

Minutes of a Conservation Commission Meeting - 4 March 2020

Members present: Peter Vincent – Chairman, Christina Brown, Stuart Lollis, Jeff Carlson, Lil Province, Geoffrey Kontje

Absent: Bob Avakian

Staff: Jane Varkonda, Lisa Morrison

**Proposed changes to the Edgartown Wetlands Protection Bylaw for Town Meeting.**

Varkonda noted that the proposed changes are intended to close the loophole and give the Commission the right to review the installation of undersea cables and similar projects under the bylaw. There was no discussion and no one in the audience who wished to comment.

Brown made a motion to recommend the changes. Kontje seconded the motion. Unanimously approved.

**Town of Edgartown - Memorial Wharf** Andrew Nilson of Childs Engineering was present on behalf of the town to discuss the replacement of a timber pile pier and the repair of the bulkhead at Memorial Wharf. The wharf was inspected two years ago and several structural problems were revealed: some elements were reaching the end of their lifespan. No change in use or function is proposed. The idea is simply to bring the structure up to code. The pier will be squared off a bit and approximately 267 sq. ft. larger.

The pavilion is not part of this project. It will be removed to the parking lot so that work can be done on the pier and the bulkhead and then replaced. The pier will be reconstructed using steel pipe piles, which have less impact on the bottom. The project is slated to begin in the fall of 2021 and the intent is to keep the appearance as close to the original as possible.

Vincent asked if it was certain that the pavilion will be replaced. Nilson replied that it is a requirement of the contract.

The existing sheet pile bulkhead is showing some normal deterioration: the intent is to reapply a protective marine-grade coating, patch the holes and reinforce the tie-back system. Some excavation will be necessary around the perimeter of the parking lot.

Kontje asked the life span of sheet metal. Nilson said that if it is maintained every 5 to 10 years, it can last several decades. Kontje also asked about the toxicity of the coating. Nilson said that the contractor is required to follow a stringent protocol to ensure there is no pollution of the water or the surrounding environment.

Nilson said that the steel piles, which are similar to those used at the yacht club have a service life of 55 years or more with regular maintenance.

Steve Ewing commented that he had spoken with Peter Wells about the impact on the Chappy ferry. He noted that both the pier and the sheathing will be raised 2-feet to accommodate climate change and reduce storm damage. The parking lot will stay at same grade. Ewing noted that the Chappy electric cable runs diagonally under the pier.

Deck will be treated ACQ or CCA - again similar to what was used at the yacht club. Brown brought up the possibility of using untreated wood. Nilson replied that it was very expensive, difficult to maintain, and not sustainable, difficult maintenance. He noted that the existing deck is made from treated timber.

Kontje made a motion to approve the project as presented. Province seconded the motion. Kontje said that he would like to see the protocol for the coating application and suggested that a silt barrier be erected to keep the parking lot from eroding into the harbor. Unanimously approved.

**Waldron - NOI to construct dwelling, pool, and related site activities, Bayside South.** Doug Hoehn was present for the applicant, as were the architect from John B. Murray and the landscape architect from Reed Hildebrand. Project is in the Houlahan subdivision. The guest house and most of the house are outside of the Commission's jurisdiction. The pool is in the 200-foot zone. All the lots in the subdivision have a similar development envelope. The middle of the lot has an elevation of about 25-feet. There are no flood zone issues. This parcel has access to a shared pier – the water is too shallow off this lot to support a pier. No view channels are proposed at this time.

Hoehn noted that a special permit from the planning board is required for the pool and for structures within the shore zone.

The application included one rendering of the dwelling from the water side. More eastern red cedars will be added near the house.

Pool will have a saltwater filtration system and a drywell. It will be a maximum of 6.5 feet deep.

All lighting will be dark sky compliant.

Varkonda asked for a cross-section of the pool and commented that planting mature trees in a windy location doesn't always work. She said she would like to have details of the proposed landscape plan in writing. She said she also would like assurance that the proposal meets all the requirements of the MESA permit. Carlson made a motion to continue the hearing to the next meeting, 25 March, and schedule a site visit. Province seconded the motion. Unanimously approved.

**Goldstein - NOI to construct, license, and maintain pier, float & three spiles, 18 Caleb Pond Road.** Kara Shemeth from SBH present for the applicant. Marine Advisory has approved the project. Float will be 5 x 20 feet. Pier will have a 'T' at the end. Pier will not extend beyond the faired pier line. Division of Marine Fisheries was concerned that the pier is in a mapped shellfish area. Agent will ask for clarification from Bagnall.

