

**Conservation Commission
Minutes of October 8, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

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

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

Call Meeting to Order: 5:55 p.m.

The meeting was called to order with a quorum by Chairman Robert Anderson at 5:55 p.m.

There was no public comment.

PRE/POST-HEARING AGENDA:

Minutes: Approve September 24, 2015 Minutes.

Minutes of September 24, 2015 tabled

Assistant Conservation Agent Introduction – Katelyn Cadoret

The Agent introduced the new Assistant Conservation Agent Katelyn Cadoret. He explained some of her duties include taking over the land management side of the job, monitoring of conservations lands, recruiting volunteers to assist in monitoring conservation lands and coming up with different types of projects including AmeriCorps assistance. Katelyn will have direct communication with partners in terms of wildlife habitat wetlands being carried out on the refuge. Some of the work being carried out now is the cottontail work, prescribed burning and habitat improvements. Katelyn is also getting up to speed on the upper Quashnet restoration initiative.

HEARINGS:

6:00 Paul J. and Kathryn M Thurston, 25 Menemsha Road and 0 Uncle Percy's Road. Proposed vista pruning. Owner of record of 0 Uncle Percy's Road. Popponeset Beach Association. **NOI**

Resource Area: Buffer Zone, Dean's Pond, LSCSF

Paul and Kathryn Thurston were present and described their project as vista pruning at 25 Menemsha Road. The land at 0 Uncle Percys belongs to the Popponeset

Beach Association. The Agent noted the Popponesset Beach Association has submitted a letter of approval. It is an unusual vista corridor. He noted the vista pruning area on a plan. The Agent said the applicants aren't going to reveal much more of a view than they have but it gives them the right to continue to maintain and prune their vista corridor. Standard vista pruning protocols will be applied. The Agent stated his office works with the applicant for two years and meets at the site and if everything goes well over the first two years. If there are no issues, the vista pruning comes with maintenance in perpetuity so they can continue to maintain the corridor for the life of the permit. The applicant is to notify the department each year when vista pruning takes place

No comments from the public.

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Sweet. Vote unanimous 5-0

6:03 Robert K. Fox, Jr. 27 Aunt James Road. Proposed vista pruning with maintenance in perpetuity along with construction of a single-family dwelling and dock **NOI**

Resource Area: Land Under Water, Inland Bank, BVW, LSCSF, Fish Hook Pond

Jack Vaccaro, Vaccaro Environmental Consulting, was representing the applicant. He described the proposed project includes the construction of a single family residence with an attached garage. The construction will include disturbance within the 100 foot buffer zone of a wetland resource area and within land subject to coastal storm flowage.

The project also includes the installation of a small dock for canoes and kayaks. The dock will be 4 foot wide that will extend out 20 feet beyond the water's edge. Mr. Vaccaro explained the work also includes the creation and maintenance in perpetuity of a 30 foot wide vista window or 25% of the width of the property in order to have views to and from the house and dock. All other portions of the buffer strip will be preserved in a natural state. The vista pruning will be performed in accordance with the guidelines of the conservation commission. 30% of the limbs per tree within the vista corridor may be removed and up to 20% of the saplings may be removed. Shrubs will be pruned to no lower than five feet in height. Before any pruning takes place, there will be an on-site meeting with the Conservation Agent. Mr. Vaccaro noted the project meets the performance standards. The dock will be accessed by a 4 foot wide foot path. He reviewed the plan showing the house, garage, driveway, pool, patio, dock and septic system.

The Agent cited regulation 27 for the dock which states the structure will not destabilize the bank. The dimensions of the dock and the way it is going to be installed meet the performance standards for that inland bank and for land under water. The Agent noted the Board of Health has approved the project. The Agent suggested moving the location of the dock to the right to accommodate a tree with

branches extending over the water which provides good cover and perching habitat.

No comment from the public.

Motion: Mr. Shaw moved to close and issue, seconded by Mr. Sweet. Vote unanimous 5-0

6:06 Stuart J. and Leslie S. Frank, 22 Little Neck Lane. Proposed removal of hazardous trees. **RDA**

Resource Area: Coastal Bank, buffer zone to top of coastal bank

Stuart Frank, applicant, explained they were requesting the removal of three trees on their property. Mr. Frank identified the three trees. He said Bartlett Tree Service recommended removal. The Agent asked about the tree on the bank side. Mr. Frank said this tree hangs over the deck and there was concern about the roots that would go under the deck and walkway. The Agent said as long as the stump stays in place, there should be no concern with the bank and suggested additional coverage of the bank by planting some shrubs in the area. The Agent suggested the applicant meet with him to go over the plantings.

