

**Conservation Commission
Minutes of January 22, 2015
Public Hearings
Mashpee Town Hall
Ockway Meeting Room**

Commissioners: John Fitzsimmons, Dale McKay, Robert Anderson, Brad Sweet, Ralph Shaw, Mark Gurnee, John Rogers, Louis DiMeo (Associate Member).

Staff Present: Drew McManus (Conservation Agent) and Judy Daigneault (Recording Secretary).

CALL MEETING TO ORDER: 5:55 p.m.

The Chairman began the meeting by announcing that this is his last meeting. He thanked all the Commissioners who worked with him over the years and gave special thanks to Bud Shaw for his advice over the years and for his many years of service. He also thanked Judy, and the previous recording secretary and Cynthia Bartos, and those preceding her and a special thanks to Drew McManus for the great job he has done.

The Agent thanked the Chairman for his 24 years of volunteer service and for dedicating his time to the Commission.

PRE/POST-HEARING AGENDA:

Minutes: January 8, 2015 Minutes

Motion: Mr. Shaw moved to accept the minutes of January 8, 2015, seconded by Mr. Sweet. Vote unanimous 7-0.

261 Hooppole Road: Wetlands Violation.

Briarwood Association Land. Continuance to 2-12-15.

The Agent noted the previous two items are the same topic and requested that the violation be addressed at the February 12 hearing.

Review of proposed Chapter 172 By-law changes for May Town Meeting.

The Agent noted in the Commissioners' folders a series of recommended By-law changes. Any changes to the Bylaw language require town meeting approval. Any changes have to be submitted by the middle of February for the May town meeting warrant. Information is either no longer relevant or needs to be updated.

Suggestions on Chapter 172 Regulatory language (Regs 1-33)

The Agent encouraged the Commissioners to review the regulatory language that would require changing because they relate to the changes in the Bylaw. He encouraged the Commissioners to read through the language and to let him know if they have any

changes. Changes in the regulatory language, have to be posted in a newspaper of local circulation and held in a public meeting.

The Agent noted that once the Bylaw changes get approved at town meeting the next step is the changes are submitted to the State Attorney General's office for approval.

HEARINGS:

6:00 Popponeset Beach Association, 0 Uncle Percy's Road. Proposed aquatic management of Dean's Pond. Continued from 6/26/2014. Applicant to submit survey plan and wetlands report. Applicant requests additional continuance to 2/12/2015. NOI

The Agent noted the applicant has a scheduling problem.

Motion: Mr. Sweet moved to continue the hearing to February 12, 2015 at 6:18 p.m., at the request of the applicant, seconded by Mr. Shaw. Vote unanimous 7-0

MACC Annual Conference: March 2015

The Agent noted the Massachusetts Association of Conservation Commissions Annual Conference is on March 1. The list of workshops will be sent to each of the commissioners.

6:03 Robert T. Silliman, Anne Marie Colebrook, Frederick S. Silliman and Helen Louis Capizzi, 35 Wilsons Grove. Proposed replacement of existing deck with construction of a larger deck along with footings. RDA

Resource Area: LSCSF, Landlocked lot, Buffer Zone to Coastal Bank.

Jim McCormick, Capizzi Home Improvements, Inc., represented the applicants and explained the proposed project is to remove an old deck and replace it with a new 10X 20" wood deck and new footings in same location. Footings will be as required by the Mashpee Building Department. The Agent noted the resource areas: landlocked lot with land subject to coastal storm flow and also within the buffer zone within 100 feet of coastal bank and coastal beach. The entire lot is comprised of turf. There is no natural vegetation on the lot. There is no issue with any adverse impact to the resource areas and no removal of native vegetation. There are no mitigation requirements necessary. The Agent recommended a negative determination.

No comments from the public.

Motion: Mr. Shaw moved a negative determination, seconded by Mr. Sweet. Vote unanimous 6-0.

6:06 Robert M. Valletta, 112 Captains Row. Proposed tree removal and replacement of invasive species with native plantings. Continued from 1/8/2015 – Open Order of Conditions 43-2441. NOI

No one present – table until later in the meeting.

Quashnet River restoration update: Meeting with AFCEC – sending latest cost estimate for berm removal/site remediation

The Agent gave an update on the Quashnet River restoration. He met with representatives from AFCEC (Air Force Civil Engineering Center) who sent a cost estimate in 2011 for the berm removal and berm failure repair. They will be sending a revised estimate. They feel there are another 5 or 6 years that the plume will continue to be remediated. The Agent said he will be drafting an RFP for a feasibility study which he will send out to 3 companies according to the procurement process. He encouraged the commissioners to play an active role in this restoration. The Agent encouraged the commission to review the information and to meet with him on this project.

6:09 Donald B. and Phyllis M. Brick, 18 Spoonrift Circle. Proposed pruning of trees overhanging dwelling along with establishment of a vista corridor. Continued from 1/8/2015 – Commission requires submission of a revised plan showing vista corridor.

No one present. The Agent recommended a continuance to February 12 at 6:24 p.m.

Motion: Mr. Shaw moved to continue the hearing until February 12 at 6:24 p.m., seconded by Mr. Sweet. Vote unanimous 7-0.

6:12 Gooseberry Island Trust and SN Trust, 0 Gooseberry Island and 0 Punkhorn Point Road. Proposed construction of a bridge and driveway to provide vehicle access to Gooseberry Island from property located at end of Punkhorn Point Road. *Hearing Closed to public comment/additional submission of documentation and continued to 1/8/2015 with final determination to be rendered 1/22/2015.*

The Chairman noted because the hearing was closed to public comment there will be no submissions by the audience. The Agent will be providing his comments and the Commissioners will give their comments and then there will be a vote.

Mr. Anderson referred to the materials submitted by Mr. Wall and wanted to confirm that these comments are not to be considered since they were submitted after the hearing was closed to public comment/additional submission of documentation.

There was a discussion on whether to vote on the water dependency issue separately. The Agent stated the issue of water dependency is a side issue. The issue is whether or not the project is adversely affecting the resource areas.

The Agent referred to his review of the Gooseberry Island NOI application. He reviewed his recommendations, point by point in his report. (report attached).

Following his review, the Agent recommended denying the Gooseberry Island Application without prejudice.

Motion: Mr. Shaw moved to deny without prejudice, seconded by Mr. Sweet. Vote unanimous 7-0.

6:06 Robert M. Valletta, 112 Captains Row. Proposed tree removal and replacement of invasive species with native plantings. Continued from 1/8/2015 – Open Order of Conditions 43-2441. NOI

No one present for this hearing.

Motion: Mr. Shaw moved to continue the hearing to February 12, 2015 at 6:27 p.m. at the request of the applicant, seconded by Mr. Sweet. Vote unanimous 7-0

Mr. Sweet presented Chairman Fitzsimmons with the first "Tree Hugger Award" for over 20 years of service in which time he saved every tree he possibly could.

Nominations for new Chairman

Motion: Mr. Sweet moved to nominate Robert Anderson as the new Chairman to the Conservation Commission, seconded by Mr. Shaw. Vote unanimous 7-0.

The Agent stated he would notify the Town Clerk's Office as to the change in status of chairman.

Motion: Mr. Shaw moved to adjourn, seconded by Mr. Sweet. Vote 7-0. Meeting adjourned 8:35 p.m.

Respectfully submitted,

Judith Daigneault, Recording Secretary