

Selectmen's Meeting
November 10, 2014
4:00 pm

A meeting of the Board was held on the above date in the meeting room of Town Hall. Members present were: Arthur Smadbeck, Chairman; and Margaret E. Serpa. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 pm Mr. Smadbeck opened the meeting and recognized Elizabeth Rothwell from the Harborview Hotel.

Ms. Rothwell stated that the Harborview would like to have fireworks for New Year's Eve. The event would be the same as in previous years. She also asked to extend liquor service on New Year's Eve until 1:30am New Year's Day.

Ms. Serpa moved to approve the fireworks. Mr. Smadbeck seconded. Unanimous.

Ms. Serpa moved to approve to extend the service of liquor until 1:30am January 1st. Mr. Smadbeck seconded. Unanimous.

Mr. Smadbeck then recognized Ms. Dolby on the next agenda item.

Ms. Dolby stated that the Police and Fire Departments request that the Board approve and sign the Statewide Mutual Aide Agreement.

Ms. Serpa moved to approve and designate Mr. Smadbeck to sign the Statewide Mutual Aide Agreement. Mr. Smadbeck seconded. Unanimous.

Mr. Smadbeck then moved on to the next item which was a discussion with the Conservation Commission on the Great Pagoda Tree on South Water Street. Present for the discussion were members of the Conservation Commission: Lil Province, Jeff Carlson, Christina Brown, Stuart Lollis, Bob Avakian; Jane Varkonda, Conservation Agent and Lisa Morrison, Administrative Assistant. Also present were: Norman Rankow, Agent for Property Owners; Mark DiBiase, Bartlett Trees (Tree Expert for Property Owners); Stuart Fuller, Tree Warden; Gail Avakian, Peter Look and Marilyn Look.

Mr. Smadbeck stated that the Board is concerned for the Pagoda Tree. It is an icon of Edgartown. He had seen and gone through the plans for the carriage house and saw the words "minimize" the impact on the tree. Which means, to him, that there is a chance something could happen. The Board is asking the Conservation Commission to reconsider the approval of the carriage house. There should be no impact on the tree. The tree is very important to the people of Edgartown. He referred to a recent article in the Vineyard Gazette that received 49 comments asking to save the tree.

Ms. Serpa stated that there was nothing reassuring in the plans that the tree would survive. She has had concerns since she first heard of them. This is an irreplaceable tree and the project pushes the envelope too far.

Mr. Rankow stated that they are all concerned for the tree. He read a prepared statement of which a copy is attached. To summarize it stated that they have consulted arborists and this is the best plan for the tree, and he stated that the tree has not been cared for. He explained that the plan was to hand dig two helix screws into the ground and apply two 12" cement caps.

Mr. Smadbeck asked how the owners felt.

Mr. Rankow responded that they would like the carriage house and preserve the tree. They have met all the recommendations of the arborist and the Conservation Commission.

Mr. Smadbeck stated that it was troublesome that there is any chance harm will come to the tree.

Mr. Rankow responded that they are trying to help the tree.

Mr. Smadbeck stated that they are trying everything to build this building and not hurt the tree. The solution is to not build the building.

Mr. DiBiase stated that they wanted to come up with a solution to feed the tree and care for it with the carriage house.

Mr. Smadbeck stated that he is not thinking about the carriage house, but of the tree. If there is a 1 in 100 chance of something bad happening to the tree it is not worth it.

Mr. Avakian stated that it was all true. He was not sure there was much more they could do, but they are still not positive they won't hurt the tree.

Mr. Lollis stated that a 1% chance was not worth it. The risk was not worth the reward.

Ms. Look asked if the tree was in the Historic District why it wasn't considered by the Historic District Commission.

Mr. Smadbeck responded that the Historic District only has jurisdiction over buildings and hardscape. It does not have any jurisdiction over landscape.

Mr. Look commended the Board, stating that it would be a tragedy to lose the Pagoda Tree.

Mr. Carlson pointed out that the Conservation Commission had four hearings on this project. They spent lots of time and heard lots of professional opinions. It means a lot to the town, but they had no one attend the hearings or send in letters of concern. If they had more public comment it may have come out differently. All the arborists concurred. Nobody wants this to be the tipping point where the tree dies.

Mr. DiBiase stated that the plan would improve the soil conditions and improve the soil and the moisture provided to the tree.

Mr. Look took exception to the indication that the tree was neglected. He recalled prior tree wardens and Mr. Fuller caring for the tree.

Mr. Rankow stated that they were talking about invigorating the tree.

Ms. Brown stated that the Conservation Commission was definitely open to discussion. The decision has not been signed. They should reconsider the decision to allow the carriage house.

Ms. Brown moved to reconsider the decision to approve the Carriage House at the next available meeting following advertisement. Mr. Carlson seconded.

There was some discussion among the Conservation Commission on how to proceed or whether the vote should be rescinded instead. The decision was to proceed with the motion on the floor. The Commission voted unanimously to reconsider.

Mr. Smadbeck thanked the Commission. He felt that the public did not know of the threat to the tree. Now they may be more involved. He referred to the comments on the news article.

Mr. Rankow stated that the commenters were uninformed and didn't know what they were talking about.

Mr. Smadbeck responded that the people of Edgartown are very well informed.

Ms. Avakian asked about the Shade Tree by-law and whether this could help the tree.

Mr. Fuller responded that they would need to expand the by-law beyond the state regulations, which he had tried before, but there had been no interest. Perhaps this would spur more interest.

Ms. Province added that she had spoken with Tim Bolan, Executive Director at Polly Hill Arboretum, about the other older Pagoda Tree in Massachusetts. It has since died. This makes our tree the oldest in Massachusetts.

The Board agreed to write a letter to the new Governor supporting solar energy per the request of Environment Massachusetts.

The Board approved a One Day Liquor License for the MV Preservation Trust for their annual Christmas Party on December 12th.

The Board approved the Dredge Protocol for the Winter 14-15 Season.

The Board appointed Jess Burnham to the Affordable Housing Trust and Sheylah Callen to the Affordable Housing Trust and Committee.

The Board signed the voting results from the election to be sent to the Clerk of Courts.

The Board approved the minutes of October 22nd.

At 4:45 PM Mr. Smadbeck moved to close the meeting. Ms. Serpa seconded. Unanimous

Approved:

Arthur Smadbeck, Chairman

Michael J. Donaroma

Margaret E. Serpa
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant