



Meeting Minutes - Edgartown
Conservation Commission
November 8, 2023 (4 pm)

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

Commissioners Absent: Christina Brown

Staff: Jane Varkonda (Agent), Kara Shemeth (Assistant), Reade Milne (Building Inspector)

Public in attendance: Abigail Rosen, Alan Muney, Alexis Colantonio, Ann Floyd, Anne Mazar, Dylan Sanders (TTOR), Bo Reily, Brad, Brian Mazar, Brooke Kushwaha, Bruce Dew, Cammie Naylor, Chris Kennedy, Cynthia Dittbrenner (TTOR), Cynthia Hubbard, Darci Schofield (TTOR), David Tyler, DCron Douglas Hoehn (SBH), Elizabeth McDonough (TTOR), Erin Michaud, George Mellendick, Gerald Jones, Hillary, Hutker Architects, Jackson Parker, Jay Hunter, Jeff Horenstein, John Piekos, JoJo, Jonathan Herman, Jonathan Phinney, Joseph Russo, Joseph Susienka, Judy Murphy, Karen Osler, Kellie Clabby, Lucy Dobrin, Mark, Mark Carlson, Mary Dettloff, Mitch Rubin, Morgan Herman, Patrick, Penn Edmonds, Peter Sliwkowski, Phil Dobrin, Phil Horton, Phil Regan, Rachel Self, Ralph, Robbie Robinson (Waterfront Builders Inc), Robert, Robert Bottary, Russ Hopping (Trustees), Sean Francis, Seena Pidani, Sol, Sourati Engineering Group, Tekomah Goggins (Atlantic Pool), Timothy Moriarty, Todd debettencourt, Tom & Becky Ross, Tom Wallace, Victor Colantonio, William Gazaille

William Newman - RDA

Representative: Tom Wallace, Doug Hoehn

Location: 81 Oyster Pond Road (AP 40-1.33)

Project: Determine if an unpermitted portion of a permitted pier (circa 1987) will be allowed to stay.

*Peter Vincent and Max Gibbs abstained. Commissioner Robert Avakian ran the hearing

Documents shared: aerial, plan of pier (permitted vs existing) by VLS

Tom Wallace explained that while building the dock the property owners realized that when the pond is closed it can be significantly lower when the pond is open to

the sea and an L was needed to dock a vessel safely when the pond was open otherwise any boat would be sitting in the mud.

The landscape ties and walkway were never constructed and what is currently on the ground is less than what was permitted.

Commissioner Comment: Commissioners noted that the current structure doesn't extend as far out as originally permitted. It was noted that the pond is usually opened 4 times a year and usually closes quickly. The applicant confirmed that when the pond is open there is 2' of water at the end of the pier. He also noted that there is no intention to apply for any of the landscaping or walkway that was permitted previously, they would just return with an NOI for the L if it;s allowed to remain.

Public Comment: None

Action: A motion was made to issue a positive determination, noting that a full NOI would be needed to properly permit the L and that it may remain.

Passed unanimously via roll call vote of eligible Commissioners

Shaggy Dog Realty Trust - RDA

Representative: Jackson Parker

Location: 100 Meeting House Rd (AP 37-5)

Project: Seeking permission to install a cinder block foundation with hand dug footings for a preexisting structure currently on cinder block piers.

Document shared: aerial of property

Jackson Parker explained that the end of the house is currently on cinder blocks and this concrete block foundation would help support this end of the house and create a crawl space that would be able to be accessed via a hatch in the house. The applicant plans to hand dig and mix all concrete on site by hand. He noted that the other work would be replumbing and rewiring the house and installing new windows and doors and potentially updating the kitchen. The Building Inspector noted that the applicant and her should speak because any new plumbing and/or wiring would need to be above the floodplain.

Commissioner Comment: Commissioners discussed the request, focusing on the

Public Comment: none

Action: A motion was made, and seconded, to find a negative determination, allowing the applicant to install the cinder block foundation by hand.

Passed unanimously via roll call vote

Mitchell & Paula Weisman - NOI

Representative: Doug Hoehn (SBH), Hutker Architects

Location: 4 Plover Circle (AP 46-22)

Project: Seeking permission to demo an existing guest house and replace it with a new guest house within the FEMA flood zone.

Documents shared: aerial of property, site plan

Doug Hoehn explained where the property is located and showed the 100 year storm line (elev. 10) and showed the current guest house compared to the proposed guest house, both of which are under 900 sq ft. The Hutker reviewed the house design. The Agent asked about landscaping as this is an area where the BOH had imposed some restrictions to protect water quality. The applicant noted that there wasn't a lot, just a few shrubs and that they wouldn't be proposing any intense landscaping.

Commissioner Comment: None

Public Comment: None

Action: A motion was made, and seconded, to approve the application as presented.

Passed unanimously via roll call vote

Lucy & Philip J. Dobrin - NOI

Representative: Sourati Engineering Group, Patrick Ahearn

Location: 69 Kanomika Road (AP 38-8.6)

Project: The project consists of the construction of a single-family residence, an attached garage, a pool, a sewage disposal system and associated utilities. The single-family residence and the pool are located 131'± and 118'± respectively from the edge of a Wetland. The project is located below the 100-Year Flood Elevation.

Documents shared: Aerial of property, site plan, architectural elevations

George Sourati reviewed the property, noting that extensive lawn had been noted when the previous owner was applying for Certificates of Compliance prior to selling the property. The new owners found that demolition of the existing house and rebuilding is preferable to remodeling. NHESP has weighed in and a building envelope has been defined and the BOH has approved the septic design. It was noted that the proposed house is 35' further back from the pond than the existing house.

