted that she could have portions planted in or it could be left to come back naturally but they plan on abandoning the path. Commissioners asked what would happen if the landscaper were to change and Jane & Kara reviewed the Contractor acknowledgement form that both the GC and Landscape Contractor will be required to sign prior to the Order of Conditions being issued.

Public questions/ comments: None

**Action:** A motion was made, and seconded, to approve the plan as presented with standard view channel conditions, including the right to maintain the view channels and the contractors will need to sign the acknowledgement form prior to the Order being released.

\*Kris asked about incorporating similar language for the Rubin Order, it was noted that they should be similar and that Staff and Kris would work things out.

#### **44 Green Hollow Road LLC**

Representative: Sourati Engineering Group

Location: 44 Green Hollow Road (AP 29-134)

Project: Seeking permission for the demolition of an existing single-family residence and garage/detached bedroom and the construction of a new single-family residence and garage/guest house with associated utilities. The project also includes the installation of a new well and sewage disposal system. A portion of the work is located within the 200' Buffer Zone to a Coastal Bank and Wetland, and within the 100' Buffer Zone to the 100-Year Flood as defined in the Edgartown Wetlands Protection By-law.

Documents Shared: aerial of site, site plan, architectural elevations, renderings from the water.

George Sourati reviewed the history of the project, specifically that an application had previously been approved 3+ years ago to demolish the existing structures and

rebuild, the project was approved but never happened and this application is similar but has a new architect involved. He noted that the scope of this project is reduced from the previously approved project with the previously approved at 4462 sq ft new application at 3592 sq ft for a 19.5% reduction. The guest house was approved previously for 1025 sq ft and is now 666 sq ft for a net reduction of 35%. The proposed project does not place any structures any closer to the water than they are currently.

Commissioner questions/ comments: Commissioners asked about a well vs town water. There is currently no plan to bring in Town water but the applicant would be open to it if others in the neighborhood were interested. Commissioners asked about an irrigation plan and noted that moving forward irrigation will be a major issue. The Agent noted that there is a standard condition regarding landscape and irrigation plans. The Architect, Chuck Willet, spoke to the limited lawn due to the agreement with abutters that they would install a circular driveway so that delivery trucks would not have to back up and disturb the quiet. Commissioners asked that the proposed house be staked for the site visit. The Agent asked if the THPO is aware of the project and George noted that he will be in touch with Randy.

Public questions/ comments:

- David Brush commented on the driveway which crosses onto his property/ right of way. This is outside the Commission's jurisdiction but George noted that they were working on a plan for it that would not infringe on his property.
- Bo Riley, spoke in favor of the plan and asked that the applicant retain some of the vegetation between their properties.
- Ellen Price from the Edgartown Energy Committee spoke of the development of guidance on having a "Vineyard Lawn" that the Vineyard Conservation Society was working on that would be useful here.

**Action:** A motion was made, and seconded, to continue the hearing for 11/25 to allow for a site visit.

Passed unanimously via roll call vote of members present.

The Chair noted that the Tower Hill application would be readvertised and would be on the 10/25 agenda and that Doug Hoehn had requested the Goldeneye application (81 South Water St) had been withdrawn per the DEP's suggestion due to the application not acknowledging that a full basement was part of the project.

Continued Public Hearings

Public Hearing –Notice of Intent **SE20-1703**

Applicant: Trustee of Reservations

Address: Cape Poge Wildlife Refuge

Representative: Darci Schofield, TTOR

Project: Seeking authorization for the operation of Over-Sand Vehicles (OSVs) on land The Trustees owns on Cape Poge Wildlife Refuge. Cape Poge Wildlife Refuge is approximately 357 acres with five miles of barrier beaches and approximately 10 miles of OSV trails beginning north of the Dike Bridge to the Gut.

The application applies to the following Trustees owned properties: Road to the Gut (AP 15-2, 15-3, 15-4, 3-1, 3-2.1, 4-1, 4-2), 20 Lighthouse Road (AP 17-1), 43 Lighthouse Road (AP 3-12), Shear Pin Lane (AP 3-13.112), 35 Lighthouse Road (AP 3-13.17), Lighthouse Road (AP 3-13.18 & 48-45), 30 Lighthouse Road (AP 3-13.2), 23 Lighthouse Road (AP 3-14), 29 Lighthouse Road (AP 3-15), 10 Lighthouse Road (AP 32-2), 71 Lighthouse Road (3-5.1), 16 Road to the Gut (AP 3-7.1), 23 Pocha Road Extension (AP 49-1) AND on non-Trustees parcels with right to pass: 5 Shear Pin Lane (3-13.111), 20 Road to the Gut (3-5.3), 29 Road to the Gut (AP 3-2.3), Road to the Gut (AP 3-2.2), 40 Road to the Gut (AP 15-1)

Public Hearing –Notice of Intent **SE20-1702**

Applicant: Trustee of Reservations

Address: Leland/ Wasque

Representative: Darci Schofield, TTOR

Project: Seeking authorization the operation of Over-Sand Vehicles (OSVs) on land The Trustees own and manages under contract at Wasque Reservation and Leland Beach. The Notice of Intent pertains to approximately 3.6 miles of OSV trails within the 298-acre combined properties.

