

**Conservation Commission
Minutes of November 12, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Robert Anderson, Brad Sweet, John Rogers, Dale McKay, Mark Gurnee, and Louis DiMeo (Associate Member)

Staff Present: Drew McManus (Conservation Agent) Katelyn Cadoret (Assistant 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 9/10/2015 Minutes.

Motion: Mr. Sweet moved to approve the minutes of September 10, 2015, seconded by Mr. Rogers. Vote unanimous 5-0

Update on Land Stewardship Program – upcoming projects

Assistant Conservation Agent Katelyn Cadoret informed the Commissioners that Conservation has applied for a Habitat Management Grant to do prescribed burning at Lovell's Lane. The purpose is to maintain food for wildlife, box turtles, and cottontails. She noted the area on the map provided. She also informed them the program will include installing bat boxes for habitat enhancement and pollination services they provide. AmeriCorps will be helping with maintaining trails and fixing pollinator gardens along with the Senior Corps and Friends of Mashpee Wildlife Refuge.

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

HEARINGS:

6:00 Roseanne Altshuler and Paolo Siconolfi, 98 Fells Pond Road. Proposed removal of two trees to allow for replacement of existing timber retaining wall with construction of a stone retaining wall. **RDA**

Resource Area: Flood Zone, Jim Pond, buffer zone to Inland Bank

Erica Borselli, Falmouth Engineering, represented the applicants. She explained the project

is to remove the old timber retaining wall and replace it with a new stone landscape wall. The work is in the buffer of inland bank. She explained the present wall is in disrepair. The project would include the removal of two trees in front of the wall. She explained the mitigation planting for the increase of the driveway. The wall is 3 to 6 feet.

The Agent said the resource areas are shown on the plan. This is outside the 50 foot buffer zone which is a minor encroachment to accommodate the expansion of the driveway. The proposal calls for mitigation and the applicants have submitted the plan. There is no impact to inland bank or Fells pond. The only impact is minor with loss of wildlife habitat by the removal of two trees which need to be removed. The Agent recommended a negative determination.

No comment from the public.

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

6:03 Sean B. and Katherine M. Burke, 58 Monomoscoy Road West. Proposed landscape and hardscape improvements. RDA

Resource Area: Flood Zone

Kurt McDonald, Clover Company, represented the applicants. He explained the existing residence has unfinished landscaping. He said the landscape renovation of property includes hardscape of driveway, walkways, and a retaining wall. The softscape includes grading, lawn installation, plantings and mulching of unfinished areas. He said the landscaping has been unfinished for many years and the applicants are asking to bring the project to completion.

The Agent said a portion of the property is in the flood zone. He said it is outside of 100' setback to wetland areas. It is cosmetic improvements through hardscape and softscape and has been in this state for some time. The only condition he recommended is the lawn standards which are already in the plan. Most of the work is outside the flood zone. The improvements will help contain sediment on the site. He recommended a negative determination.

No comment from the public.

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

6:06 A. Westerling Investments, LLC, 688 Great Neck Road South. Proposed installation of privacy fence and plantings. RDA

Resource Area: Flood Zone

Austin Westerling explained he is requesting permission to install a privacy fence about 220' long and 7' high. The purpose is to increase front yard safety for his 3 young children and dog, as well as to reduce road noise from Great Neck Road South. The fence would only cover part of the front yard and not be fully enclosed. The goal is to maintain as much of the existing vegetation as possible and also plant 4 more evergreens in the front yard. The

property has been staked by Cape and Islands Engineering.

The Agent recommended a negative determination.

No comment from the public.

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

6:09 William E. Baker, 100 Wheeler Road and 96 Wheeler Road. Proposed removal of hazardous trees. Owner of record of 96 Wheeler Road. John R. Baker. Continued from 10/22/2015 meeting. RDA

Resource Area: Buffer zone to inland bank (Ashumet Pond)

James Connelly, Connelly Tree Service, represented the applicant. He explained the project is to remove several trees. He reviewed several dead pines and oak trees to be removed along with 8 to 10 branches, suckers.

The Agent noted sucker growth and branch removal to establish a view is another separate permitting process. The applicant would have to come back to the Commission for vista pruning approval.

The Agent reviewed the trees and branches on the photos to be removed. It was determined that on 96 Wheeler Road three trees are to be removed with one bordering the house and the driveway. On 100 Wheeler Road, two trees are to be removed. He said that the other three trees should be left for another time when the shed is built. He said he would schedule a site visit with the homeowners for clarification and recommended a negative determination.

No public comments.

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

6:12 Gary M. Locarno, Trustee, 51 Waterline South Drive. Proposed addition of another pile and float to existing licensed structure along with relocation of existing pile. NOI

Resource Area: Land Under Ocean, Land Subject to Coastal Storm Flowage, Salt Marsh, Bordering Vegetated Wetland.

Matt Costa, Cape and Islands Engineering, represented the applicants. He said that the Commission recently approved a proposal on this property and issued an Order of Conditions. He said that work is being done. The applicant is agreeable to the Condition that no work be allowed until the COC is approved for the current project.

