

Minutes of a Conservation Commission Meeting – Wednesday, May 22<sup>nd</sup>, 2019

Members Present: Jeffrey Carlson, Bob Avakian, Christina Brown, Stuart Lollis, Geoffrey Kontje

Absent: Peter Vincent – Chairman, Lillian Province

Staff: Jane Varkonda

**PUBLIC HEARINGS:**

SCHAWBEL, Dark Hollow, NOI. Ed Charter, applicant, was present. Application is to construct a single-family dwelling. Mr. Charter brought updated plans that show a repositioning of the house from the previous application. The repositioning was to get out of the 100-foot buffer zone. Mr. Charter would like to hook up to Town sewer; in order to do so, he needs to have the sewer line run from Dark Woods to his property. Because of the location of his property, he is offering to allow the neighbors to tie in for \$7,000 (each). Mr. Charter read aloud a letter he intends to send to the neighbors, pending approval from the Wastewater Department, informing them of this opportunity. Mr. Charter stated that even if the neighbors did not want to tie in to the sewer line at this time, the option to do so for \$7,000 would remain in effect indefinitely.

Mr. Kontje asked Mr. Charter about the use of pesticides on the property. Mr. Charter responded that the landscaping is minimalist; he intends to leave as much of the existing environment as possible.

Mr. Lollis asked Mr. Charter if any of the neighbors have signed off on the sewer line. Mr. Charter stated that he has not sent out the letter yet.

Mr. Avakian asked if there will be a leaching pit for roof run-off. Mr. Charter said there would.

Mr. Kontje read aloud a letter he received from Mr. Ditchfield regarding the buffer zone to the pond.

Mr. Avakian asked whether there was a plan to plant a buffer for the driveway. Mr. Charter said he does not have a landscaping plan but would be happy to provide this. He also stated that he does not prefer lawns and wants to keep the area as natural as possible.

Ms. Brown stated that the 100-foot buffer is absolute and the driveway appears to be right up against it, which will require the removal of some vegetation that buffers the wetland. Ms. Brown asked whether alternatives have been considered. Mr. Charter responded that he could cut the driveway short because there is a turn-around. Ms. Brown suggested that a site visit take place as there will be a new concrete plan for that. Mr. Charter said he will be removing trees around the house, driveway and pool but will leave anything that won't be a disturbance to these three areas. Mr. Avakian asked Ms. Brown if she would still like a site visit, she replied "maybe not". Mr. Kontje asked for public comment: None.

Motion placed on the floor by Mr. Avakian to approve the plans subject to a revised landscape plan, no use of pesticides and a shortened driveway with buffer. Mr. Lollis seconds, no discussion, vote taken and approved, 5-0.

Mr. Charter asked Ms. Varkonda what kind of plant material is preferred for buffers; Ms. Varkonda said she is happy to discuss this with him.

WOOLF, Oyster-Watcha, NOI. Douglas Hoehn, applicant's agent, was present. Also present was Architect Constantine Pappadimitrakopoulos. Application is for renovations/additions to an existing structure.

Mr. Carlson abstains; he is the Executive Director for Oyster-Watcha HOA. He remained to hear the presentation as he will have to approve for the HOA.

Mr. Hoehn informed the Commission that there is an existing first floor stone patio with a pergola and a second floor rounded deck in the area where the addition is proposed. They will just be filling in existing hardscape with no additional landscaping. This is in zone 2 of the ponds area district, it is 130 feet back.

Mr. Pappadimitrakopoulos stated that the proposed addition is basically the same footprint. He distributed renderings of the proposed elevations. Ms. Brown stated that the proposed elevation is the one "kayakers would see". Constantine said that all existing stone would remain.

Mr. Kontje asked whether the HOA has seen the plans. Mr. Carlson said he has not. Mr. Kontje asked whether HOA approval would be needed; Mr. Pappadimitrakopoulos asked whether conditional approval was an option.

Mr. Avakian stated that there is a different perspective of the addition from the water. Mr. Kontje added that the trees tend to block the second floor more from that perspective. Mr. Avakian stated that the "mass of the house" can be seen as it exists now.

The Commission discussed how the view from the water would be affected and whether the tree buffer was adequate. Ms. Brown said that this has been an issue they've been careful with in the past – the protection of historical views and vistas is part of the by-law. Mr. Kontje asked for public comment: None.

