

Minutes of a Conservation Commission Meeting – 23 July 2014

Members present: Christina Brown, Jeff Carlson, Stuart Lollis, Peter Vincent – Chairman, Bob Avakian, and Lil Province

Absent: Edo Potter

Staff: Lisa Morrison, Jane Varkonda

Airfield Commissioners (Jamie Craig, Jim Harrison, Michael Nagle, Michael Klimek), **Selectmen** (Art Smadbeck, Margaret Serpa, town manager, Pamela Dolby), **and Town Counsel** Ron Rappaport met with the Commission to discuss issues with the new CR. Mr. Rappaport said that his office has been working on the new CR for a long time. He said that the town is giving up a lot for a new hanger – 21 acres. The old CR says no helicopters can use the airfield, as does the 1986 Management Agreement. However, helicopters have been using the airfield for some time, and the town has not been enforcing its own regulations. Rappaport said that the state will not sign off on the CR until there is a united, and enforceable, policy regarding helicopters at the airfield. The purpose of this meeting is to clarify the town's position.

Jamie Craig, Chairman of the Airport Commission, and George Smith, the new manager of the airfield, noted that the airfield is a designated medi-vac site, as well as a secondary landing site for the presidential helicopter. Because federal law and regulations trump any local regulations, neither thought that it would be possible to ban helicopters completely. Both men said that there is a common misperception that helicopters cause more harm to a site than regular airplanes. Mr. Smith noted that any helicopter landing at Katama would fly in over the water, go down the runway, and not be over any conservation land. He said the impact is actually less than from a conventional airplane.

Conservation Agent Jane Varkonda commented that helicopters were probably banned from the airfield originally because of this misconception. She also noted that the harriers are no longer nesting any where near the runways.

Mr. Smith said that any helicopters landing at Katama would do so by PPR – prior permission required. The pilot would contact the airfield in advance, receive a number and a document outlining the policy for using the field. Mr. Smith noted that Katama Airfield is already listed in a federal airport facilities directory, which indicates that helicopters are permitted.

Selectman Smadbeck suggested that the town redraft the management plan so that helicopters may be allowed by PPR. The agent has had recent conversations with both the Nature Conservancy and the Executive Office of Environmental Affairs, and believes that both agencies would be okay with limited use.

Doug Cooper, a resident of Katama and a pilot, noted that helicopter activity at the airfield is extraordinarily light.

After some further discussion, the Selectmen, the Airfield Commissioners, and the Conservation Commissioners all agreed to allow Mr. Smith to draft a an amendment to the management plan and CR that would permit use of the airfield by helicopters by PPR. The amendment should also state that commercial use – other than Med-Flight – is prohibited. The Conservation Commission will review the amendment and forward it to town counsel. Brown made the motion, Avakian seconded. Unanimously approved.

MV Shellfish Group Rick Karney & Emma Beach were present to discuss a proposal for bioremediation in Sengekontacket Pond that will be funded by a grant from CZM. The project will involve using 10-foot long, 12-inch diameter coir logs in areas where the marsh is eroding. The logs will be held in place with wooden stakes and planted with spartina and ribbed mussels. The mussels are a native nonedible species, which clean the water and remove bacteria. The mussels protect the shore grasses from wave action and are integral to the health of the marsh.

The two proposed sites are near the town landing on Trapps Pond and on Felix Neck property. The project will take approximately two years and progress reports will be provided periodically. Avakian made a motion to approve the project as proposed. Province seconded the motion. Unanimously approved.

CHIU Doug Cooper, Bernard Chiu, and attorney Michelle Cassavant were all present to discuss the illegal cutting of approximately 8000 s.f in a salt marsh, approximately 250 linear feet along a low embankment, and approximately 2500 s.f. in the buffer zone on property located off Orr Lane. Cooper reviewed the proposed restoration/management plan for these three areas. The agent said that she would like more information on the number and size of the plants that will be used to restore the area. The agent noted that she is sending an enforcement order to the landscape company, Millers, and having them appear at the next meeting. The agent also proposed a site visit. Carlson made a motion to continue the hearing to the next meeting, August 6th. Avakian seconded the motion. Unanimously approved.

Kristen Fauteau of Sheriff's Meadow pointed out that some of the restoration planting will take place on Sheriff's Meadow property. Ms. Fauteau and Mr. Chiu's representatives will cooperate on the replanting.

Mr. Cooper will amend the plan to show both the number of plants and the heights.

