

**Conservation Commission
Minutes of April 9, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Robert Anderson, John Rogers, Dale McKay, Ralph Shaw and Louis DiMeo (Associate Member).

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: March 12 and March 26, 2015

Motion: Mr. Shaw moved to approve the minutes of March 12 and March 26, 2015. Seconded by Mr. Rogers. Vote unanimous 4-0.

EOC/Nitrogen Control Bylaw Meeting Reminder: The Agent reminded the Conservation Commissioners that the EOC/Nitrogen Control Bylaw meeting will be held on April 21st at 6:30 p.m. in the Waquoit Meeting Room.

Herring Run/AmeriCorps Recap

The Agent gave a recap of the AmeriCorps Volunteers Day. 13 volunteers did maintenance on the herring runs, cleaned out the fish ladder at John's Pond and Quashnet River and walked the upper reaches of the Quashnet River, Santuit River and the Mashpee River. He said they started to see river herring coming up.

2015 Herring Count Program

The Agent stated that the herring count program has begun. He said there is a count form and a designated place in which volunteers record the number of herring that pass the location. He urged the Commissioners to volunteer as long as they wish to. The program started the first of April and goes to the end of May.

Eversource/NStar Herbicide Spraying Comment Letter

The Agent stated that comments are due on May 11 regarding the herbicide spraying of their easements. If the Commissioners have any comments the Agent will forward them to the Board of Selectmen to incorporate them into one letter to Eversource.

HEARINGS:

6:00 Edmund Michael and Nancy Coppola, 223 Hooppole Road. Proposed removal of trees and shrubs and pruning of other trees. RDA

Resource Area: [Buffer zone to Land Under Waterbodies and Waterways, John's Pond, Buffer zone to inland bank](#)

Nancy Coppola, homeowner, stated the proposed project was to remove two trees on the property, both located on the sides of the property. One tree was growing over the top of the house and the other tree was growing over the deck. The bushes in front of the house need to be cut down or trimmed because they are growing over the windows.

The Agent stated that the trees were inspected by a certified arborist. One tree has a split trunk and is in a weakened state and the other tree is leaning over the house. One tree in the backyard will be pruned. He recommended a negative determination.

Motion: Mr. Shaw moved for a Negative Determination, seconded by Mr. Rogers. Vote unanimous 4-0.

6:03 Walter E. and Colette Lankau, Jr., 29 Riverside Road. Proposed fill around existing house and removal of four trees. RDA

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

Tom Bunker, BSS Design, represented the applicant. He explained that this project is to place fill around the existing house to elevate the land above the flood zone for the purpose of eventual construction of a new home and to remove four trees. Placing of the fill will take the house out of the flood zone. The construction of the house is not part of this application. He noted on the plan where the fill will be placed. Tom also noted the 4 oak trees that will need to be removed due to the fill and the construction of the house. Walter Lankau also noted the trees on the plan. The Agent stated that the plan indicates that the project is for the placing of fill around the existing house to get it out of the 100 year flood plain and is not for any proposed reconstruction of the existing house. He said one of the trees has a split trunk and is in a weakened state and another has a deep cavity in it.

No comment from the public.

Motion: Mr. Shaw moved for a negative determination, seconded by Mr. Rogers. Vote unanimous 4-0.

6:06 Roseanne Altshuler and Paolo Siconolfi, 98 Fells Pond Road. Proposed removal of trees and removal/replacement of existing retaining wall. Continued from 3/26/15. Applicant requests continuance to April 23 at 6:09. RDA

Motion: Mr. Shaw moved to continue the hearing at the applicant's request to 3/26/15 at 6:09 p.m., seconded by Mr. McKay. Vote unanimous 4-0.

6:09 Donald E. and Milica G. Pogorzelski, 4 Waterline North Drive. Proposed construction/installation of patio, walkway, pool, landscaping and hardscaping. Continued from 3/26/15. NOI

Resource Area: [Land Subject to Coastal Storm Flowage, Coastal Bank, Salt Marsh, Bordering Vegetated Wetland, Land Under the Ocean \(Jehu Pond\), and Area of Critical Environmental Concern](#)

Matt Costa, Cape and Islands Engineering, represented the applicants. Mr. Costa explained they have reduced the pool shed size, saved two trees originally proposed to be removed and added two mitigation trees to compensate for the trees that are proposed to be removed. They relocated the pool and increased the proposed buffer between the top of the coastal bank and the edge of the patio. This is all a previously disturbed area and will end up with an increase in the natural vegetated buffer strip. They reworked their mitigation calculations and modified the narrative to include that. Part of the required mitigation includes shellfish seeds in the waters of Jehu Pond under the direction of Rick York, Shellfish Constable. They ended up with a project that improved the overall site conditions from what exists today. They will end up with an increased natural vegetated buffer area and increase natural vegetation throughout the site. In addition, through the shellfish seed they will improve the water quality. Mr. Costa said in his estimation there will be an overall environmental improvement to the site. This meets the performance standards and he respectfully requested the Order of Conditions be issued.

