

**Conservation Commission
Minutes of March 26, 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).

Chairman Bob Anderson called the meeting to order at 5:55 p.m.

No comments from the public.

PRE/POST-HEARING AGENDA:

Minutes: Approve February 26, Minutes.

Motion: Mr. Sweet moved to approve the minutes of February 26, 2015, seconded by Mr. Shaw. Vote unanimous 5-0

AmeriCorps Dates: Herring run walk on April 6th. County Commissioner tour on April 7th.

The Agent reminded the members that the Herring Run Walk will be on April 6 and April 7 at which time the County Commissioners will be taken on a tour of some of the AmeriCorps work sites. They will be touring Jehu Pond, the Community Garden site and the kiosk at the Mashpee Herring Run. On that day the Agent will have the AmeriCorps volunteers assist him in putting in the new stop logs at the concrete fish ladder at the herring run so the Commissioners can see AmeriCorps volunteer work in action. The Agent invited the Conservation Commissioners to attend and will send them a reminder.

MACC survey: Sea level Rise and Climate Change – 8 question survey.

The Agent noted the Massachusetts Association of Conservation Commissions sent out a survey. He said it is an 8 question survey regarding sea level rise and climate change and encouraged the commissioners to participate. They are looking for feedback in order to develop possible regulations that deal with climate change and sea level rise.

HEARINGS:

6:00 Robert J. V. and Donna M. Roche, 6 Great River Road. Proposed construction of bulkhead and installation of native plantings. **NOI**

Resource Areas: Land Subject to Coastal Storm Flowage, Coastal Bank, Salt Marsh and Land Under Ocean

Michael Borselli, Falmouth Engineering, represented the applicant. The applicant lives adjacent to a property that was recently approved by the Commission for a bulkhead that was installed directly in front of stone rip rap. His client is seeking a permit for a similar project. Mr. Borselli reviewed the site plan showing the conditions on the site. He explained the project proposes to install a vinyl sheet pile bulkhead along the waterfront in front of and directly adjacent to an existing rip rap wall, remove existing vegetation at the top of the rip rap wall and replace the existing vegetation with low growing native plant material. All construction will occur within the buffer of the wetland resources or directly adjacent to the salt marsh strip and coastal bank. The sheet piles will be driven directly adjacent to the existing rip rap and the rip rap will remain in place. The removal of the rip rap would have potential to cause significant impact to the wetland resources. The proposed work meets the performance standards of the Mashpee Wetlands Regulations and State Wetland Regulations.

Mr. Borselli stated he received comments from the Agent a couple of days ago and made revisions to the plan. He distributed a new plan with the revisions. The Agent pointed out that on the original plan there wasn't a mitigation plan, work limit, or the 50 and 100 foot buffers to the wetland. The Agent noted these were minor changes to the plan but, the Bylaw requires a minimum of 5 days before the hearing in which to submit a revised plan. It is to allow sufficient time for any abutters to review the plans. For that reason, he recommended a continuance but suggested to carry on with this hearing in order for Mr. Borselli to make his presentation.

Mr. Borselli said the revisions are simple in that they added some additional information to the plan: work limit, buffer lines on the plan, eliminated a set of access stairs that were originally proposed, changed the description on the mitigation plants.

The Agent said the project meets the performance standards (for coastal bank). The house is pre 1978 and the existing riprap wall is above mean high water. There will be minimal effect on the salt marsh and the project can be conditioned to restore the areas of salt marsh that may become impacted from the installation of the bulkhead. It was noted the dock is a licensed dock with a seasonal ramp and float connected by pilings. Mr. Borselli will add the dock to the plan.

Mr. Borselli requested a continuance.

Motion: Mr. Sweet moved to continue the hearing to April 23 at 6:00 p.m., seconded by Mr. Shaw. Vote unanimous: 5-0

6:03 Gordon J. and Catherine E. Vanderbrug, 181 Daniels Island Road.
Proposed construction of stone rip rap wall. **NOI**

Resource Areas: Land Subject to Coastal Storm Flow, Coastal Bank, Salt Marsh and Land Under Ocean, Bordering Vegetated Wetland

Michael Borselli, Falmouth Engineering, represented the applicants. Mr. Borselli reviewed the plan and noted the house was constructed in the 1950s. The proposed project is to install a rip rap and restore the disturbed areas adjacent to the proposed wall. There are some signs of erosion on the bank and the applicants would like to protect the house from coastal erosion. He noted the Commissioners recently approved an application for a proposed rip rap for the neighbors, the Thompsons. These neighbors will allow the applicant to use the same construction access and the proposed work would take place at the same time as a single project. A soft solution was considered but rejected because of the high probability of failure and the cost of maintenance.

The main reason for the project is to provide storm damage protection and flood control. Mr. Borselli said the applicant is trying to be proactive rather than reactive. The work will meet the Mashpee performance standards as well as the State Performance standards for coastal bank.

Mr. Borselli noted some work on the property was done without the benefit of permits. He said he and the Agent had a conversation about doing some restoration work. The applicants are willing to cooperate completely.