The application applies to the following properties: 23 Pocha Road Extension (AP 49-1) Lighthouse Road (AP 48-45)

\*It was noted that the plan would be to present and discuss the Leland Wasque application today and the Cape Poge application at the next hearing.\*

Documents shared: TTOR Powerpoint presentation (on file with Conservation Office)

Darci Schofield reviewed the timeline regarding the development of this application. She discussed the stakeholder working group. She reviewed how the working group meetings and input changed their approach, specifically honoring the community's history of OSV access, applying an adaptive management approach to reduce trail closures, retiring the Leland Bayside trail while retaining bayside access to Poucha Pond. She noted that the only OSV access for Wasque is via Norton Point and that TTOR was looking to work with the County and Town to work on access.

Darci reviewed the formulas used (per the 1994 guidelines) on how they determined the OSV capacity limits, using only the OSV trail from Leland to the Lighthouse. That formula came in, per the guidelines, at 880 OSVs. Feeling this was too large, they also reviewed daily numbers for the past 3 years and determined that setting capacity at 300 was more realistic and noted that TTOR hit 300 once (317 on 6/30/2020, the next highest day was 267).

The improved approach to visitor management was outlined and included staffing, training, communication, data collection and OSV specific information to be distributed to permit holders.

Opportunities for restoration and resilience was discussed and how TTOR can work with the Town Dredge to develop a partnership to utilize dredge spoils. The relationship between shorebirds and OSV access was discussed and Darci spoke to their planning for an HCP and about how TTOR manages protected species. She noted that the protection of non-listed species is mission related for TTOR and would continue on their property as it is very important to their values as an organization. The percentage of beach that is OSV corridor and the structures on Leland and Wasque were reviewed. (All contained in the powerpoint presentation on file)

Commissioner questions/ comments: Commissioners asked for clarification on the OSV routes.

Commissioner Kontje asked about the events mentioned in the beach management plan. Darci explained that it helps TTOR plan accordingly with staff when there are going to be parties of 20 or more people on the beach. The events can include weddings, Native American events, a shark fishing event on Leland. He also asked about staffing and if TTOR had the staffing to handle 300 OSVs if they were to hit those numbers. Darci noted that they have not hit 300 visitors in her tenure and stated that their normal patrols have been sufficient for the number of visitors they have received in the last few years.

The bulkhead was discussed and Commissioners noted that although no work is proposed on it, you can't access the beach without it so it's part of the discussion. They noted that at the previous meeting TTOR's attorney stated that they were looking for the owners. Atty. Dylan Sanders gave a brief breakdown of how the bulkhead itself needed to be separated from the East Beach parcel where TTOR has the majority ownership with several minority owners. He stated that the actual land that contains the bulkhead is separate and actually owned by the successors of the Pocha Pond Meadows and Fishing Company. He noted that the company was given a charter by the Commonwealth to build a dike across the pond with the understanding that the

company needed to maintain a road over the dike. 100 years later, in 1950, the Town of Edgartown punched a hole in the dike to restore waterflow. Mr. Sanders that the remaining portion of the bulkhead continues to be owned by the successors of the corporation, which was dissolved in the early 60s and the shareholders continue to own the bulkhead. He stated that TTOR is working with the town for solutions and monitoring of the bulkhead and bridge. He stated that TTOR would work with the Town, State, and Federal government to determine who would pay for the repairs (in no way implying that TTOR would pay for any repairs). Mr. Sanders stated that he was working with Town Counsel and the Town Administrator.

Capacity was discussed and Darci reiterated that 300 was on the high end and that it had only been reached once in recent years, there was discussion about how adaptive strategy could be used around this and if TTOR started to see higher numbers, the maximum capacity could be reviewed.

Public questions/ comments:

Ann Floyd - asked about the definition of stakeholder and what a "take" is regarding birds. She also asked about staffing and their ability to patrol effectively, Darci explained how her staff handles day to day and how they handle days with higher numbers of visitors. Ann also asked about the Commission's ability to enforce compliance issues and the Agent commented that the routes for enforcement are limited short of shutting down the beach.

Patrick Paquette - Stated that he is a nationally recognized beach access professional and noted that it is a slippery slope when discussing geophysical impacts and management impacts and there is importance in clarifying the difference between the two. The geomorphic structure, according to the math, could handle 800+ OSVs but the management impact of that is too much, as TTOR reflected in proposing a cap at 300 OSVs.

George - Asked for clarification regarding the OSV capacity limits and Darci explained the steps that TTOR would take when approaching 300 capacity including text and social media notifications and signage at the Chappy Ferry. George spoke of the deterioration of the lighthouse and asked if the heavier weight of OSVs is taken into account regarding the damage they can do. He also noted that the boardwalk is hazardous and he has brought this up to TTOR on several occasions over the years. Darci explained that the TTOR has not had a contract with the Coast Guard to maintain the Cape Pogue Light House since 2020. She addressed the issue of the boardwalk and noted that it is an issue of funding and she welcomes the opportunity

to talk about it at the next CIA meeting and noted that there is signage at the Gate House stating that if people need assistance then TTOR staff is available to help.

Commissioners asked TTOR for a breakdown of the permit holders for the next meeting (ie local vs visitors). Commissioner asked if TTOR sold permits to rental car agencies and Darci confirmed that they had sold 6 to rental cars.

Commissioners also asked for clarification regarding TTORs definition of tidal flats, noting that it did not correspond with the DEPs definition.

**Action:** A motion was made, and seconded, to continue the hearing to October 25, (noting that on 10/25 Cape Poge will be first up for presentation/discussion)

Passed unanimously via roll call vote

The meeting was adjourned at approximately 6:23 PM