Mr. Costa noted this is a very long process due to the fact the applicants need to go through the Chapter 91 process. Mr. Costa explained the project is to relocate one pile and add one new pile and to relocate the existing licensed float and add a new float to existing licensed pier, ramp and float system. He noted the applicants will start the permitting process but will not do any work on the pier until the present work is completed and the site

is brought into compliance.

The Agent referred to the letter from Division of Marine Fisheries concerning the size of the float. The project is in close proximity to mapped shellfish habitat (quahog). Shellfish Constable Rick York doesn't feel it will be a problem for shellfish but was concerned with the shallow waters limiting the draft of the vessel docked there.

The Agent asked about the size of the float proposed. Mr. Costa said the applicant has a single vessel. The applicant is concerned with the style. The Agent said it can be conditioned with no prop dredging to be allowed. It could also be conditioned that one single motorized vessel be allowed on the outermost southern side of the float. The Agent agreed with the Shellfish Constable that there is no shellfish in this area because it is all muck. There was a discussion on the depth of the water, which is the reason why the dock is being relocated.

No comments from the public.

Motion: Mr. Sweet moved to Close and Issue with the condition there will be no prop dredging and with the limitation of one single motorized vessel and the use of the outermost southern side of the float. Vote unanimous 5-0

6:15 Ann J. Zmudsky, 24 Menemsha Road and 0 Uncle Percys Road. Proposed vista pruning. Owner of record of 0 Uncle Percy's Road Popponeset Beach Association. NOI

Resource Area: Buffer zone to Deans Pond, Bordering vegetated wetland

Brent Totman, Maffei Landscaping represented the applicant. He said that the proposed project is to complete vista pruning through the property owned by the Popponeset Beach Association to get a better view of Dean's Pond. The vista pruning would be done within the Mashpee protocols.

The Agent said the work is to be done on the applicants' property and Popponeset Association property. He referred to a letter from the Association in which they gave permission to allow this pruning. Stakes have been placed and the various percentages were discussed with the contractor. (30% of branches to be removed and 20% of saplings.)

No comments from the public.

Mr. Sweet moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous.

6:18 Garrison Development LLC, 17 Alma Road. Proposed construction of a communication tower. NOI

Motion: Mr. Sweet moved to continue the hearing at the applicants' request to December 10 at 6:09. Vote unanimous 5-0

Administrative Approval Process (proposed wording for the Ch. 172 Bylaws)

The Agent updated the commissioners on the proposed wording for the Chapter 172 Bylaws regarding the Administrative Approval Process. He informed them he contacted other

towns to see what their process was. He said he sat down with Board Member Mark Gurnee to go over some ideas for the process. He said what qualifies for an administrative approval would be minor activities within the buffer zone such as minor tree removal, hazardous tree removal, minor landscape change, pathway jogging to the left as opposed to the right, trimming of branches growing over a roof. He referred to the sheet in the Commissioners' packets that is titled "proposed language changes for Chapter 172-4 for approval at town meeting". He read what is presently included in the bylaw. He suggested # 1 would be for Administrative requests and RDA #2. He then read the proposed bylaw for the Administrative requests. Mark suggested the wording on Commissioners be removed from the proposed bylaw language, deferring to the Agents to make recommendations. It was also suggested that samples of minor activities shall be included. The Agent said that he is still working on a form that would need to be filled out. The bylaw would give the Commission the authority to have that form. There was a lengthy discussion and it was generally agreed that the Agent and the Assistant Agent would have the authority to grant an Administrative approval. It was suggested to put copies of Administrative approvals in the Commissioners' mailboxes so they can see what approvals were given. The Agent would reword some of the language in the proposed bylaw and bring it back to the Commission eliminating Commissioners from the wording, implementing examples of minor activities and adding the phrase 'as delegated to the Assistant Agent'.

Mr. Gurnee discussed if mitigation should be required when trees are removed. The Agent noted the mitigation regulation gives guidance language. The Commission would have to come up with a calculation formula. He said he could ask other towns what they do for mitigation when a hazardous tree is removed. It could be done on a case by case basis. It was noted that there is a cost to have trees taken down and it could be discretionary as to what is considered acceptable hazard without mitigation and hazard tree removal that should trigger mitigation. The Agent will get information from other towns and come up with some possible ideas and figure out a solution.

Discussion on Regulation 30 (Prevention of Pollution, Effect of Nutrient Loading on Water Bodies)

The Agent asked that everyone read regulation 30. He said when he and Mr. Gurnee took a look at this regulation, it is very difficult to apply in reality. The regulation seeks to limit the amount of pollution from development on single family home lots by restricting the overall input of Nitrogen from septic systems, impervious surfaces and stormwater runoff. There is a nitrogen calculation sheet going along with it. The Agent asked that they take a look at the regulation for further discussion.

Mr. Anderson announced he will be stepping back from being Chairman of the Commission to a regular member. He will remain as Chairman until the Commission reorganizes.

Motion: Mr. Gurnee moved to adjourn, seconded by Mr. Rogers. Vote unanimous. 5-0 Meeting adjourned 7:55.

Respectfully submitted,

Judy Daigneault
Recording Secretary