

**Conservation Commission
Minutes of April 23, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Robert Anderson, John Rogers, Dale McKay and Mark Gurney.

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 April 9, 2015, Minutes.

Hold until next meeting

ADDITIONAL TOPICS

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

Mark Gurnee commented on the New Seabury golf course project. He said there are large concrete blocks and a jersey barrier along with chunks of asphalt at the project site. The Agent said he would follow up on this.

The Agent reminded the commissioners that the date of the DEP Appeal Acceptance/On-site for Superseding Order of Conditions for 0 Punkhorn Point Road and Gooseberry Island has been scheduled for Wednesday, April 29, 2015 at 10:00 a.m. He noted that town counsel will be at the meeting.

The Agent said today the partnership for Friends Group for the Mashpee National Wildlife Refuge hosted a walk to Jehu Pond to check out the footbridge that was built across Abigail's Brook. They also did some cleanup picking up trash around the parking lot and down the trails and cleaning up the pollinator gardens. The friends group has purchased some additional pollinator species that were planted today. DPW dropped off mulch and The Agent will be organizing a work day with AmeriCorps in the next couple of weeks to spread the mulch and prepare the pollinator gardens.

The Agent updated the commissioners on the Santuit Pond fish ladder. He said that numerous herring are gathered at the bottom of the ladder. MA Division of Marine Fisheries made some fixes to the ladder which has resulted in counts ranging from 0 to over 100 in a ten minute time span. It was a matter of increasing the depth at each pool and overall, the ladder is performing much better. The Agent will be looking into investigating a permanent fix.

HEARINGS:

6:00 Robert J. V. and Donna M. Roche, 6 Great River Road. Proposed construction of bulkhead and installation of native plantings. Continued from 3/26/2015: Applicant to submit revised plans. **NOI**

Resource Area: [Land Subject to Coastal Storm Flowage, Coastal Bank, Salt Marsh and Land Under Ocean](#)

Michael Borselli, Falmouth Engineering, represented the applicants. He commented that he had requested a continuance so the commissioners had more time to review the revised plans. The new plan has all the revisions requested at the last hearing. An additional revision calls for removal of the stairs and a design of new stairs which are built back so the stairs are integral to the bulkhead. Because the stairs are not projecting out below Mean High Water, this eliminates the necessity for a Ch. 91 license

The Agent said this is a proposed bulkhead to front the existing rip rap stonewall to make it a more stable wall. It is the exact same project as the neighbor's. It is above mean high water so it does not trigger a Chapter 91 license. The Agent explained there was some missing information on the previous plan and it was continued due to the Department's five day submittal requirement for revised plans. Specifically, it was the removal of the stairway, showing the work limit on the plan and some more details about the plantings proposed. He said Mr. Borselli provided this information. He also stated that if there is any impact to the salt marsh this can be part of the permit conditions to restore any areas of salt marsh that have been impacted by construction activity. The project does meet the performance standards for coastal banks. The Agent recommended a Close and Issue.

No comments from the public.

Motion: Mr. Rogers moved to Close and Issue, seconded by Mr. Gurnee. Vote unanimous 4-0

6:03 Gordon J. and Catherine E. Vanderbrug, 181 Daniels Island Road. Proposed construction of stone rip rap wall. Continued from 3/26/2015: Applicant to submit revised plans. **NOI**

Motion: Mr. Gurnee moved to continue the hearing at the request of the applicant to July 23 at 6:00 p.m., seconded by Mr. Rogers. Vote unanimous 4-0

6:06 Paula R. Funk and Paul A. Boucher, 197 Monomoscoy Road. Proposed removal of diseased/hazardous trees. RDA

Resource Area: [Land Subject to Coastal Storm Flow](#)

Mr. Boucher, applicant, stated that he was requesting the removal of 5 trees from his property as recommended by Davis Tree Company due to overcrowding. He said one tree is dying and one is a danger to the house. The Agent noted the sketch of the property along with photos of the property. He said it is the recommendation of the arborist to remove the trees which are intertwined, one that is dead, one that is in close proximity to the house and another is infested with turpentine beetle. The Agent recommended a negative determination. He noted he asked Mr. Boucher to supply some correspondence from Davis Trees.

