

**Conservation Commission
Minutes of May 14, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

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

Minutes: Approve April 9 and April 23, 2015 Minutes

Motion: Mr. Shaw moved to approve the April 9 and April 23, 2015 minutes, seconded by Mr. Sweet. Vote 5-0-1 with Mr. Gurnee abstaining.

Recap Town Meeting: The Agent gave an update on an article at town meeting. The article proposed purchasing a 4.28 acre of land for open space and conservation to be paid for out of the Conservation Preservation Fund. The Finance Committee opposed the purchase but the voters approved the article. The Agent noted the parcel on a GIS map. He said that some of the surrounding parcels are owned by the Division of Fisheries and Wildlife and this parcel offers more protection for Washburn Pond and the Mashpee River. The purchase price was \$170,000.

AmeriCorps – Pollinator Gardens

The Agent updated the Conservation Commission members on the work AmeriCorps has been doing at the pollinator gardens. They have been weeding and mulching at Pickerel Cove, the Community Garden site and Jehu Pond. The Mashpee Garden Club will be maintaining the gardens at Jehu Pond and the Community Garden and is considering maintaining the gardens at Pickerel Cove. The gardens look great and he noted interpretative language signage is located at each site.

HEARINGS:

6:00 Jeffrey and Justine Cohen, 154 Fells Pond Road. Proposed dock construction and vista priming. NOI

Resource Area: Land Under Water, Fells Pond, LSCSF, BVW, Inland Bank

Jack Vaccaro, Vaccaro Engineering, was representing the applicants. Mr. Vaccaro explained the existing property which borders to the north by Fells Pond and has approximately 60' of frontage on Fells Pond. The property has a single family residence. Mr. Vaccaro described the proposed work which included the construction of a wooden stairway and installation of a small dock for canoe and kayak. The stairway will provide a safe access down the inland bank to a landing from which the proposed dock will extend. The dock is a 4 foot wide ramp and 8 foot by 12 foot float that will extend out approximately 30 feet beyond the water's edge. The dock will be held in place by galvanized pipes.

Mr. Vaccaro explained that the proposed work also includes the creation and maintenance in perpetuity of a vista window that will affect 25 per cent of the width of the property to promote views between the existing house and proposed dock. The vista window will taper to a 20 foot width at the proposed residence and will include the area adjacent to the existing foot path. The vista pruning will consist of up to 30% of the limbs per tree within the vista corridor buffer; up to 20% of the saplings within the corridor may be removed; shrubs will be pruned to no lower than six feet in height within the corridor. Prior to the commencement of any pruning there will be an on-site meeting with the conservation agent. All other portions of the buffer strip will be preserved in a natural state. Mr. Vaccaro said the vista pruning will be performed in accordance with the Mashpee Conservation Commission protocols. He noted that a plan prepared by Engineering Works has been provided.

Mr. Vaccaro also explained that the proposed stairway will span an area of inland bank and bordering vegetated wetland. He also noted that Fells Pond is located within an ACEC. Fells Pond is under 10 acres and it is not considered a Great Pond so this work does not require approval from Chapter 91.

The Agent noted that Mr. Vaccaro referred to the landing as 4' x 6' but is referred to on the plan as 6 by 6 and in accordance with Town dock standards it can't be wider than four feet. He requested that the plans be changed to reflect this. He said everything else is in accordance with all of the vista pruning protocols and it is allowed under the law to have a pathway to the water. The float will be removed seasonally and encapsulated.

There was a discussion on the vista pruning and the Agent read from the Conservation regulations and stated he didn't see any adverse impact to the wetland area. Mr. Vaccaro made a change on the plans indicating the change of the proposed ramp to a dimension of 4 feet wide by 6 feet in length

No comments from the public.

Motion: Mr. Sweet moved to Close and Issue, seconded by Mr. Shaw. Vote unanimous 6-0.

6:03 William D. and Carol A. Sherman, 18 Great River Road. Proposed removal of hazardous trees RDA

Resource Area: [Great River](#)

Carol Sherman, homeowner, explained there is a total of 9 trees she wants to have removed. The Agent noted there was nothing flagged on the property so he wasn't able to determine all of the trees she wanted removed. He said there is no question that some of the trees are in very close proximity to the house that need to be taken down and he suggested that they get clearly flagged so they can get inspected before removal. The Agent also suggested that Mrs. Sherman hire a certified arborist.

No comment from the public.

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Sweet. Vote unanimous 6-0.