No comments from the public.

Motion: Mr. Sweet moved a negative determination, seconded by Mr. Shaw. Vote unanimous 5-0

6:09 Karylann Walsh, Trustee, 65 Bayshore Drive. Proposed removal of hazardous trees. **RDA**

Resource Area: Buffer Zone to Coastal Bank, LSCSF

Robert and Karylann Walsh were present and explained their project is to remove two trees in the rear of their property which are posing a threat to the building. He noted the trees on the plan provided. The Agent referred to a letter from Maffei Landscape Contractors indicating the pitch pine should be removed due to the proximity to the residence and is susceptible to black turpentine beetle. The oak tree has an unbalanced crown leaning toward the pool area.

No comments from the public.

Motion: Mr. Shaw moved a negative determination, seconded by Mr. Sweet. Vote unanimous 5-0

6:12 Keven Cayer, 190 Monomoscoy Road. Proposed construction of walkway, platform, and steps. Continued from 7/23/2015, 8/27/2015, 9/24/2015. Requests additional continuance to 12/10/2015. **NOI**

The Agent noted the applicant needs to go to the Zoning Board of Appeals before he comes before the Conservation Commission.

Motion: Mr. Sweet moved to continue the hearing at the applicants request to December 10, 2015 at 6:00 p.m., seconded by Mr. Shaw. Vote unanimous 5-0

6:15 Patrick M. and Sharon M. O'Connor, 66 Massasoit Avenue. Proposed removal of a hazardous tree and invasives, installation of mitigation plantings, various landscape and hardscape improvements. **RDA**

Table until later in the meeting

6:18 Tauno JH and Evelyn A. Metsisto, 70 Glenneagle Drive. Proposed construction of additions and garage to existing dwelling. **RDA**

Resource Area: Flood Hazard Zone, BVW, Man Made Pond

Matt Costa, Cape and Island Engineering, represented the applicant. He described the proposed project is to construct additions to the dwelling and a garage. The structures are located 50 feet from the wetland and located on previously legally disturbed areas. He reviewed the plan and noted they are going to try to reduce the number of trees to be removed.

The Agent noted anything that is being proposed is not moving any closer to the closest point of the existing home to the BVW. The setback has been accomplished with the addition and the garage all being outside of the 50 foot setback of the BVW. He noted Board of Health commented no application or review is necessary.

No comments from the public.

Motion: Mr. Shaw moved a negative determination, seconded by Mr. Sweet. Vote unanimous 5-0

Administrative Approvals – Discussion

The Agent discussed Administrative Approvals and he stated at this time there is no criteria or framework for an Administrative approval request. It has been done at the discretion of the Agent. He stated that it almost always involves work that was previously approved and was issued an order of conditions but the request is not major enough in scope to qualify for an RDA or NOI. The Agent stated in the most part he brings the administrative approvals to the commissioners under the pre-post agendas. There was a discussion on whether or not to charge a fee when the Agent approves the administrative approval. It was suggested if the agent grants an administrative approval it be noted on the agenda under the pre-post hearing. Following a discussion, the Agent stated he would meet with Mr. Gurnee and come back to the commission for further review of a revised Administrative Approval process.

6:15 Patrick M. and Sharon M. O'Connor, 66 Massasoit Avenue. Proposed removal of a hazardous tree and invasives, installation of mitigation plantings, various landscape and hardscape improvements. **RDA Resource Area:** Inland Bank, John's Pond

Sharon and Patrick O'Connor were present. Their project is to remove a hazardous tree and invasives, install a wooden fence, restore stone steps and create stone path to dwelling and install native plantings.

The Agent reviewed the photo of the tree which is leaning and has a large cavity and encouraged its removal. He stated the remainder of the project is basic enhancements to the property. He suggested the applicants submit a planting plan for documentation purposes.

No comments from the public.