Agent found the plan to be deficient in a number of ways and asked for additional information. There were concerns about the number of lights, the type of fixture, and the pedestal. Kontje made a motion to continue the hearing to the next meeting, 25 March. Lollis seconded the motion. Unanimously approved.

**Vought - Request for a determination of applicability Pickle Ball court, Jane's Cove.** Kristen Reimann was present for the applicant. Court will be approximately 224-feet from the edge of the wetlands. Court is 30 by 60-feet and unfenced. The nearest abutter is Mass Audubon. Minimal clearing will be required. Court will be asphalt. Carlson made a motion to issue a negative determination. Province seconded the motion. Unanimously approved.

**Town of Edgartown & Packer Marine - NOI to install 8000 gallon convault fuel storage tank at 1 Morse Street.** Ralph Packer and assistant Glenn were present. Project has been approved by the HDC. Instead of one 8000 gallon tanks, Packer proposed installing one 4000 gallon tank for gasoline and one 2000 gallon tank for diesel. Tanks will be surrounded by barn wood stained gray to make it as unobtrusive as possible. The tanks will be partially sunk in a concrete pad. Packer said that the tanks will not float. He said that there is a similar tank Installed in Vineyard Haven that has successfully weathered several storms. There is also a smaller, but similar, tank at the Chappy Ferry.

Packer commented that he has been at North Wharf since 1946 and has never had a spill. Town Administrator James Hagerty commented that DEP mandated the removal of the old underground tanks and consequently Edgartown had no fuel at North Wharf last year. The town has appropriated a million dollars to upgrade the fuel capacity at North Wharf. This project is a temporary fix that is estimated to stay in place for 18 months under a short-term lease with Packer. Hagerty said that the town is hoping to sign the lease next week. He said there is really no other option if Edgartown is to have fuel this summer.

Carlson asked what provisions are made in case of a leak. Glenn replied that they build a pocket around the tanks to contain any spill. Packer was asked if the barn board could be 6-feet high instead of 8. Packer replied that the pump on top of the tank would then be visible.

Packer noted that the tanks come with a 'canary' warning system that can be monitored on smart phones via Bluetooth.

Kontje asked if anyone has looked into whether or not the site can withstand the weight of the tanks Hagerty replied that Child engineering has researched the site.

Twanette Tharp of 2 & 4 Morse Street was concerned that there wasn't an adequate turning radius for trucks. She said that the tanks will take up parking and have a negative impact on Prime Marine's business. She said that the only place to turn around will be in her driveway and parking area. She said the existing garbage area will need to be moved and she does not want it adjacent to her property.

Hagerty noted that Prime Marine has been consulted and they are in favor of the project because they need the fuel. All the easements have been vetted by town counsel.

Packer commented that he believes North Wharf to be the safest location in the harbor. He said that filling the tanks will not be a problem. His trucks have backed down Morse Street since the 1940s.

Hagerty commented that Packer has bent over backwards to make this happen. The Harbormaster and Prime Marine are both in favor of the plan.

Packer said that all deliveries are made between 6 and 8 a.m. He offered to meet with Ms. Tharp to iron out any problems.

Carlson made a motion to approve the project as presented. Brown seconded the motion. Unanimously approved.

CONTINUATION:

**Sargent - NOI to demo existing residence and guest house and construct new residence – 44 Green Hollow.** The agent noted that on the site visit, it was noted that a lot of debris had washed into the marsh that needs to be removed prior to any additional work commencing on the site.

George Sourati was present for the applicant. The existing residence and guest house will be removed and a new main house and garage/guest house will be constructed. The existing septic tank is located within the 100-foot zone and will be removed. The new septic system will be located on the west side of the lot – far from the harbor. The new dwelling will be 139-feet from the top of the coastal bank. The garage/guest house will be largely outside the Commission's jurisdiction.

A row of staked hay bales will demarcate the construction zone and is delineated on the plan. The hedge on the southern side of the property will remain and no tree removal is proposed along the southern property line. Minimal changes in grade will be needed for the septic.

Kontje asked about the height of the existing residence. Sourati replied that it is a 1.5 story dwelling. Sourati noted that the new house is two stories it is well back from the harbor and will not be obtrusive. The narrow side of the house (east side) will face the harbor.

Applicant will return with a complete landscape and lighting plan.

Brown asked if the tribe had been notified. Sourati said that they have been notified as has Mass Historic and no work will take place until both have signed off on the project.

George Brush, attorney for the abutters to the south, said that his clients have no objection to the project provided that the vegetative buffer between the two properties remains intact.

Kontje made a motion to issue an order of conditions. Province seconded the motion.  
Unanimously approved

There being no further business, the meeting adjourned at 6:45 p.m.

Approved: \_\_\_\_\_