

**Conservation Commission  
Minutes of January 28, 2016  
Public Hearings  
Mashpee Town Hall  
Waquoit Meeting Room**

**Commissioners Present:** Bradford R. Sweet, Robert C. Anderson, Ralph B. Shaw, Jr., John R. Rogers.

**Staff Present:** Conservation Agent Drew McManus, Recording Secretary Judy Daigneault

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

Chairman Bradford Sweet called the meeting to order at 5:55 p.m.

**Public**

There was no public comment

**PRE/POST-HEARING AGENDA:**

**Minutes:** Approve January 14, 2016 Minutes

**Motion:** Mr. Anderson moved to approve the December 14, 2016 minutes, seconded by Mr. Shaw. Vote unanimous 4-0.

**Discussion:** Regulation 30: The Agent reminded the members to read up on Regulation 30. Chairman Sweet requested to zone in and highlight specific paragraphs and provide some recommendations on things that should be changed. Mark Gurnee was unable to attend tonight's meeting, so it was agreed to postpone the discussion until the next meeting.

**Update: Recommended Chapter 172 Bylaw Changes.**

The Agent reviewed the recommended language changes to be put into the Chapter 172 bylaw for approval that will be submitted for the town warrant. He said he is still working on the form. He noted there is no definition for adverse impact and suggested contacting town counsel to get their thoughts and opinions on a definition for adverse impact and/or adverse affect.

**HEARINGS**

**6:00 The 21 Menemsha LLC, 21 Menemsha Road, Proposed construction of single family home and garage. NOI**

**Resource Area: [Land Subject to Coastal Storm Flowage](#)**

Mark Flaherty, Civil Engineer, represented the applicant Jacqueline Kelley. The proposed project is on a lot sandwiched between two lots and has been vacant and grassed over with several trees. The project is to construct a two-story, one-bedroom house. The septic system has been approved by the Board of Health with a denitrification system. The lot is located a couple of hundred feet from Deans Pond and a small portion of the lot is in the velocity zone. They are proposing to preserve up to 1200 square feet of natural vegetation area. There are several tall pitch pines and they are requesting they be taken down. Rhododendrons will be planted in their place to provide a buffer from the neighboring property. No adverse impacts to Land Subject to Coastal Storm Flow resulting from this single family home proposal.

The Agent asked if there was a means for capturing roof run off. Mr. Flaherty said there will be dry wells. The Agent requested this be shown on the plan. He recommended a Close and Issue. The Agent noted the Board of Health has approved the plan with a Title V septic system with an IA unit to accommodate a one bedroom dwelling.

No Comments from the Public

**Motion: Mr. Shaw moved to Close and Issue pending receipt of the revised plan, seconded by Mr. Rogers. Vote unanimous 4-0**

**6:03 Antonio and Helen Donato, 18 Cricket Way. Proposed construction of pier, ramp and float structure and retaining wall. Continued from 1/14/2016 to allow time for more detailed plans (as per Acting Harbormaster's request). NOI**

**Motion: Mr. Shaw moved to continue the hearing at the request of the applicant to February 25, 2016 at 6:00 p.m., seconded by Mr. Rogers. Vote unanimous 4-0**

**6:06 Steven Hynds, 333 Monomoscoy Road. Proposed removal/replacement of bulkhead. Continued from 1/14/2016 to allow time for revised plans (as per Commission's request). NOI**

**Resource Area: Coastal Bank, Land Subject to Coastal Storm Flowage, BVW, buffer zone to Salt Marsh, Land Under Ocean and Land Containing Shellfish.**

Jack Landers-Cauley, J. E. Landers-Cauley, represented the applicant. He said he met with the Commission two weeks ago and they had three requests from the original presentation of a proposed vinyl sheet pile retaining wall. The first was to show the salt marsh on the plan which has been done. The second is to consider the location of the bulkhead as it relates to mean high-water. This was addressed and the bulkhead was moved up vertically to 8/10ths higher (elevation 2.5). The third request was to show the mitigation planting which has also been done. The Agent reviewed the project and noted the shoreline is eroding in

certain areas. They are proposing a new sheet pile bulkhead along the frontage to protect the property from erosion. Both homes (333 and 339 Monomoscoy) are pre '1978 original constructions. There was some discussion about using a soft engineering solution; however, the consultant argued that such an approach would require regular maintenance and repair, thus jeopardizing any mitigation that is required from this project. If a soft solution fails, the vegetation planted would inevitably be disturbed for the purposes of repairing and/or replacing the soft solution. The Agent reviewed the Commission's requests following the last hearing as described by Mr. Landers-Cauley. He didn't have any other comments and felt Mr. Landers-Cauley accommodated the commission's suggestions. The Chairman inquired about removing the old dilapidated wooden bulkhead. Mr. Cauley-Landers said he wouldn't advise removing it as it could do more damage. The Agent agreed it could cause more disturbance than it is worth.

No comments from the public.

**Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote 4-0**

**6:09 William P. and Roxanne M. Simmons, 339 Monomoscoy Road. Proposed removal/replacement of bulkhead. Continued from 1/12/2016 to allow time for revised plans (as per Commission's request). NOI**

Resource Area: **Coastal Bank, Land Subject to Coastal Storm Flowage, BVW, buffer zone to Salt Marsh, Land Under Ocean and Land Containing Shellfish.**

Mr. Jack Landers-Cauley, J.E. Landers-Cauley, represented the applicants. He said he would like to reference the minutes for 333 Monomoscoy Road. All the issues are the same. There will be mitigation and landscaping so as not to disturb the shoreline. It is a similar project and he asked the Commission to consider approving the project. The Agent said his comments are similar to the previous hearing.

Mr. Anderson inquired about access to the property and suggested the project be conditioned that any staging and access areas be restored to pre-construction condition. Mr. Landers-Cauley said the fieldstone that is stored on the property has nothing to do with this project.

No comments from the public.

**Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous 4-0**

**6:12 Kenneth E. Marsters, Trustee, 75 Palmer Road. Proposed construction of single family home. NOI**

**Resource Area: [Bordering Vegetated Wetland, Riverfront Area, Riparian Zone, Quashnet River](#)**

Mike Ball, Marsh Matters, represented the applicant. He described the project as a single-family house with 4 bedrooms. It is an undeveloped lot which abuts the Quashnet River. They have not received a response as of yet from Natural Heritage. The house and the septic system have been pushed to the front of the lot (away from the resource areas) as far as possible. Mr. Ball noted between the lot between the proposal and the river is a fairway on the Quashnet Valley Golf Course. Application for the septic has been submitted to the Board of Health and is under review.

The Agent asked about roof runoff capture and asked for this to be shown on the plan. He asked about the staking and asked that work limit stakes be put in the field. He asked that the landscape details be shown on the plan. An alternative analysis has been conducted. What is being proposed will not cause any adverse affects to the river.

No comments from the public

**Motion: Mr. Shaw moved to Close and Issue pending the submission of a revised plan, seconded by Mr. Rogers. Vote unanimous 4-0**

**6:15 Barbara Botello, Trustee, 91 Bayshore Drive. Proposed construction of single-family home NOI**

**Resource Area: [Buffer zone to top of coastal bank, LSCSF and salt marsh/BVW](#)**

Mike Ball, Marsh Matters, represented the applicant. The proposed project is a single-family home with four bedrooms. This project is proposing an option of a patio and pool. When the property is marketed, this option will be up to the property owner. The Agent said the landscaping and drywell locations should be shown on the plan. Board of Health application has been submitted and is under review. The Agent asked that the areas of the lot seaward shall remain undisturbed and asked this be shown on the plan. There is no adverse impact to the salt marsh or BVW. It is a fully vegetated, non-eroding coastal bank.

There was a discussion on tree removal and the Agent said that is why he needs a landscape plan and the trees should be noted on the plan. Mr. Ball would note this on the plan. The Agent reiterated that the drywells, marking of trees that will remain and landscape details should be noted on the plan and anything outside of the work limit shall remain naturally vegetated.

No comments from the public.

**Motion: Mr. Shaw moved to Close and Issue pending the submission of a revised plan, seconded by Mr. Rogers. Vote unanimous 4-0**

There was a discussion regarding the trees in the patio/pool area and a request that these trees remain in place until the pool is installed.

### **Upper Quashnet River Restoration – Air Force Funding**

The Agent gave an update on the Upper Quashnet River Restoration and said recently there was a meeting of the Quashnet River Steering Committee. They met with Rose Forbes, contact for the Air Force Civil Engineering Center. He reviewed the condition in the area and stated there will be many more series of studies that will need to be done. The sand is thicker on the edges of the bog and the peat gets deeper towards the center. Realignment of the river seems to be a feasible option based on these results of the GPR (ground penetrating radar). Brook trout are very habitat specific and a sandy, gravel base of river channel is a much better habitat for brook trout. The berm failure changed this area from what was a viable brook trout habitat to a mucky, silt laden substrate. The Air Force is responsible for the berm removal and repair and has estimated an amount of around \$800,000 for this purpose. The purpose of the meeting was to see if this restoration money could be used for a realignment scenario. The estimate provided in the Haley/Aldrich feasibility study from 2007 provided an amount of around one million dollars for the realignment of the Quashnet River in this location. The committee discussed what should be done with the bog itself and agreed it should be considered for wetland restoration. The up and downstream embankments of the John's Pond fish ladder are severely eroded and addressing this erosion issue will require permitting as will river realignment and wetland restoration of the bogs. The committee suggested putting all of the restoration initiatives into one permit application (multiple activities). The money the Air Force provides could cover the planning and permitting costs of this initiative and grant funding could also be used to supplement costs moving forward. The Air Force is currently in the process of submitting operating budgets for the FY2017. Wetland restoration is a key part of the project and the overall goal is to restore the area for fish passage, habitat and wetland restoration. The Steering Committee agreed the next step is to identify the specific goals and objectives and develop a Request for Proposals. The Agent said he will be scheduling another meeting of the Steering Committee to define the goals and objectives and then present them to the Commission and then start working on the RFP. The Commission would be the overseer of the project and the consultant will receive input from the Commission and the Agent.

**Motion: Mr. Anderson moved to adjourn, seconded by Mr. Shaw. Vote unanimous 4-0 Meeting adjourned at 7:30 p.m.**

Respectfully submitted,

Judith Daigneault  
Recording Secretary