Following a brief discussion, the Agent stated he has reviewed the revised plan which increased the setback of the proposed pool/patio from the top of the coastal bank with increased plant mitigation. The number of trees to be removed has been reduced. He said the project meets the performance standards. In addition, the Agent said he likes the idea of having the shellfish seed as mitigation. He said the shellfish mitigation is a really good idea for situations where upland mitigation is restricted due to site conditions. It is something that works well for the resource areas and for Rick York's shellfish program as well. He recommended to Close and Issue.

Motion: Mr. Shaw moved to Close and Issue, Mr. Rogers seconded the motion. Vote unanimous. 4-0

6:12 Robert L. and Denis L. Archila, 12 Pine Ridge Road/30, 32, and 36 Monomoscoy Road. Proposed demolition of existing structure and construction of new dwelling. RDA

Resource Area: [AE Flood Zone, Salt Marsh](#)

Darren Meyer, Meyer and Sons, represented the applicant. He said the existing dwelling has 3 bedrooms and fully compliant with Title 5 Septic System. The property is partially in an AE Flood Zone and there are no wetlands within 100' of the property. Mr. Meyer explained the project is to raze the existing dwelling and to build a new dwelling and garage and no work will be conducted within 100' of the wetlands. The garage will be built at a later date. He reviewed the plan with the Commissioners. The Agent noted the construction of the house is outside of the flood zone and noted this is a legally established lot. There are no performance standards for the buffer zone to flood zone. It meets the performance standards for land subject to coastal storm flow. The Agent recommended a Negative

Determination.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Rogers. Vote unanimous. 4-0

6:15 Michael and Beth S. Moskowitz, 146 Popponeset Island Road. Request Certificate of Compliance: DEP File No. SE 43-2379 and 43-2379

The Agent updated the Commissioners that the work that was required under a previous permit had not been done. The Order of Conditions required a berm be put in at the top of the coastal bank, which had not been done, and also the planting of low growing native shrub behind the berm had not taken place. Receipts also were to be submitted to the Conservation office showing that the lawn that was installed was of Conservation grass seed mix and there were no receipts in the file. He notified the homeowners of these Conditions that were not met and he is waiting to hear back from the homeowner.

Pre/Post Agenda

Bridges to Mashpee Conservation Restriction: Commission Chairman Signature Required

The Agent stated as part of the Cape Cod Commission's review of this project, they considered it to be a development of regional impact. The developer was required to set aside a certain acreage of the overall lot as a Conservation Restriction. Anytime there is a Conservation Restriction in Town it gets reviewed by the Commission. The language is similar to Mashpee's restrictions: no trails, no fires, etc. The parcel is being set aside for groundwater protection and wildlife habitat. The activities are listed in the Conservation Restriction which is available in the office. It requires the signature of the Chairman. The Commissioners agreed that the Chairman should sign the document.

Briarwood Wetlands Violation

Adam Brodsky, Environmental Lawyer, Drohan Tocchio and Morgan, was representing the Briarwood Association along with Brad Holmes, Environmental Consulting and Restoration. Atty. Brodsky reminded the Commissioners that an issue arose regarding the mowing of their 5-acre recreational area. They promised the Commissioners that they would brainstorm and come forward with a proposed solution which addresses the Conservation Commission's concern regarding this resource area and also accommodate the historic uses of this area by the association. He said what they would like to do is submit a request for determination of applicability that addresses the mitigation work they need to do at the site. There is a proposal to remove the weeping willows and replace those with native species. There is a proposal for removing/filling in the existing drainage swale. There are some nonnative shrubs that will be addressed. They are proposing to submit a surveyed plan of the wet meadow area to the Commissioners through an RDA. In regards to the mowing activity, the attorney maintained that it is an exempt activity, but they would provide a detailed mowing program as to what they will be doing and when they will be doing it.

Mr. Holmes noted the handout he gave to the commissioners was an outline which will be transformed into an RDA application. He said the 4 weeping willow trees will be taken out

and a 2 to 1 ratio of native wetland saplings will be planted. The species were noted in the handout. He said the proposal is to repair that swale and put rip rap in and also remove the invasive shrubs. There is also a description of how the Briarwood group will conduct the mowing at the site.

The Agent recommended them coming forward with an RDA. Following a discussion, the Commissioners agreed Briarwood shall submit an RDA. The Agent noted the parking lot looks undefined and requested this area could be addressed.

Motion: Mr. Shaw moved to adjourn the meeting, seconded by Mr. Rogers. Vote unanimous 4-0. Meeting adjourned 7:00 p.m.

Respectfully submitted,

Judy Daigneault
Recording Secretary