Motion: Mr. Sweet moved a negative determination, seconded by Mr. Shaw. Vote unanimous 5-0

Additional Discussion:

The Agent announced that Matt Costa requested a discussion with the Commission on the acceptance of an easement but if such a discussion is to take place, the Commission needs to take a roll call vote in order for this discussion to take place.

Motion: Mr. McKay moved to approve discussion on the acceptance of a conservation easement at 424 Whiting's Road, Mashpee, MA, seconded by Mr. Shaw. Roll Call Vote: Mr. Shaw, yes; Mr. Sweet, yes; Mr. Rogers, yes; Mr. McKay, yes; Mr. Anderson, yes. Vote unanimous.

Matt Costa explained he was present to request that the Commissioners accept an easement at 424 Whiting's Road that is going to be placed on open space land for the cluster subdivision. He said his office represents the applicant which is currently before the Mashpee Planning Board requesting approval of a cluster subdivision. He explained they are required to permanently restrict that open space land. One of the ways is to place a Conservation easement on that land and dedicate that easement to a qualified entity such as the Commission. He noted this was previously done for Blue Castle. In order to satisfy the criteria of the Planning Board bylaw to gain approval for that subdivision, a Conservation easement would be placed on that open space land and the easement would be donated to a qualified entity. Mr. Costa would like to supply a confirmation to the Planning Board that the Conservation Commission will accept the easement.

The Agent stated this has been done many times in the past. He cited two examples. Blue Castle: the Commission accepted an easement for open space as part of that cluster subdivision and Assisted Living complex project: the Commission accepted a 4.9 parcel. Mr. Costa said the Conservation Commission will have

control over the easement and a set of restrictions will be placed on the land. The Commission would be in the role of watch dog and oversee it. The association is charged to maintain the land in compliance with those restrictions and they are legally responsible to do that. The Agent stated there will be a document in writing for the commission to sign.

Following a discussion, Mr. Costa reiterated that this is an easement on the open space with restrictions and an association will be formed. Under the Town of Mashpee's bylaws, an applicant is required to give a Conservation easement on that land to a qualified third party whom they define. A homeowners' association is not a qualified third party.

No comments from the public.

Motion: Mr. Shaw moved to accept the easement for open space as described for Whiting's Road property, seconded by Mr. Sweet. Vote unanimous 5-0

Gerard McDermott from the public was present to inquire about the Aunt Jane's Road hearing. The Agent briefly reviewed the results of the hearing on this project with him and stated the Commission approved the plan as presented. He informed Mr. McDermott that he is welcome to come to the office and review the plan.

Quashnet River Restoration Update

The Agent updated the Commission on the Quashnet River Restoration project. He met with Mark Forrest and Rick DiVirgilio on the grant. Mark Forrest is one of the reviewers for the Cape Cod Water Resources grant application process and Rick DiVirgilio works for the National Resources Conservation Services. They sat down and went over the latest information on the Quashnet bogs and what is being done for the restoration of the river. The Agent stated a USDA's ground penetrating radar was used to go over sections of the bog that were identified in the Haley Aldrich report as a prime realignment candidate area along the western & northern portions of the bog. It is where Haley and Aldrich recommended the river should be realigned in order to restore flow and restore conditions conducive to brook trout habitat. The results revealed a typical kettle-hole scenario - the sand is closest to the edge and out to the middle of the bog is where the peat is deepest. Based on the results, there should be some more use of the ground penetrating radar to make sure the area where Haley and Aldrich have proposed the river be aligned has a deep enough layer of sand. Mr. Forrest and Mr. DiVirgilio recommended doing some further studies with the radar which will be done in the next month or so. The Agent said further studies are needed he will come back with a recommendation of what should be pursued in terms of wetland restoration and then prepare a Request for Proposal. The Agent informed them he will be drafting an RFP for quotes from various consulting firms. He said the Air Force has been kept in the loop but they have a completely different approach than what Haley and Aldrich suggested in their feasibility study. It will probably be more expensive than what the Air Force views how the problem should be fixed. He said he will keep the board updated and give

a complete presentation to the board in the near future.

Motion: Mr. Shaw moved to adjourn, seconded by Mr. Sweet. Vote unanimous 5-0.

Meeting adjourned 7:35 p.m.

Respectfully submitted,

Judy Daigneault
Recording Secretary