Ms. Brown asked whether the landscaping plan from initial construction of the house is met with the proposed plans. Mr. Hoehn stated that there will be minimal landscaping and some hardscape. The lawn itself is a gradual slope to the water with a brush buffer. The house was built 20 years ago.

Motion placed on the floor by Mr. Avakian to approve the request. Mr. Kontje seconds, no discussion, vote taken, approved 3-1. Mr. Carlson abstains, Ms. Brown votes against. Ms. Brown stated that she would like to hear from the HOA before approving. Mr. Kontje said the vote was contingent upon approval from the HOA. Mr. Hoehn said they would make sure the HOA is satisfied.

SALEWSKI, 8 Beach Street, NOI. Douglas Hoehn, applicant's agent was present. Also present was Kris Horiuchi, landscape architect, and James Moffett, Architect. Application is for a renovation/addition and pool for a single family dwelling. Mr. Hoehn said the driveway for this property is up a steep slope which will be completely re-done and re-graded. The application is for a proposed pool and additions. The property is within 200 feet of wetlands so there is a complicated drainage plan to add where run-off will be directed to catch basins.

Mr. Kontje asked whether there was public access at the end of the road. Ms. Varkonda said there is. Ms. Horiuchi stated that the existing hardscape there will essentially remain the same; they plan to replace the railing, repair the steps and add some lighting. The existing vegetation will stay, the bulk of the site work (driveway and pool) is on the landward side. The pool area is defined by the setbacks. A landscape plan will be prepared. Mr. Hoehn stated there are multiple catch basins for the runoff. Ms. Horiuchi added that everything has been approved by the HDC.

Mr. Moffett stated that the plan is to maintain the size of the garage, add a small grill area and change some windows. There is currently a wrap-around porch that will get enclosed to enlarge the first and second floors. The front entry will be extended. The rest of the renovation is exterior: replacing windows, chimneys and some new material. Mr. Moffett provided a series of elevations stating that the goal is to honor the history. The house was built in the late 19<sup>th</sup> century by the Dunhams.

The proposed materials for exterior renovations were discussed: a copper roof is proposed where wood shingles are now. Mr. Kontje asked whether there was any concern about copper leaching from weathering. Mr. Moffett said he has not heard of that being an issue. Mr. Avakian clarified that it's lead that's an issue, not copper.

Ms. Horiuchi stated that the pool equipment will be housed in the existing shed to be renovated.

Mr. Kontje asked whether there was any concern with lead paint during deconstruction. Mr. Moffett said that it hadn't been tested for. Mr. Kontje requested that there be a plan for capturing the shingles to prevent them from becoming debris in the harbor. Ms. Horiuchi stated that construction protocols will be prepared and submitted to Ms. Varkonda. Mr. Carlson asked about drainage for the pool. Mr. Hoehn said it's being sent to one of the catch basins.

Mr. Kontje read aloud a letters from abutters at 6 Beach Road and 25 Dunham Road.

Ms. Brown asked whether there has been any cooperation with the neighbors. Ms. Horiuchi said they have spoken about the areas of mutual interest. Mr. Moffett said the neighbors have all been informed and are in favor of the project.

Ms. Horiuchi said she was aware of the requirements for lighting from both the HDC as well as the ConCom. She intends to use historically appropriate fixtures but will satisfy the ConCom's requirements for down-facing lights before returning to the HDC.

Motion placed on the floor by Ms. Brown to approve the request subject to conditions that the leaching pit be re-contoured and that landscape and lighting plans be provided. Mr. Lollis seconds, no discussion, vote taken and approved, 5-0.

WETU (HOULAHAN), Bayside North, Determination. Douglas Hoehn, applicant's agent was present. Also present was Caleb Nicholson of Contemporary Landscape. Mr. Hoehn distributed plans that show buffer zones; the proposed work is almost all work to be done between 100-200 feet. Request is to remove a cluster of cedar trees from the middle of a meadow and move the larger ones to serve as a buffer for the driveway. The transplanting and removal of the trees and grinding of stumps is the extent of the work.

Ms. Varkonda, who has visited the site, asked whether the potential house would be more visible from the public vista with the trees gone. Mr. Nicholson said it would, but they will submit a landscaping plan. Ms. Varkonda stated that the owner would like a better view of the water and improved public vista of the house. Mr. Nicholson asked whether they could leave a percentage of the trees instead of removing them all.

Motion placed on the floor by Mr. Carlson for a site visit. Ms. Brown seconds, no discussion, vote taken and passed, 5-0.

