

Meeting Minutes - Edgartown

Conservation Commission

February 14, 2024 (4 pm)

Commissioners present (4): Jeff Carlson (Acting Chair), Lil Province, Max Gibbs, Geoff Kontje

Commissioners Absent (3): Christina Brown, Robert Avakian, Peter Vincent

Staff (2): Jane Varkonda (Agent), Kara Shemeth (Assistant)

Public in attendance (49): Abby Fuller | STIMSON, Alexis Colantonio, Amos Cavallo, Anne Smith-White, Attorney Dylan Sanders, Bill Brine, Bob, Bruce Dew, Chris Alley, Chris Kennedy, Chris Miczek I STIMSON, Darci Schofield TTOR, Debbie Cron, Donald's iPhone, Douglas Hoehn SBH, Elizabeth McDonough TTOR, Gerret Conover, Jay Hunter, Jean's iPhone, Joe Delory, John P McKenna, John Piekos, Jonathan Herman, Leslie Audet, Leslie Self, Mark Carlson, Mary Dettloff, Matt Dyroff, Morgan Herman, Daniel Greenman MV Times, Paul Beeson, Penn Edmonds, Peter Sliwkowski MVBAG, Phil Horton, Rachel Self, Richard Thompson, Robert Carroll, Robert's iPad, Ron Domurat, Sean Francis, Sourati Engineering Group LLC (George Sourati and Bryan Collins), Stephen’s iPhone, Timothy Moriarty, Tom & Becky Ross, Victor Colantonio, William Gazaille, Win

**SE20-1720 & SE20-1721**

Applicant: Francis E. Fisher III, Trustee

Location: 117 Pennywise Path (Lot 1 & 2) (AP 21-68.1)

Representative: Sourati Engineering

Project: Proposed construction of a single family residence with associated utilities including a sewage disposal system and a potable water supply well on a vacant lot within 100’ of a wetland. (Proposals are similar for both lots, subdivision recently approved by the Planning Board to create two buildable lots.)

Documents shared: aerial of site, site plan

George Sourati presented plans for the construction of two single-family houses on separate lots. The first lot would feature a two-bedroom house, a garage, a driveway, and a septic system, all within a 100-foot setback from the wetlands. The second lot would have a one-bedroom house, also with a garage, a driveway, and a septic system, which is within a 54-foot setback from the wetlands. George Sourati confirmed that the Board of Health had approved the septic systems.

Commissioner Comment: Commissioners questioned the proximity of the wells to the wetlands, to which George Sourati responded that there was no requirement for well separation. There was a discussion about the drilling of wells near wetlands. Commissioners raised concerns about the potential impact on wetland water quality and the protection of the wetland itself. George Sourati clarified that the wells would likely be drilled 10-12 feet below the water table and that the area was flat, not low-lying. He also assured the Commission that there was no standing water in the vicinity, ruling out the possibility of the water table being affected. The potential for vernal pools was also addressed, with Sourati stating that none were observed by LEC, who did the wetlands flagging. George offered to have LEC verify the presence or absence of vernal pools.

Public Comment: None

**Action**: A motion was made, and seconded, to continue the hearing to 2/28/24 to allow for a site visit and for clarification by LEC on the potential presence of vernal pools

Passed unanimously via roll call vote

**SE20-1723**

Applicant: Outer Banks Nominee Trust

Location: 375 B Katama Road (AP 45-121)

Representative: Doug Hoehn (SBH), Chris Miczek (Stimson Associates)

Project: Proposed creation and maintenance of a view channel

Documents shared: aerial of site, site plan

Doug Hoehn outlined the proposed view channel from a newly constructed barn and emphasized the applicants intent to maintain the natural environment while creating a view of a freshwater pond. Chris Miczek, a senior associate from Stimson Associates, detailed the plan which included removing an old access road and controlling vegetation height. The width of the view channel was also discussed. Chris elaborated on the current state of the vegetation inside the 100’ buffer and the plan to leave it untouched. A discussion about the presence of invasive species and the need for trimming ensued, with Commissioners suggesting a site visit for better understanding.

Commissioner Comment: Discussion of invasives and the proposed project.