The Agent noted he is not in favor of this project or the Thompson project and cited regulation 16 (coastal banks). He said the Commissioners have to decide if this is the best way to protect the property from erosion. He said the NOI project narrative describes the erosion as minor. There is evidence of minor erosion and he feels that armoring is overkill and that a soft solution is a better measure. The soft solution would serve the same protection function. Although the project does meet the performance standards, the Agent pointed out there are criteria that the Commission should evaluate and he feels there are other feasible opportunities that would address the erosion concerns.

Following a discussion, the Agent understood the Commissioners' point of view since they approved the wall to the property next door. The Agent suggested sending an enforcement order for the unpermitted work on the site. Following a discussion, the Commissioners asked for a Condition on the Order of Conditions and voted to continue the hearing with the expectation that the applicant will come

back with the requested materials and an Amendment to the project description and the proposal for a restoration plan.

Motion: Mr. Sweet moved to continue to April 23 at 6:03 p.m., seconded by Mr. Shaw. Vote unanimous. 5-0

6:06 Roseanne Altshuler and Paolo Siconolfi, 98 Fells Pond Road. Proposed removal of trees and removal/replacement of existing retaining wall. **RDA**

Resource Area: Buffer Zone to Land Under Water, Fells Pond, Buffer to Inland Bank

Matt Philbrick, Distinctive Property Services, represented the applicants. He explained the proposed project was to remove the existing deteriorated wood retaining wall and 2 trees that are covered in ivy and extend the bottom of the driveway 4'. The retaining wall will be rebuilt with 12x24 poured footing and installation of 400 square feet of new Pennsylvania thin stone wall. The Agent requested an arborist determine if these trees are in decline. He said the ultimate purpose of this application is to expand the driveway and replace the wall. In that case if a tree is removed, mitigation is required. The Agent informed Mr. Philbrick that he would be willing to help him with the mitigation plan. He recommended a continuance based on submission of a mitigation plan.

Motion: Mr. Sweet moved to continue the hearing to April 9, at 6:03 seconded by Mr. Shaw. Vote unanimous 5-0

6:09 Michael and Beth S. Moskowitz, 146 Popponesset Island Road. Proposed modifications to existing pier, ramp and float. **NOI**

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

Jeff Ryther, BSS Design, was representing the applicants. He reviewed the site plan. The proposed modification is to slide the outward float down 6 feet and swing out the portion that has the ramp on it to make it a linear float. This will make it safer and easier to access the dock. Mr. Ryther noted the proposed design on the plan. Mr. Moskowitz also explained the modification to the ramp and dock.

The Agent read the Harbormaster's comments which are that the dock and floats must be updated to black hard plastic encapsulated block flotation and all the Styrofoam must be removed and disposed of properly. Also the street address must be permanently and clearly displayed with minimum of 3" block letters with contrasting color at end of pier and piling for emergency purposes. In addition, the owner's address must be permanently affixed on all floats and ramps with 3" block letters with contrasting color. The Harbormaster has no issue with the plan.

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

6:12 Donald E. and Milica G. Pogorzelski, 4 Waterline North Drive. Proposed construction/installation of patio, walkway, pool, landscaping, and hardscaping. At request of Applicant, continued from 3/12/2015 for revised plans. **NOI**

Motion: Mr. Sweet moved to continue hearing at the applicants request to April 9 at 6:06 p.m.

Pre-Post Hearing

Chapter 172 Reg. 27: Suggest revising to include a mitigation requirement for docks. Shellfish seed?

The Agent spoke about using shellfish seed for mitigation. He said it may be something to consider for future dock applications. He referred to regulation 27, dock and pier regulations. He said he could put something together for the Commissioners to review. A mitigation plan formula would have to be developed. He noted that Barnstable and Orleans have been doing this and he would be getting input from them. The Agent and the Shellfish Constable will come into a future meeting with a presentation.

NStar Herbicide Spraying in Right of Way: Comment period ends on Monday, May 11. Yearly Operational Plan:

<http://www.kenersongroup.com/yop/capecod2015/nstar/>

The Agent referred to the packet on NStar Herbicide Spraying in Right of Way. There have been a lot of complaints and concerns. Board of Health is going to send a letter to the Board of Selectmen. If the commissioners have concerns, they can also incorporate them in a letter. NStar is technically exempt from the Wetlands Protection Act, but is not exempt from public input and concerns. There is a requirement for NStar to meet with different agencies that have jurisdiction and work out best management practices. He urged the Commissioners to review the report and submit their comments to him so he can include them in a letter to the selectmen. This could also be put on a future agenda for additional discussion.

Briarwood will be on the agenda on April 9.

Post Project Completion

The Agent showed slides of recent project completions:

- New Seabury Golf Course Project

- Popponeset Spit Beach Nourishment
- Maushop Village Beach – Natural Sand Accretion

**Motion: Mr. Sweet moved to adjourn the meeting, seconded by Mr. Shaw.
Vote unanimous 8-0. Meeting adjourned 7:55 p.m.**

Respectfully submitted,

Judy Daigneault
Recording Secretary