RANKOW, South Water Street, Determination. Mr. Rankow, applicant, was present. He explained that the request is to repair the existing bulkhead which is a Ch. 91 granite bulkhead with a concrete cap. The cap is severely deteriorated; there were a couple cracks when the property was purchased but it has gotten much worse. Mr. Rankow has been working with the Woods Hole Group and Mr. Hoehn and there are four or five areas of severe deterioration (it was built around 1868). The proposal is to bring in a barge, per Ch. 91 to "install and maintain" for the repairs. The concrete cap would be cut down and removed, new granite blocks brought in and a bluestone cap would be added. This would tie the bulkhead into the existing adjacent bulkhead. Existing spiles will have to be removed to get the barge close enough; these spiles are all tie-ups, none of them are structural. Construction will take place in the fall, probably 2-3 weeks; if it's approved he will order materials to be ready and will try to source historic-looking granite. There will be no repairs made below the water line.

Motion placed on the floor by Mr. Avakian to issue a negative determination. Mr. Lollis seconds, no discussion, vote taken and passed.

VINEYARD WIND, Muskeget Channel, NOI. Nathaniel Mayo, Jack Vaccaro and Holly Carlson Johnson applicant's agents, were present.

Ms. Brown stated that this is a large project that the Edgartown ConCom has not seen any information about. Ms. Brown suggested that the applicants provide a summary of the project and the hearing get continued so that Commission members have a chance to review the extensive information being presented; in particular, the review of the project offered by State agencies such as National Heritage and Marine Fisheries. Ms. Brown requested that the presentation be kept to a minimum at this time.

Mr. Mayo informed the Commission that the project was filed with the State in December; the MEPA review was completed on February 2<sup>nd</sup>. VW has received DRI approval from the MV Commission, and Orders of Conditions from Barnstable, Nantucket and the Cape Cod Commission.

Ms. Brown requested copies of all the approvals Mr. Mayo listed.

Ms. Carlson Johnson, Senior Associate at Epsilon Associates, began with a big picture overview of the project. She stated that the goal of the project is to generate 800 megawatts of clean energy resulting in a 1.6 million ton/year reduction in CO2 emissions.

Ms. Brown stated that while this was a good thing, the point of the hearing is to review the proposed cables, not the benefit of the turbines themselves.

Ms. Carlson Johnson responded that the cables enable the delivery of the clean energy. There will be two cables, 330 feet apart; the cables will be installed separately. The corridors the cables will be installed into vary in width but the cables themselves are 10 inches in diameter. The footprint to install the cables will be small. The Edgartown waters portion of the installation is 12.4 – 13.7 miles long, depending on the eventual placement of the cables; they will be one mile offshore, buried 5-8 feet deep. In order to install the cables, the contractor will use a jet plow that blows a corridor 3 feet wide for each cable.

Mr. Kontje asked if the jet plow process has camera monitoring. Ms. Carlson Johnson said it does, as well as real-time monitoring. The cable reel is on the vessel being used for installation.

[Mr. Kontje has to depart the meeting at 6:36pm. Mr. Avakian takes over as acting Chairman.]

Mr. Avakian asked if the local fisherman and associated groups have been consulted about this. Ms. Carlson Johnson responded that they have been in communication for many years. Ms. Brown asked whether there was documentation of this. Ms. Carlson Johnson said there is.

Ms. Carlson Johnson went on to explain the contingency plan if the cable doesn't get buried in some places. In this case a concrete barrier will be installed in those locations.

Ms. Carlson Johnson stated that it has been determined by National Heritage that the project is not a take. She also stated that Right Whale and Eel Grass habitat will not be disturbed.

Mr. Avakian asked how much cable is on the installation vessel at one time. Ms. Carlson Johnson responded that the cables will be laid in three segments due to their overall length, which is 37-39 miles. Ms. Carlson Johnson stated that similar installations have been done before (a cable runs from Falmouth to Tisbury), this is not a new methodology. The cable is a hybrid cable that transmits both electricity as well as data.

The estimated construction time for the Edgartown portion of the work is one week per cable; this estimate does not include time needed for splicing. The work is scheduled for the shoulder seasons to avoid heavy summer boat traffic and harsh winter conditions. They plan to install the Barnstable segment in the fall of 2020 and the other two segments (Edgartown and Federal) in the spring of 2021.

This concluded the presentation by Vineyard Wind agents and Mr. Avakian asked if there was any public comment.

