

Conservation Commission Minutes
Thursday, December 10, 2015
Mashpee Town Hall
Waquoit Meeting Room

Present: Robert Anderson, Dale McKay, John Rogers, Ralph B. Shaw, Jr., Mark Gurnee, Louis DiMeo, (Associate Member), Conservation Agent Drew McManus, Recording Secretary Judy Daigneault

Absent: Bradford R. Sweet.

Chairman Robert Anderson opened the meeting at 5:55 p.m.

PRE/POST-HEARING AGENDA:

Minutes: Approve August 13, September 24, and October 22, 2015 Minutes

Motion: Mr. McKay moved to approve the minutes of August 13, September 24, and October 22, 2015, seconded by Mr. Rogers. Vote unanimous, 5-0

Update on Americorps/Stewardship projects: (Mashpee River Woodlands, John Johansen and Fitch Conservation Trails)

The Agent gave an update on Americorps/Stewardship projects. Katelyn Cadoret, Assistant Conservation Agent, supervised Americorps volunteers to do some trail work. Most of the work took place at the Mashpee River Woodlands, John Johansen Conservation area and the Fitch Conservation trails. Americorps will be coming back next week to continue to work on trails, build bat boxes and build two kiosks, one for Childs River conservation area and the new parking lot at Santuit Pond.

Update on Community Preservation Act proposal: Greenway Trail over Quashnet River

The Agent updated the members on the Community Preservation Meeting. He noted the Commission is co-applicant for the Greenway Trail over Quashnet River. The funding is conditioned on the liability issue for the section that goes through Mashpee Commons. Funding approved for a project at the Great River Boat Ramp will be coming before the board. Proposal calls for a double wide ramp for a separate area for kayaking and canoeing. Funding request from the Recreation Department for an 18-hole disc golf course has also been approved. Potential site is at Pickerel Cove, but it has not been finalized and hasn't come before the commission as of yet. The Committee also gave its endorsement of funding for a 20 plus acre parcel at the end of Quashnet Road which is the access area for the John's Pond area.

ADDITIONAL TOPICS

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

HEARINGS:

6:00 **Kevin Cayer, 190 Monomoscoy Road.** Proposed construction of walkway, platform, and steps. At request of Applicant, continued from 7/23, 8/27, 10/8. NOI.

Resource Area: Salt Marsh, ACEC, Great River.

Kevin Cayer, homeowner, was present and explained he would like to put a set of stairs and a 4 by 4' platform and 4' walkway to a 10A float. Current access to the boat is through a section of marsh and he would prefer a new walkway and platform. The Agent said this area is labeled as Great River ACEC. There is a moratorium for docks in this area with the exception of 10A floats. The Agent stated the Harbormaster has jurisdiction over 10A floats and noted the float is seasonal only. The Agent said the walkway has ¾ inch spacing, which meets the performance standards. He recommended a close and issue.

No comments from the public.

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

6:03 **Louis J. and Debra A. Columbo, Jr., Trustees, 16 Westwood Road.** Proposed demolition of existing structure to be replaced with construction of a new, single-family dwelling and driveway. RDA

Resource Area: Flood Zone, LSCSF

Peter McEntee, Engineering Works, represented the applicants. He stated the project will consist of demolishing the existing house and constructing a new 1½ story, 2-bedroom house. The property is located in the flood zone only. The disturbed areas will be restored with lawn and shrubs. The areas restored with lawn will be less than the existing lawn area.

The Agent said this is land subject to coastal storm flow and is not near any wetlands. Board of Health submitted comments that the septic system plan is approved for a two bedroom dwelling for a conventional Title V system. The Agent recommended a negative determination.

