

Minutes of a Conservation Commission Meeting – 12 July 2017

Members present: Lil Province, Stuart Lollis, Christina Brown, Jeffrey Carlson, Peter Vincent - Chairman

Absent: Geoffrey Kontje, Bob Avakian

Staff: Jane Varkonda, Lisa Morrison

Meeting with Airfield Commissioners and Selectmen

Margaret Serpa, Karen Fuller – Assistant to the Selectmen, Michael Donaroma, Bob Stone – member of Airfield Trust, George Smith – Airfield Manager, Father Nagle – Member of Airfield Trust, Hal Findley – Chairman of Airfield Commission, and Pam Dolby were present for the meeting, which centered on a letter to Mr. Findley from the Selectmen dated 19 June 2017.

The Selectmen were concerned that Mr. Smith had been absent from the airfield on several occasions in violation of the lease. In his absence, Alex Torres, the assistant manager, was left in charge.

The Selectmen were concerned that Mr. Torres is not adequately licensed to be put in charge of the airfield and, consequently, may leave the town open to serious liability issues.

Ms. Dolby said that it has been reported that Mr. Smith was absent for more than 30 days. Mr. Vincent asked if Mr. Smith's absence would invalidate the town's insurance.

Ms. Varkonda said that she had contacted the FAA to inquire about the legality of having an unlicensed airport manager in charge, but had not heard back.

Ms. Fuller and Mr. Findley volunteered to follow-up with the FAA.

Mr. Findley pointed out that Katama Airfield is what is known as an “uncontrolled airport” and that everyone who flies in and out of the airport does so at their own risk. He said that the primary duties of the manager are to collect landing fees and see to it that the runways are mowed.

Ms. Dolby said that the terms of the lease are stricter and clearly state that the manager must be present from May 15th through September 15th. Mr. Findley pointed out that the airport does operate at other times of the year without a manager.

Ms. Dolby reiterated that the signed agreement with the town of Edgartown states that the licensed manager must be present during that time period. She said that there has been a violation of the lease agreement, which may be a liability for the town. Her job is to protect the taxpayers from such a liability.

George Smith said that it is unrealistic to expect him to present from sunrise to sunset for 17 weeks. Vincent asked if he had ever asked for the lease to be amended.

Mr. Smith said that he was away for 18 days, not 30. Mr. Smith said that his insurance covers the person he appoints as supervisor.

Ms. Dolby said that Mr. Torres is not licensed to manage the airport and the lease does not permit him to so.

Mr. Findley said that his interpretation of the lease is that a responsible individual has to be there from sunrise to sunset from 15 May to 15 September.

Margaret Serpa commented that the town needs to be absolutely sure of its responsibilities. She said she is glad that nothing has happened to put the town in a liable position, but wants to be sure that nothing happens in the future. She said that the lease may supersede Mass Aeronautics regulations.

Father Nagle said that by definition an uncontrolled field means that pilots come and go at will. The airport manager does not control the traffic.

Ms. Dolby said that the agreement with the town says otherwise. Ms. Dolby said that she will contact town counsel and Mr. Findley said that he will contact an aviation attorney that he knows.

In another matter concerning the airfield, Vincent commented that over the years members of the airfield commission have told him that they had between \$300,000 and \$400,000 in trust to pay for construction of the new hangar. He said he just found out that there is only \$68,000.

Bob Stone said that he never represented that the trust had that amount of money.

Vincent said that it was very disappointing as the town had worked very hard to secure exemptions from the state and the Nature Conservancy. Mr. Stone said that if the town hadn't stonewalled the hangar could have been built years ago.

Vincent and Varkonda took issue with Mr. Stone's statement and said that the town needed to overcome a number of bureaucratic and legal obstacles.

Dolby reminded the commissioners that if town funds are used then the project needs to use union labor and go out to bid. If private funds are used, then that procedure is not necessary. She said that the Airport Commissioners could start a private fundraising campaign and then gift the hangar to the town.

Public Hearings:

WOODBURN NOI to rebuild boathouse, Tower Hill. Continued to 26 July for site visit.

Continuations:

FLAM NOI to construct replacement dwelling and garage. Greg Ehrman from Hutker Architects and Pam & Mo Flam were present. Ms. Flam explained that she inherited the house from her mother, who bought it from Ed Bannister. She said that she would like to make the property her permanent, year-round home. The new house would have approximately the same square footage as the existing and they would like to make it as energy efficient and as close to a net-zero structure as possible.

They plan to remove the existing lawn and asphalt and replace it with native vegetation and a pervious driveway and parking area. The new house will be approximately the same square footage as the existing, but it will be moved further back from the wetlands. They are hoping to have a fully passive house – with no fuel tanks.

The septic system will also be moved away from the wetlands and a denitrifying system installed.

There was some discussion about an existing stone retaining wall that was not on the plan. Barbini said that Chris Alley did not see the wall because it was so overgrown.

The proposal requires approval from the Planning Board as well.

The center core of the building will have a basement – the rest will be slab on grade. The grade will be raised to bring it above the flood plain and the finished floor will be at 12 feet. (The flood zone is at elevation 10). The house will be one story and the goal is to keep maintenance to a minimum by using durable materials that will weather naturally.

No irrigation system is proposed.

The well will be relocated. The applicant is aware of the salt water intrusion problem in the area. 1738 living space.

Lollis made a motion to approve the project as presented with the following conditions: Landscape plan to include a proposal for phragmites control, the retaining wall should be plotted on the landscape plan, and no-glare materials will be chosen for the solar panels

PFW BOATHOUSE Alexander. NOI to relocate boathouse and attach it to a newly constructed dwelling. Former Allen property on Plantingfield Way. The entire project will be constructed outside the floodplain. A slight adjustment to the contour on landward side will be required. The site is almost all existing lawn.

The applicant would also like to renovate the existing garage, but no expansion of the footprint is proposed.

A final landscape plan will be developed and submitted to the Commission for approval.

Lollis noted that there were a lot of windows looking directly onto the water. Applicant is to devise a plan for planting some trees and shrubs in front of the house to break up the façade and to mitigate glare from the interior at night.

Brown made a motion to approve the project as presented with the above conditions and the proviso that the lawn be brought in a minimum of 10-feet from the wetlands. Province seconded the motion. Unanimously approved.

There being no further business, the meeting was adjourned at 6:30 p.m.

Approved: -----