

Minutes of a Conservation Commission Meeting – 25 September 2019

Members present: Peter Vincent – Chairman, Bob Avakian, Christina Brown, Lil Province, Geoff Kontje, Stuart Lollis

Absent: Jeff Carlson

Staff: Jane Varkonda, Lisa Morrison

PUBLIC HEARINGS:

AKACMV (Schlager) Swimming pool, pool house, and related site work. Reid Silva and Kristen Reimann were present for the applicant. Vincent asked if the project had been approved by the Boldwater Architectural Review Committee. Reimann replied that it was in process. Driveway will also be reconfigured. Silva noted that a pool had been approved in 2016, but it has since been relocated. Kontje made a motion to schedule a site visit and continue the hearing to the next meeting, 9 October. Avakian seconded the motion. Unanimously approved. Applicant is to site the dry well location on the plan and reconfirm the wetlands delineation.

Regan NOI for two bedroom addition, Meshacket. Tracey Smith from SBH was present for the applicant. The existing house has 4 bedrooms; the applicant would like to add a one-story wing with two additional bedrooms. The addition is approximately 46-feet by 18-feet. The property is in the Ponds District. The septic system would be upgraded to accommodate the additional bedrooms, which would involve adding a 1500-gallon tank.

Brown asked whether the applicant had considered installing an advanced treatment system. Smith replied that the BOH did not require it, so they didn't explore the possibility. She said that it was her understanding that advanced treatment systems did not work well in seasonal houses.

Brown replied that the Commission is concerned with environmental health as opposed to human health, which is the BOH's purview. Brown said that enhanced systems can decrease by 50% the amount of nitrogen that reaches the pond. Smith said that the enhanced treatment systems are substantially more costly than title V systems, so they don't usually spec them if not required. Brown made a motion to continue the hearing to 9 October and asked the applicant's agent to research the efficacy of advanced treatment systems in seasonal residences. Province seconded the motion. Unanimously approved.

Vought NOI to construct 2 bedroom guest house and upgrade septic. Reid Silva was present for the applicants. The project has received approval from the Planning Board. A portion of the structure will be in the flood zone. A small amount of grading will be done to bring the contour up to 10-feet in the area around the guest house.

Brown asked how many bedrooms are in the main house. There are 3 in the main house, making a total of 5 with the guest house. The lot is 7.8 acres. There is no bedroom in the existing boat house.

The agent asked that the existing view channels and trails be added to the plan so that the new owners can maintain them. She also asked that the pressure-treated post on the beach be replaced with something non-toxic. Pathway lights need to be removed as they are visible from the pond.

Doug Cooper is in the process of reflagging the wetlands and updating the habitat assessment.

There was some discussion regarding the lawn around the new structure. Silva said it should say 'meadow' not lawn. Agent said that it should be changed on the plan and it will state in the order of conditions that the property is only allowed 2500 sq. ft. of lawn. Areas labeled as meadow cannot be irrigated and shall be mowed no more than once a year.

Province made a motion to approve the project with the above conditions. Avakian seconded the motion. Unanimously approved.

Town of Edgartown - Katama Boat Ramp - Carlos Pena was present for the town.

The Selectmen, the Dredge Committee, and the Shellfish Committee have all approved the plan. The project is funded by both the state and the town, 75% and 25%, respectively. It is intended to serve both recreational and commercial fishermen for the launching and hauling of boats, including the town dredge.

Avakian says he uses the ramp frequently and wondered how it is that the Winnetu is able to use it for commercial purposes.

The Winnetu's GM Matt Moore commented that the Winnetu donated to purchase dock. The former town manager, Peter Bettencourt, gave the Winnetu permission to use the landing for 10 min per day. Shellfish Constable Paul Bagnall said that the system works well and keeps down traffic in town. The pickup usually occurs between 6:00 and 6:10 in the evening, not prime fishing time. .

Ellen Kaplan asked if the plan before the board is the same one that was before the board in June. Ms. Kaplan said that meeting was continued so that David Brown, the abutter to the north, could work out some possible revisions with the engineer. She said that Mr. Brown attempted to get in touch but the engineer never responded.

Ms. Kaplan submitted a letter from Arlene Wilson, environmental consultant, who reviewed the proposal for Mr. Brown and Ms. Kaplan and pointed out what she considered to be omissions

from the application. Mr. Brown summarized the letter [See file for letter from A. Wilson dated 12 June 2019] for the board and noted that the Katama Association had voted to allow him to speak for them. The Katama Association is opposed to the construction of the new boat ramp.

Mr. Brown said that 100% of the residents believe that the ramp should be rebuilt. He said that he was not opposed to paying the town's engineer for a consultation. He said that the ramp is like the Wild West. He said that there is no real management plan and no one who is really in charge. He said that he has been told by the harbormaster that he has no jurisdiction over the ramp. He said that sometimes fishermen tie their boat up there overnight.

Brown asked how many times the dredge would need to be taken in and out.