According to Mr. Ahern, the existing house is 1990s construction that is approximately 6000 sq ft and the proposed is 5000 sq ft and garage/ carriage house is 900-1000 sq ft. The new house will utilize the established view corridors and existing walkway. He noted that the proposed house is at elevation 11' and thus out of the flood zone.

Commissioner Comment: Commissioners discussed the potential for a fire suppression tank. George noted that it would be do-able but would be a difficult project as the grade is at around 9' and groundwater is at elevation 4'.

Commissioners asked that the pool fencing and any fill be pulled out of the 100' buffer.

The Agent noted that a cross section of the pool would be needed. It was noted that it would be a salt water pool.

Concerns were raised with the grading and access without getting into the buffer. They suggested moving the pool back. Patrick Ahearn noted that the pool terrace would be at elevation 8'.

Public Comment:

Alan Mune - Spoke to the underground water tank that has been installed and is to be shared by the neighborhood for fire suppression.

Action: A motion was made, and seconded, to continue the hearing to 12/13/23 for a site visit and to allow for an updated site plan showing the project moved back from the buffer and the view channels plotted and renderings from the pond.

Passed unanimously via roll call vote

Mitch Rubin noted that abutters were concerned about the pool and its impact on the aquifer given the level of groundwater (4').

Continued Public Hearings

SE20-1676

Applicant: Martha's Vineyard Land Bank - Representative had a family emergency off-island, requested a continuance.

Action: A motion was made, and seconded, to continue the hearing to 11/29/23

Passed unanimously via roll call vote

SE20-1697

Applicant: Christopher Soverns - Awaiting updated plans and rendering from the water.

Action: A motion was made, and seconded, to continue the hearing to 11/29/23
Passed unanimously via roll call vote

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)

Documents shared: None

Darci Schofield thanks the Commission for continuing the conversation and acknowledged that TTOR is willing to hear feedback and negotiate with the public where applicable.

Commissioner Comment: Commissioners deferred for Public Comment

Public Comment:

David Tyler - Spoke of his history on Chappy and Poge. He suggested the Commission hire a consultant to advocate for the Commission and take a deeper look at the TTOR application. He also read a letter from his wife that outlined her opposition to the application.

Ann Floyd - Referenced a 7/31/1998 letter she wrote to the Gazette regarding conservation exploitation and TTORs policies. She noted that since the letter was written in 1998 not much has changed.

Atty. Timothy Moriarty - noted he had reviewed the letter TTOR Atty. Sanders had sent to the Town regarding TTORs stance on bulkhead maintenance/repair responsibilities. He stated that it was wild that either of these applications were being considered until the bulkhead repairs were sorted out given that the bulkhead represents the only access to these properties. He also noted that the application falls short of proving that the impact of the proposed activity will not harm the interest protected by the bylaw. He noted that there were no engineered plans and the traffic study is from 2002 and there is no scientific study regarding the application. He shared some aerial photos of proposed OSV corridor of the interior of the elbow and spoke to the overwash of the area and how there isn't physically enough room for OSVs in this area. He pointed out that the new Beach Management Plan does not outline increased staffing which it seems would be necessary to implement the plan. He stated that the application did not acknowledge resource areas, specifically two ponds on his client's property (B. Riley, 29 Road to the Gut). Darci Schofield noted that they hadn't shown the ponds because they were not on their property and reiterated that the adaptive management strategy allows them to make decisions based on the on the ground conditions day to day.. He implored that the NOI for Poge be rejected until the applicant can demonstrate that the resource areas will not be negatively impacted.

Peter Sliwowski - spoke of the MV Beach Goers Access Group (MVBAG) support of the and of the 4 comprehensive documents the group had submitted in outlining their position on critical issues within the proposed beach management plan. The issues are: restoring historical OSV access north of the jetty, Bayside OSV access, adherence to the 1994 Guidelines rather than exceeding the, improving access for the elderly and disabled, reviewing the dog policy, and clarifying the hierarchy of the

staff. He reiterated that TTORs plan should adhere to existing standards and policies rather than creating new ones that exceed and surpass them.

Jonathan Herman - Spoke of his family's history on Chappy and the disappointment of not being able to access north of the jetties. He spoke of the historical OSV access and his hope for compromise and for cooler heads to prevail.

Phil Horton - MV Derby Committee Chair - Spoke on behalf of the Derby Committee of the importance of access to Chappy beaches. ⅔ of the grand leaders this year were brought in on Chappy beaches. 90% of Derby registrants are shore anglers and access to beaches is shrinking every year. Lack of OSV access on Chappy will reduce the ability of elderly fishermen to take part. He urged the Commission to support access.

Administration:

Action: a motion was made, and seconded, to approve the minutes of 10/11/23 as presented

The Agent noted that the current TTOR Local Order expires on 11/30/23 and the office has received a request from their Attorney to extend it for another month.

Action: A motion was made, and seconded, to extend the Local Order to 1/1/24
Passed unanimously via roll call vote

Rachel Self expressed her opposition to the motion to extend the 11/30/23 Local Order and noted that since 5/4/23 there have been numerous violations and TTOR has been in non-compliance and asked that her objection be noted.

The Agent noted that she would be sending Darci Schofield and Dylan Sanders a list of questions to be answered prior to the next meeting.

Action: A motion was made, and seconded, to continue the TTOR hearings to special meeting on 12/6/23

Passed unanimously via roll call vote

With nothing further to discuss, the meeting was adjourned at approximately 6:04 PM