Ms. Helen Parker, Clinical Psychologist, had information she wanted to share with the Commission regarding the dangers associated with industrial wind turbines. She stated that she had presented this information to the Martha's Vineyard Commission as well as the Cape Cod Commission. She has been interested in industrial wind since the 1970s, specifically how it correlates with cognitive development and memory. Ms. Parker stated that the turbines put out infrasound that is damaging to humans. The impact from this infrasound is not something that humans are able to acclimate to, in fact it gets worse over time.

Ms. Parker said she has worked with wind turbine victims all over the world. She went on to say that Vineyard Wind is saying the turbines will not have an effect on the vista from land, that people will “barely see them”. She argued that, at 691 feet tall, with a wingspan up to 795 feet tall - which is taller than the Prudential Tower – humans will certainly be able to see the 84 turbines being proposed.

Mr. Avakian reminded Ms. Parker that the hearing is regarding the cable. Ms. Parker stated that she is here about the cable – Vineyard Wind has assured the safety of the cables due to them being buried, however the Block Island cable is currently exposed and has been for three years. There are tentative plans to fix the cable in 2020. Ms. Parker said that 70% of insurance claims for offshore wind involve cable failure and the average cost of repair is \$5.5 million.

Ms. Parker stated that Edgartown’s natural resources could be impacted by the cable in unforeseen areas, with impacts on recreational and fishing industries at the top of the list. No one knows how infrasound may affect the surrounding areas.

Mr. Avakian asked if there was sound emitted from the cables themselves. Ms. Parker said she’s not sure, it may just be from the turbines, but the cables are for the turbines and the turbines cannot be opposed by the public. Ms. Parker said that in her experience, infrasound has caused irreversible damage to human brains and that furthermore, the production capacity of these turbines decreases substantially over a short amount of years. Ms. Parker said the MVC did not pay any attention to the information she presented to them and neither of the local papers would print information she sent to them.

Mr. Mayo said that Vineyard Wind can respond to some of the information Ms. Parker presented – some they disagree with and some is not germane to the issue in front of the Commission. Ms. Carlson Johnson went on to explain that the situation with the Block Island cable is different. For this project there was extensive routing analysis that considered 50 different landfall sites. The goal is to have a site that’s not in an erosive environment, which Block Island is. They will also not be doing the work in an erosion area, it will be done from the parking lot, where Block Island cables were installed from the beach.

Ms. Carlson Johnson also explained that because the cables are buried there is no electric field. They have done extensive testing and analysis of the magnetic field. A study conducted by BOEM (Bureau of Ocean & Energy Management) in Long Island determined that no harm was done to lobsters or skates; both species are particularly sensitive to magnetic fields. The magnetic field BOEM measured was much higher than the one being proposed in the Vineyard Wind project. A magnetic field of over 500 units was measured in the Long Island study, there will be approximately 44.5 units for this cable. To compare, a standard refrigerator puts out 400 units.

The protections for Right Whales were reviewed by the Commission.

The presentation being complete and no additional public comments, the Commission decided to continue the hearing until June 12<sup>th</sup> so they have the opportunity to review the information that was presented, as well as the feedback from the State.

In the interest of maintaining a quorum moving forward, the representatives from Vineyard Wind said they would be ok with Mr. Kontje reviewing the meeting minutes and participating in future discussions on the matter, even though he had to leave part way through the presentation.

SWARTZ, Starbuck Neck, NOI – Postponed to June 12, 2019

MV REGENCY, Butler’s Cove, NOI – Postponed to June 12, 2019

[Mr. Avakian departs the meeting at 7:25pm]

**OTHER BUSINESS:**

Representatives from the Trustees were present to request a reconsideration of the denial for the hot air balloon at the Farm. They included Mr. Chris Kennedy, Mr. Sam Hart and Ms. Lindsay Brown. Ms. Varkonda commented that this matter is not on the agenda.

Ms. Brown states that she is not voting on this matter. The quorum was lost.

Ms. Varkonda asked Mr. Kennedy to write up an explanation of why he thinks a balloon is appropriate at the Farm. Mr. Kennedy stated that they would like to know why the ConCom and Conservation Agent do not think it’s appropriate. Ms. Varkonda responded that Mr. Kennedy was to do what he was asked. Ms. Varkonda also stated that the next meeting agenda is full but she would rather have this discussion in a separate meeting.

The meeting was adjourned at 7:30pm.

Minutes submitted by Juliet Mulinare.