

**Conservation Commission
Minutes of February 26, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Robert Anderson, Brad Sweet, Mark Gurnee, John Rogers, Dale McKay.

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:

Approval of Minutes: January 22, 2015, February 12, 2015

Motion: Mr. Sweet moved to approve the minutes of January 22, 2015 seconded by Mr. Gurnee. Vote unanimous 5-0.

Motion: Mr. Sweet moved to approve the minutes of February 12, 2015, seconded by Mr. Rogers. Vote 4-0-1 with Mr. Gurnee abstaining.

Administrative Review 43-2739 (50 Spoonrift Way): Request modification to pool patio area. No change in footprint.

The Agent reviewed the original filing in 2014 for the reconstruction of a single family home, pool and patio and also repair and reconstruction of the existing retaining wall.

Harry Capone, Harold Capone Residential Design, was representing the applicant. The Administrative Review is for the change in material - from wood deck boards on gravel to concrete with a recessed concrete area for deck boards on unattached pressure treated wood grid on recessed concrete and gravel.

Mr. Capone reviewed the landscape design with the members.

The Agent said the size of the pool and patio remain the same. The request is a change in material surrounding the pool. Mr. Capone explained there are two drywells near the house which will pick up some of the drainage. He said the owners felt this change would be easier to maintain and the cost was also a concern.

The Agent said as long as they have control over drainage, the change will not have any adverse impacts on the resource areas. He said there are drywells and a planting strip along the top of the coastal bank retaining wall and the combination should alleviate any concerns about runoff into the resource area.

There was a discussion on the plan and the design of the pool. It was determined there was a change on the lip of the pool and the shape of the pool per a previous Administrative order.

Motion: Mr. Sweet moved to approve the Administrative Review for 50 Spoonrift Way, seconded by Mr. McKay. Vote unanimous 5-0.

HEARINGS:

6:00 Edmund J. and Maureen J. English, 3 Ocean Bluff Drive. Proposed replacement of existing cabana and addition of a breezeway and small deck. NOI

Resource Area: Buffer Zone to Coastal Beach, Coastal Dune, LSTCSF.

Michael Borselli, Falmouth Engineering, represented the Applicants. He explained the proposed project is to demolish and reconstruct an existing cabana building, breezeway connection, and small deck. Mr. Borselli reviewed the plans with the Commissioners. He said the structure will not be closer to the wetland, therefore, no adverse impacts to the resource areas. He stated the project is being reviewed by the Zoning Board of Appeals.

The Agent reviewed the photos of the site. He stated proposed structures will not be closer to the resource areas and the project meets all of the performance standards. He recommended a negative determination.

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

6:03 Gregory Bush, 55 Santuit Lane. Proposed septic system upgrade. Continued from February 12 and March 12. Applicant requests additional continuance to March 26.

Motion: Mr. Rogers moved to continue the hearing at the request of the applicant to March 26, 2015 at 6:03, seconded by Mr. Sweet. Vote unanimous 5-0.

6:06 Robert M. Valletta, 112 Captains Row. Proposed hazardous tree removal. Removal of invasive species and planting of native species. RDA

Resource Areas: Coastal Bank to Mashpee River.

Michael Gregoire, Tree Fellers, represented the applicant. He explained the proposed project is to remove 5 oak trees growing close to the right side of the house. He commented the trees also will interfere with a proposed addition which the owners may tackle in the future. Remediation will be on the bank where invasive bittersweet plants are growing. The black oak gall wasps have infected the black oaks. Mr. Gregoire explained the bank that goes down to the Mashpee River is covered with bittersweet. There is access to the right side of the property and the removal of the bittersweet would be mostly hand work. The Agent stated mitigation is not required for hazardous tree removal. There was a discussion on the remediation and Mike stated in the future the applicants would like to construct addition and remediation would be necessary. He said a landscape architect may be hired

to remove the bittersweet. The Agent said all of the trees are infected with the gall wasps and have to be removed whether there is an addition or not. It was agreed to deal with the tree removal only as the current permit request.

The Agent suggested voting on the hazardous trees only and if the homeowners wish to come back in the future to do remediation on the bank they may do so. He recommended a negative determination.