No comments from the public.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Rogers. Vote unanimous, 5-0

6:06 **Popponesset Island Trust, 44 Popponesset Island Road.** Proposed septic system upgrade. RDA

Resource Area: Flood Zone, Buffer Zone to the Coastal Bank, Salt Marsh, Popponesset Bay

Peter McEntee, Engineering Services, represented the applicant. He noted they have a failed septic system. He stated the work proposed will consist of removing the existing septic tank and abandoning the existing SAS and installing a completely new septic system to accommodate a 4-bedroom house. The proposed septic system will be outside of the 100' buffer to the top of the coastal bank and the SAS. He stated the plan is under review with the Board of Health.

The Agent recommended a negative determination.

No comments from the public.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Rogers. Vote unanimous, 5-0.

6:09 **Garrison Development LLC, 17 Alma Road.** Proposed construction of a communication tower. Applicant has requested Withdrawal Without Prejudice of the proposal. NOI

The Agent stated the applicant has requested to withdraw their application. They have decided not to build the cell phone tower.

Motion: Mr. Shaw moved to accept the applicant's request to withdraw without prejudice, seconded by Mr. Rogers. Vote unanimous, 5-0

6:12 **Donald B. and Phyllis M. Brick, Trustees, 18 Spoonrift Circle.** Proposed vista pruning, hazardous tree removal, tree pruning and shrub removal. NOI

Resource Area: LSCSF, Coastal Bank, Buffer Zone to Salt Marsh, Land Under Ocean.

Brent Totman, Maffei Landscape Contractors, represented the applicants. Mr. Totma stated there is an abundance of green briar on the lot. He said there is a red maple adjacent to the shed that has a decay cavity at the root crown and is hazardous. There is also a red oak surrounded by deck which has a major branch over the house and the deck and requested removal. He also stated there are several branches overhanging the roof line of the house that need to be pruned. There is also a large rhododendron which is located opposite the front door of the house and recommended removal for aesthetics.

The Agent noted this came before the Commission a while back and was denied because the proposed vista pruning was not shown on the plan. Plans now show the entire vista pruning corridor. The Agent agreed with the removal of the two trees as described as well as the rhododendron. He also agreed with the maintenance pruning of the branches going out over the roof of the house and recommended a close and issue.

No comments from the public.

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

6:15 **Jonathan J. Small and Jayne M. Singer, 40 Sturgis Lane.** Proposed access staircase to existing deck and removal/reconstruction of walkover structure with seasonal pier. NOI

Resource Area: Land Bank, Land Under Water bodies and Waterways, Mashpee Pond

Matt Creighton, BSC Group, was present representing the applicants. He explained the proposed project is the removal of an existing dilapidated walkover structure and construction of a new walkover structure with a seasonal, removal pier into Mashpee Pond. He noted the existing walkover is unusable and the old owners created a small path leading down to the pond. The proposed project would remove the existing structure and allow the existing vegetation to reestablish. The structure will be removed by hand so not to disturb the soil on the bank. The proposed structure is 4' wide and 40' long with a 4' by 8' T-end for storage. Mr. Creighton stated he has submitted a mitigation plan totaling a required 80 square feet which was determined using the Town of Mashpee regulations but is providing 300 square feet of mitigation.

The Agent noted nothing being proposed, from the stairway down to the walkway, has Conservation issues. He noted, historically, the Commission has not allowed in excess of 4 feet for platforms but it is at their discretion. Mitigation has been proposed for that situation. There is no vegetation where the platform is proposed. Every other part is in line with the regulations and meets the performance standards.

There was a discussion on the removal of the float and the Agent noted the Order could be conditioned.

Following a lengthy discussion regarding the placement of the stairs and platform - Motion: Mr. Gurnee moved to Close and Issue, seconded by Mr. Shaw. Mr. Gurnee, no, Mr. Rogers, no, Mr. McKay no, Mr. Anderson, no. Mr. Shaw yes. Vote 1-4, motion failed

Motion: Mr. Gurnee moved to approve the plan as presented except for the unit storage area to be replaced with a 4' by 4' platform at the base of the stairs, supporting the ramp down to the dock, seconded by Mr. Shaw. Vote unanimous, 5-0.