He was concerned about the 14-foot posts that will be used to anchor the ramp. He said that if there is a 14-foot storm surge, anchoring of the ramp will be the least of the town's problems. He urged the town to find alternate ways of anchoring the ramp.

Kaplan asked who enforces the regulations.

The ramp and the parking lot are under the jurisdiction of the state's Division of Conservation Resources governing boating access. Any police officer can enforce the regulations.

Paul Bagnall said that he is at the ramp on a daily basis. He said that the town has been waiting for a new boat ramp since 1992 after Hurricane Bob. He said the town has been using an inadequate temporary ramp since then. Bagnall said that he thought the project would be a slam dunk and noted that all the fishermen are in favor of it.

Ed Handy of the dredge committee said that the dredge will be taken in and out once per season, unless there are storms or emergencies.

Handy said that the new plan allows two boats to come and go at the same time, which is important if a storm is imminent. Handy said that this is really the town's only ramp - the ramps at Sengie and Collins beach are in soft sand and only functional for small boats. The ramp at Wilson's landing is also unimproved.

Russ Went said that the purpose of the ramp is to provide public access to the water. He said he does a lot of work in the area and has seen no major issues. He said that just because the ramp is larger, it does not mean more people will use it. It just means that they will be able to use it more safely. He said that people's livelihoods are at stake.

Several other fishermen spoke in favor of the project.

Mr. Brown said he had tremendous respect for the fishermen. He said that he objects to the process: both the Selectmen and the Dredge Committee have said it's full speed ahead. He said that he doesn't believe the public process should work that way.

Juliet Mullinare, administrator for the Dredge Committee, said that the town has reached out on many occasions: she noted that the process has been going on since 2016 and that there have been many public meets as well as a vote at annual town meeting in 2017. She listed many dredge committee meetings over the last three years where the project was discussed.

Mr. Pena noted that the new ramp will be in the same location as the old ramp. He said that the wider portion of the ramp will be away from Mr. Brown's property.

Mr. Pena explained that Mr. Brown was confusing some of the pavers as being part of the ramp. The pavers are not solid, and will have grass growing in and around them. They are just used to stiffen the area and make it easier for vehicles to turn around. He said that some of those could be removed, as the dredge is able to back into the ramp directly from the street, rather than using the pavers to turn around.

It was further noted that there will be no change in the number of parking spaces.

Kontje made a motion to approve the project with modifications to the turn-around area, as discussed. Brown seconded the motion. Unanimously approved.

Mr. Brown said that he was willing to pay for landscaping on his side of the ramp.

Sheriff's Meadow Adam Moore, Executive Director. Applicant is requesting an amendment to continue working on the 'wet meadow' and to relocate a path. Kontje made a motion to approve the project as presented in the narrative signed by Kate Devane. Brown seconded the motion. Unanimously approved.

[Lollis leaves meeting.] (SL Leaves meeting)

Dekker Cow Bay. Jeff Donaroma, and Robbie Robertson from Waterfront Builders were present for the applicant. A site report was given – the applicants would like to go forward with certain landscape activities that were not part of the notice of intent. They propose to change the grade on the North side of the pool so that the land has a gradual even slope away from the pool.

The agent commented that the plan for the retaining wall needs to be stamped by an engineer. Kontje made a motion to approve the concept with the understanding that the applicants will return with a new plan that includes all proposed changes in grade, the dimensions of the

proposed lawn, the mowed path, and any proposed plantings. Plan will be reviewed by the agent. Province seconded the motion. Unanimously approved.

[Avakian leaves meeting]

Pinney North Neck Road. Richard Knight was representing Mr. Pinney. He presented a series of photographs showing the shoreline and bank off North Neck Road in 1996, when there was no real armoring of the bank. Now that there is now more armoring, there is not much beach left because the beaches don't get nourished. Pinney now has no place to store his kayaks, which he used to be able to do. He would like to add a 6-foot by 8-foot platform at the base of his beach stairs for this purpose. Because the deck will be more than 3-feet above grade it will need to have rails. The board okayed this preliminary proposal, which will be presented at the next public hearing on 9 October.

Waller Farm Jeffrey Donaroma was present to ask for permission to construct a cold house on the Waller Farm property to facilitate the growing of native plants. The structure would be up from November through Memorial Day. Province made a motion to approve the proposal. Kontje seconded the motion. Unanimously approved.

Suhler The agent has told Mr. Suhler that according to earlier permits a 15-foot buffer of unmowed vegetation must be created between the top of the bank and the edge of the lawn. Instead, Mr. Suhler had the plantings done on the top of the bank for 15 feet down the bluff. The board agreed with the agent's recommendation that Mr. Suhler needs to add a 15-foot buffer of native vegetation at the top of the bank landward.

Horvitz Agent reported that a recent survey confirmed that the Fuller Street beach turn-around is on the Horvitz property. A new turn-around will be created in the town-owned 10-foot easement.

MV Commission. Copies of proposed changes to the DRI checklist were circulated.

There being no further business, the meeting was adjourned at 6:51 p.m.

Approved: _____