Motion: Mr. Gurnee moved a negative determination, seconded by Mr. McKay. Vote unanimous 4-0

6:09 Roseanne Altshuler and Paolo Siconolfi, 98 Fells Pond Road. Proposed removal of trees and removal/replacement of existing retaining wall. Continued from 3/26/2015: Applicant to submit revised plans. RDA

No one was present. The Agent stated he was expecting revised plans. He said he didn't recommend approval based on lack of information. The Agent recommended a denial of the application.

Motion: Mr. McKay moved the denial of the application, seconded by Mr. Rogers. Vote unanimous 4-0

6:12 Gary M. Locarno, 51 Waterline South Drive. Proposed addition of screened porch, extension of existing deck, removal of phragmites and restoration of resource area. NOI

Motion: Mr. Rogers moved to continue the hearing at the request of the applicant to May 14 at 6:06, seconded by Mr. McKay. Vote unanimous 4-0

Overview of the Quashnet Bogs

The Agent gave a presentation on the Quashnet Bogs and the realignment and the history of the bogs. He had google images of the Quashnet River and Quashnet Bogs and John's Pond. He reviewed the history of the area dating back to 1938. He noted the original headwaters and the general location of groundwater upwelling.

He referred to the first steering committee meeting for the Quashnet restoration. It is expected that the groundwater upwelling is assumed to resume its typical rate once the treatment plant ceases to operate. He also showed an illustration of a series of berms that were put in. Berms were put in to prevent any upwelling of contaminated groundwater into the bogs and any contaminated river water from reaching the bogs. He noted where the berm failed which caused issues with the water flow, water quality and water temperature in the Quashnet River from post berm construction. He noted the pre-berm conditions and the present conditions and the resulting berm failure through 2014. He also noted the realignment scenario that Haley and Aldrich recommended. Ground penetrating radar will be brought out to the area to see how deep the peat layer is throughout the bog system and river. The first priority is to review the feasibility study. Depending on the results, the commission would have to make a decision to see if they want to go forward with a river realignment scenario. The Air Force would be responsible for paying for restoration. The whole purpose of the steering committee is to advise the commissioners and to come up with recommendations and answer any questions the commissioners have.

The Agent said there is more work to be done before any decisions are made. He summed up what needs to be determined by the commission and the steering committee: Getting a better picture of the feasibility of the river realignment using ground penetrating radar to get a better picture of peat throughout the whole complex which is being done by NRCS in early May (The Agent will send out an email of the time and date) and additional correspondence from the Air Force. They are now called the Air Force Civil Engineering Center. The Agent has requested an updated berm removal cost estimate because the last one was in 2011. The Agent said it needs to be determined what berms need to be removed, what type of wetland restoration the commission wants, coming to a consensus on the existing infrastructure, what goes and what stays and those decisions ultimately rest with the commission. The Agent said public access and recreational improvements should also be considered keeping in mind improving the Quashnet River for fish habitat and how the commission wants to accommodate public access. The Agent urged the commissioners take the time to read the Haley and Aldrich Report which is very informative.

The Agent will make a future presentation to the whole commission on the Quashnet Bog restoration.

Discussion on Gooseberry Island DEP Superseding onsite:

Mr. Gurnee inquired about the superseding order of conditions. The Agent explained the order of conditions was denied and an explanation of the denial was provided to the applicant. The first step is to have a superseding on site with a DEP reviewer, the applicant and representatives for the abutters and the Mashpee Wampanoag Tribe. The Agent explained the DEP reviewer will have everyone

introduce themselves. The applicant will give their synopsis and then the reviewer will ask the Agent and the commissioners about reasons for their decision to deny the project. Town Counsel will be there to address the commission's position on the 21 day issuance statute for an order of conditions (defending the commission's position that the orders were issued within the 21 day statute). The DEP reviewer will go back and deliberate with other staff on a decision as to either uphold the commission's decision or issue a superseding order of conditions permitting the project. The commission can appeal or can issue a mirror order of conditions with additional conditions that are necessary understanding that the project is approved. The Agent said he did not know the procedure if the 21 day requirement is disputed but town counsel will be there to address this.

Motion: Mr. Rogers moved to adjourn the meeting, seconded by Mr. McKay. Vote unanimous 4-0. Meeting adjourned 7:15 p.m.

Respectfully submitted,

Judy Daigneault
Recording Secretary