ALGER Request for a determination of applicability to upgrade a septic system off Caleb's Pond Road. Kara Shemeth from SBH was present for the applicant. Property is being divided among family members. Plan has been approved by the BOH. Province made a motion to issue a negative determination. Carlson seconded the motion. Unanimously approved.

PATINKIN Maintenance of existing view channel, Jacob's neck. A report of the site visit was given. Nelson Smith from VLS was present for the applicant. The proposal involves reducing the channel from 11 degrees to 10 degrees; a change from 116-feet to 110-feet at the

waterside. Compass readings have been added. Province made a motion to approve the project as presented. Carlson seconded the motion. Unanimously approved.

Applicant was told to remove the boats on the shore.

ROOSEVELT George Sourati present for the applicant. Continued from 2 July. NOI for the construction of a boardwalk and path. (Additional violations including unauthorized work on the view channel and planting in an isolated wetland will be the subject of a separate NOI). Sourati noted that the design of the boardwalk had changed after consultation with LEC Environmental. Boardwalk will comply with all DEP regulations and will be designed to minimize impact on the marsh. Boardwalk is now proposed to be 3-feet wide and 3-feet high. It will be constructed from a fiberglass product with metal posts 8-feet on center. The grating will allow for more light penetration than a standard wooden boardwalk.

Carlson commented that just because the boardwalk was designed according to DEP specs, it doesn't mean that it should be allowed. Carlson noted that the Commission denied a request for a boardwalk across a salt marsh on the former Cressy property. Carlson noted that the Roosevelts have deed access to the beach, and that no real necessity has been demonstrated. Carlson said that the dirt road in question is not a heavily trafficked road. He said that he doubted the Roosevelt grandchildren would use the boardwalk or the road unsupervised.

Province noted that she believed that granting the boardwalk could create a precedent. She said that the marsh in that area is pristine, and that it should remain so. Vincent noted that of the two boardwalks in the area, cited by Mr. Sourati in an earlier presentation: one predates zoning and the other is for public access on a Land Bank property.

A letter from Mr. and Mrs. Roosevelt was read. The letter reiterated the Roosevelts' claim that the access road to the beach is dangerous for their grandchildren.

Brown said she agreed with Carlson that there is alternate access to the beach, and that such access was acceptable when the property was purchased. She went on to say that although the boardwalk may be of an environmentally sound design, it is its use that has negative repercussions on the marsh wildlife such as otters and muskrats. The result of human incursion into an otherwise undisturbed area has a significant, though subtle, negative effects on the natural ecology of the salt marsh. She suggested that additional signage could be placed on the road to raise awareness.

Sourati said that the Roosevelts may not have the right to put up signs or speed bumps on the roadway. Carlson said he believed the Floyd family and others who share the easement would work together with the Roosevelts.

Province said that she too had problems with the boardwalk. In addition to environmental concerns, she said she believed it was built with flagrant disregard for the bylaw and the wetlands protection act. She reiterated that the board had denied a boardwalk recently on a

neighboring property. She said she believed the Roosevelts should be directed to remove the boardwalk.

Carlson made a motion to deny the boardwalk, saying that he believed the project would have a deleterious effect on the salt marsh. He said that had the Roosevelts come before the Commission prior to building the boardwalk, it would have been denied. He said he sees no reason to approve something retroactively that would not have been approved in the first place. He noted that the Commission is acting consistently – having denied a boardwalk in the same area. He noted that there is adequate alternate access on a private road. He said he believed that the use and construction of the boardwalk will have a negative environmental impact on the salt marsh that the Commission has been tasked with protection. Brown seconded the motion. Province, Lollis, Vincent, and Avakian all voted to deny the request.

Agent will issue an enforcement order requiring that the boardwalk be removed within 30 days of today's date. The Roosevelts will need to file a plan with the agent, outlining how the removal will be done in an environmentally sensitive manner. Carlson made the motion. Avakian seconded. Unanimously approved.

A motion was made to amend the original motion to include the denial of the footpath leading to the boardwalk. The enforcement order will also be modified to include abandoning of the footpath and the removal of any woodchips in the path. Carlson made the motion. Avakian seconded. Unanimously approved.

Correspondence:

Muskoday Farm Encroachment. Chairman Vincent made known his position with the Land Bank. There were no objections to his voting. The Commission voted unanimously to support the Land Bank with their suggestion that the Larson family be instructed to remove all encroachments from the Muskoday Farm property.

In response to a request from the Burgin family, the Commission voted unanimously to allow the family to pass and repass across town land in order to access their property for a bank stabilization project. The Land Bank had also approved the use of their property for this project.

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

Approved: _____