PublicComment: None

**Action**: A motion was made, and seconded, to continue the hearing to 2/28/24 to allow for a site visit.

Passed unanimously via roll call vote

**Christopher Soverns -** SE20-1697 - Continued to 3/13/24

**SE20-1719** The Karen L. Muney Vacation Residence Trust -70 Kanomika Road

Project: Proposed construction and maintenance of a timber walkway and handrail over and existing stone walkway and stone steps.

The hearing could not be opened due to a lack of quorum as Commissioner Max Gibbs would be recusing himself on the application.

Rescheduled for 2/28/24 with plans for the Agent to visit the site and report back if a full Commission site visit is needed.

**RDA**

Applicant: Dean D. Grant

Location: 59 The Boulevard (AP 3-3.12)

Representative: SBH

Project: Upgrade of an existing septic system to a new denitrification system

Documents shared: aerial of site, site plan/ septic plan

 Chris Alley presented the proposed septic plan and explained that the system would be upgraded to a denitrifying system and installed in an established yard in the location of the existing system that is being removed.

Commissioner Comment: Commissioner asked if the BOH had approved the system yet, Chris Alleyresponded that it had either recently been approved or was on an upcoming agenda.

Public Comment: None

**Action**: A motion was made, and seconded, to find a negative determination pending BOH approval of the plan

Passed unanimously via roll call vote

**SE20-1722**

Applicant: Rachel Self

Location: 30 Lighthouse Road (AP 3 – 13.2)

Project: Application for limited recreational Over Sand Vehicle (OSV) access during the 2024 Martha's Vineyard Striped Bass & Bluefish Derby.

 Acting Chair, Jeff Carlson, explained the potential issues with opening a hearing of this caliber with only four Commissioners. It could lead to the hearings being dragged out for months if all of the four eligible Commissioners are not in attendance for every hearing as it would force continuations. The applicant expressed their desire had been to open the hearing to clarify the application as there seems to be mis-information in the public sphere but concurred with the Acting Chair and agreed to have the hearing opened on 2/21/24 which will now have this OSV access application and the TTOR applications on the agenda.

**Action**: A motion was made, and seconded, to continue to the 2/21/24 hearing to allow for a more robust attendance from Commissioners.

Passed unanimously via roll call vote

**Continued Public Hearings**

SE20-1713 & SE20-1714 - Solar Properties LLC & Azur Properties LLC

Representative: Doug Hoehn (SBH) & Gerret Conover

Location: 139 & 145 and 153 Cow Bay Road (AP 13- 1 & 2 and 3)

Project: The proposed project involves the construction of a new dwelling to

replace the existing dwelling, construction of a pool, relocation of a driveway,

revising the septic system and well, landscaping and related site activities.

Doug Hoehn presented some changes and recapped the proceedings, mentioning that two hearings and a site visit have taken place. He discussed the changes implemented based on the Commissioners' recommendations, particularly the suggestion to move the driveway and locate the trees. He confirmed that a plan documenting the trees and vegetation was submitted the previous week.

Doug Hoehn and Gerret Conover answered questions about construction and tree removal. Commissioners suggested replanting to compensate for the number of trees being removed and to enhance the landscape and privacy. The applicants representatives agreed to this measure and planned to work with a landscape architect over the summer. It was decided to remove only trees within the construction zones and monitor the project's impact by updating the recently submitted tree location plan as trees are removed. Regular follow-up visits were suggested to review the project's impact and make necessary adjustments during the project. The Applicant agreed to a planting plan that would include revegetating the north western property line as that is where the most trees are being lost.

Commissioner Comment: Impact of tree removal was discussed.

Public Comment: None

**Action:** A motion was made, and seconded, to approve the plan as presented with standard conditions, standard pool conditions, and the landscaping/ tree monitoring discussed in the meeting.

SBH will send a plan showing the limit of work for the construction envelope.

Passed unanimously via roll call vote

**Unanticipated Items**

Max Gibbs brought up the state of the flagpole at the Whale Tail Park and Commissioners agreed that he should reach out to Miles Thurlow about the condition of the flagpole and liaise with the Conservation Commission to determine the next steps.

A motion was made to adjourn the meeting at approximately 5:09 PM