Motion: Mr. McKay moved a negative determination for removal of the hazardous trees only, seconded by Mr. Sweet 5-0.

The Agent noted the Mashpee Garden Club has assisted with the weeding, mulching and maintenance of the pollinator beds at Community Gardens as well as the pollinator bed at Jehu Pond. He will be attending one of their meetings next week to discuss plans for the AmeriCorps Week, at which time he will present a Certificate of Appreciation to the Garden Club.

Copies of New State Regulations

The Agent referred to the copies of the new state regulations (310 CMR 10.00). He noted that the regulations should be inserted in the Commissioners' binders and recommended the Commissioners bring their binders to the meetings. He stated if the Commissioners need help with inserting these regulations into the binders, he would be happy to help with that.

Quashnet River Restoration: Copies of Haley/Aldrich Feasibility Study and (AFCEC-Air Force Civil Engineering Center) 2011 Cranberry Bog Berm Removal Planning Estimate. First meeting of Quashnet Restoration Steering Committee - 3/6/15 @ 1 p.m., Main Conference Room, Mashpee Town Hall.

The Agent referred to two reports in the Commissioners' folders. First one was the Haley/Aldrich Feasibility Study. He said this will get the Commissioners up to speed on what took place at the bogs, the assessment of the berm failure and the events leading up to that. Haley/Aldrich was hired to assess mostly the berm failure. The Agent said the other report is AFCEC – Air Force Report: Berm Removal Estimate from 2011. He has requested an up-to-date report. The report breaks down everything the Air Force has assessed: what to do about the berm failure, the costs involved and the methodology for repairing the berms.

The Agent said in 2006, the Commission felt that a consulting firm should be brought on board to see what the conditions have deteriorated to. He suggested the Commissioners read the reports to familiarize themselves on the issue. The Air Force is looking to dredge out the existing area of the berm failure in the Quashnet River and do river bank stabilization work.

The Agent formed a Steering Committee of people who have been involved with the restoration of Quashnet River over the years as well as individuals who were involved in the cleanup process from the groundwater plume. The purpose of the Steering Committee is to establish river/bog restoration goals and objectives and make recommendations to the Commission. He said the project scope (in the order of conditions) is to return the area (river and bogs) to their previously existing condition prior to the discovery/treatment of the

groundwater plume. The berm failure slowed down the water flow, siltated the river and impacted habitat for brook trout, herring and other species. Establishing good habitat conditions for brook trout and anadromous fish species is the primary objective. The Agent said that this issue will be discussed at upcoming Commission meetings.

Briarwood Association Violation: Town Counsel Feedback/Discussion

The Agent referred to the correspondence from Town Counsel. There was a discussion with Briarwood Association at the last Conservation meeting. Their reasoning is they printed photos along with testimony that this area has been maintained as a lawn prior to any enactment of any state or local statutes. In conducting site visits in the area from 2007 to 2010 the Agent observed there was no woody vegetation established and it may not have represented a significant amount of time between mowings. He said he had no way of knowing how long it had been between mowings. The burden of proof is on the Commission. The Agent referred to a DEP document sent to him from Brad Holmes, wetland specialist hired by Briarwood. The Agent quoted from the document “maintenance of existing landscaping including lawn mowing and pruning is exempt from review regardless of location in the buffer zone or any wetland resource area”. It does not matter whether or not this mowing is within the Buffer Zone, as long as it was a legally established landscape or lawn.

The Agent said he doesn’t think he can pursue any further enforcement action when it comes to the mowing. The Commission can meet with Briarwood again and work out some compromise with them through a memorandum of understanding to clarify wetland jurisdiction in this area for any future projects/proposals, etc. He suggested possibly setting limitations on the amount of annual mowing in this area. Briarwood also understands any additional activities within wetlands jurisdiction would require notification and possible permitting through the Commission.

Motion: Mr. Sweet moved to adjourn the meeting, seconded by Mr. Rogers. Vote unanimous 5-0. Meeting adjourned 7:15 p.m.

Respectfully submitted,

Judy Daigneault
Recording Secretary