Mr. Creighton requested that the mitigation be eliminated because it is not required. The Commissioners agreed that would be his right, as it is not required. The Agent asked for a revised plan. He reminded the Commissioners that a letter from Natural Heritage is required before they issue an Order of Conditions.

6:18 James I. and Ellen B. Goodman, 120 Summersea Road. Proposed demolition and reconstruction of single-family dwelling, removal and reconstruction of walkover structure and pier with seasonal ramp and float, removal/reconstruction of shed. NOI

Resource Area: Coastal Bank, Salt Marsh, Land Containing Shellfish, Land Under Ocean, Land Subject to Coastal Storm Flowage, Ockway Bay

Matthew Creighton, BSC Group, represented the applicants. The proposal is to raze and replace an existing single family house and deck. The proposal also includes the removal of an existing licensed pier and reconstruction of a walkover structure and pier with a seasonal ramp and float. The seasonal ramp and floats will be stored in the upland on the proposed patio during the off season. He said the septic system will be 98 feet from the edge of the water. They will be installing an IA system at the request of the Board of Health. The deck will overhang over the coastal bank. They are proposing a pervious patio surrounded by a wall with a drywell. Also proposed is a hot tub. He stated they have met with the Board of Health. He said there is no walkover but a dirt path so they are proposing a walkover down to the float. Currently, there is a large pier licensed under Chapter 91 which is starting to fall apart. They are proposing to remove that structure and put in a new pier, ramp and float. He reviewed the proposal on the plan. They will have to remove one pine tree and two bayberries.

The Agent suggested placing the hot tub somewhere else on the patio rather than having the bump out and requested a revised plan to show this. The Commissioners generally agreed to move the hot tub on the patio with a revised plan to be approved by the Agent.

No comments from the public.

Motion: Mr. Gurnee moved to close and issue with the following changes: Relocating the hot tub and having it incorporated within the patio; providing proof that the patio is pervious; and

submittal of a revised plan. Seconded by Mr. Shaw. Vote unanimous, 5-0.

6:21 **Joseph A. and Lenora A. Sciacca, 28 Elliot Road.** Proposed demolition/reconstruction of single-family dwelling, removal/reconstruction of retaining wall, removal/replacement of patio area. NOI

Resource Area: Buffer Zone, Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage.

Matthew Creighton, BSC Group, represented the applicants. He explained the proposed project is to raze and replace the existing single family home, removal and reconstruction of the retaining wall and removal and replacement of a patio area. They are only replacing part of the septic system. The proposal is to use a pervious paver floor with a drywell. The setback to the buffer zone is the same. There are 3 juniper bushes which he feels will be impacted while they are doing the work. If they die, they will be replaced. They will use beach grass if there are any gaps to help stabilize the bank. He noted the Popponeset Association owns some of the bank.

The Agent recommended the pervious paver and the type of paver they will be using should be shown on the plan. He recommended the removal of the juniper and the planting of beach grass in its place because they are much more conducive to this area. Mr. Creighton said they will be talking to the Popponeset Association about the invasives on their property.

No comments from the public.

Motion: Mr. Shaw moved to close and issue with the Agent's recommendation, seconded by Mr. Rogers. Vote unanimous, 5-0.

6:24 **Eileen Brennan Ferrell, 171 Uncle Percys Road.** Proposed construction of additions to existing dwelling and mitigation plantings. NOI

Resource Area: Flood Zone, Freshwater Wetland, Coastal Bank

Tom Bunker, BSS Design, represented the applicant. He explained the proposal is to build an expansion of the house where the deck is. He noted this on the photos provided. In the front of the house within the 100 foot buffer there will be a new porch. They are also proposing to remove some trees for construction access and some to keep them away from the house. He explained the mitigation proposed.

The Agent suggested having an arborist look at the pine and the oak. He recommended pruning rather than removal and suggested taking these trees off of the application until an arborist takes a look at them. He said he could work with Mr. Bunker on a mitigation plan to compensate for the removal of those trees. He said it could be a Condition to the approval of the application.

No comments from the public.

Motion: Mr. Gurney moved to close and issue pending the assessment of the two trees and if they are healthy to have them pruned as necessary for safety; the requirement of planting of native shrubs with the approval of the agent, seconded by Mr. Shaw. Vote unanimous, 5-0.

6:27 **Brian M. and Nicole K. Clark, 138 Waterway.** Proposed removal of oak tree to allow for construction of swimming pool, retaining wall, fence and mitigation plantings. NOI

Resource Area: Land Subject to Coastal Storm Flow, Popponeset Creek

Tom Bunker, BSS Design, represented the applicants. The proposal is to install a swimming pool instead of the hot tub. There is a shrub at the bottom of the retaining wall. An oak tree is proposed to be removed. They will plant a new oak tree. Mr. Bunker reviewed the mitigation plan which included beach plums and native grasses.

The Agent suggested the white oak branches will be going over the pool, which, if it is pruned it would have to be pruned so much that he didn't think it would survive. He reviewed the mitigation plan. He said the original mitigation plan was recently accomplished. He felt it was a good plan and stated the removal of the oak tree was his suggestion.

No comments from the public.

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

6:30 **Leo J. Surette and Nancy J. Wilde, 26 Greenwood Road.** Proposed installation of fill to elevate an existing dwelling, construction of additions to existing dwelling, and expansion of existing deck. RDA

Resource Area: Land Subject to Coastal Storm Flowage

Danny Gonsalves, Down Cape Engineering, represented the applicants. He noted the proposal is to lift the existing dwelling two feet and fill the cellar with the required number of flood vents so that it will comply with the current flood zone regulations. There will be a small addition to the house but no bedrooms will be added.

The Agent said no application or review from the Board of Health is necessary and recommended a negative determination.

No comment from the public.

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

Administrative Approval: Proposed wording for the Ch. 172 Bylaw

The Agent referred to the proposed changes in the language for Chapter 172 Bylaw. He reviewed the Administrative Review Section. He said the form is a work in progress. The Agent said this can be submitted for the May town meeting if the Commissioners wish to and will be reviewed by Town counsel. Mr. Anderson suggested the wording "including but not limited to" instead of "e.g.". The Agent stated he will inform the Commissioners of any changes recommended by Town counsel.

The issue of engineering drawings submitted for hearings was briefly discussed and it was suggested sending a letter to the engineering firms stating that the Commissioners have discussed engineering drawings and have resolved to strictly enforce the regulation. It was noted

the fee increase may have an impact on the owners/applicants.

Discussion on Regulation 30 (Prevention of Pollution: Effect of Nutrient Loading on Water Bodies). Tabled until a future meeting.

New Conservation Commission member applicant (Full Time) – Bradford Pittsley

The Agent introduced Mr. Pittsley who has submitted a letter of interest to be on the Conservation Commission. Associate Member Louis DiMeo expressed his interest in becoming a full time member. It was suggested that Mr. DiMeo come on as a full time member and Mr. Pittsley come on as an associate member. Mr. Anderson moved to elect Mr. DiMeo as a full time member and accept Mr. Pittsley's application and have him come on as an associate member. Seconded by Mr. McKay. Vote unanimous, 5-0

Conservation Commission Chairman status

Mr. Anderson encouraged anyone who had any interest in becoming Chairman to step forward. Mr. McKay was interested but asked to hold off until they find out if Mr. Sweet would be interested since he has more experience. This will be readdressed at the next meeting.

Update on Upper Quashnet River study

The Agent stated that Natural Resources Conservation Services completed the second round of the ground penetrating radar study and covered the whole area. The data will be analyzed. The whole purpose is to make sure there is an adequate depth of sand to realign the river.

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

Meeting adjourned 8:35 p.m.

Respectfully submitted,

Judy Daigneault
Recording Secretary