6:06 Gary M. Locarno, 51 Waterline South Drive. Proposed screened porch addition, deck extension, phragmites removal, and resource area restoration NOI

Resource Area: [Bordering Vegetated Wetland, LSCSF, Salt Marsh, Land Under Ocean](#)

Matt Costa, Cape and Islands Engineering, represented the applicants. He explained this property has an existing Order of Conditions and as part of this project, they are going to correct the situation to bring the property into compliance. This will close out the existing Order of Conditions and the applicant can move forward to the proposed improvements to this project. Mr. Costa wrote in his narrative that the landscaping to bring the project into compliance will be done prior to any issuance of building permits and referenced the plans which depicted the existing conditions and the proposed improvements. The improvements proposed include the extension of the deck closer to the wetland line which triggers the waiver requirements. Mr. Costa outlined the waiver requirements. Included with the deck extension is a screen porch area which will be in the same structure. It will be located in an area that is now ornamental plantings and a lawn area. A shed and kayak rack and square footage were included in the mitigation calculations. 837 square feet of mitigation is required. They are proposing to remove 2370 feet of lawn area which is not consistent with the lawn standards and also proposing to do an invasive species removal of phragmites which is located at the beginning of the pier. In addition, they are also proposing to replant the previously disturbed buffer zone area which extends into the BVW area. Mr. Costa referred to the plan and noted the area and the planting plan. He said they will be taking up the entire lawn and replanting that lawn in accordance to the lawn standards. He said they meet the performance standards and respectfully requested the commissioners issue the Order of Conditions.

The Agent stated he met with Mr. Costa several times to go over this project to figure out a way to bring the past Certificates of Compliance into compliance. He said there was some clearing done within the buffer zone and the BVW so the plan notation on the restoration area will bring it back into compliance. He said the mitigation requirements are met and the rest of the plantings are for the purpose of addressing some unauthorized clearing that took place in the past. Another unauthorized activity was establishment of a lawn that doesn't meet the lawn standards and is being mitigated for by replacing it with a conservation seed mix.

Mr. Costa said this project will be a net benefit to the property. It will be an environmental benefit to remove the lawn and replace it with lawn that is in compliance with the lawn standards because of the nitrogen loading and that reduced nitrogen is a benefit. Environmentally, the site will be better off when they are done. Mr. Costa referred to the planting plan and reviewed the plantings.

The Agent stated said he feels comfortable that the plan meets the mitigation standards. There was a discussion on the placement of the deck and the lawn area. Mr. Costa said they are trying to do their best to make this site better and to clean it up and to follow the regulations and meet the performance standards. The Agent commented on the existing shrubs on the edge of the gravel path in the lawn area and recommended they be moved closer to the BVW and to the buffer zone. This would enhance the bordering vegetated wetland to the greater extent possible. He recommended the commissioners approve the relocation of those bayberry plantings closer to the BVW.

The Agent stated overall the project doesn't adversely affect any performance standards associated with the site. He said that what is being proposed is going to greatly enhance the buffer zone and the bordering vegetated wetland for an exchange that isn't going to cause any adverse impacts to any of the performance standards or to any of the resource areas involved. He recommended a close and issue.

Chairman Anderson read a letter into the record from Mr. John Power dated April 22 in opposition to the screen porch. It was noted this letter was related to the zoning issues on this property.

No comment from the public.

Motion: Mr. Sweet moved to Close and Issue, seconded by Mr. Shaw. Vote unanimous 6-0.

6:09 Brian W. and Maureen H. Smith, 21 Kim Path. Proposed septic system upgrade RDA

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

Ana McEntee, Engineering Works, represented the applicants. She stated the site lies to the east of Dean's Pond and the proposed soil absorption system is sited outside of the 100' buffer to the bordering vegetated wetland connected to Dean's Pond. The proposed project is within the 100 year flood zone and Land Subject to Coastal Storm Flowage. She said the work will consist of removing the existing cesspool and a new pump chamber and soil absorption system will be installed as shown on the plan. The areas disturbed will be restored with loam and seed.

The Agent referred to the photos showing an existing lawn. He read the Board of Health comments: Board of Health approved plans dated April 22, 2015 with variance relief. A conventional Title V system with a pump chamber and retaining wall are proposed". The Agent recommended a Negative Determination.

No comments from the public.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Sweet. Vote unanimous 6-0

6:12 Catherine R. Hilton, 81 Lighthouse Lane. Proposed septic system upgrade RDA

Resource Area: [Buffer zone to coastal bank](#)

Ana McEntee, Engineering Works, represented the applicant. She stated the subject site lies on the western bank of Simon's Narrows between Lighthouse Land and the water. Proposal calls for a soil absorption system and is sited outside of the 100' buffer to the salt marsh and 94' from the top of the coastal bank and is sited outside of the 100 year flood zone. Ms. McEntee said the work will consist of pumping, filling and abandoning the existing leach pit. A new pump chamber and soil absorption system will be installed as shown on a plan. Areas disturbed will be restored with loam and seed and stone driveway as shown on the plan.

The Agent stated this is a coastal resource area and stated the Board of Health has approved the plan dated April 21, 2015 with variance relief. The domestic well will be abandoned and town water will service the dwelling. The application was approved on May 6, 2015. He recommended a negative determination.

No comment from the public.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Sweet. Vote unanimous 6-0

6:15 Ellen Ella LLC, 19 Amy Brown Road. Proposed tree removal, tree pruning and addition of stone under existing deck. RDA

Resource Area: [Coastal Bank/ buffer zone to Coastal Bank](#)

Andrew Starkweather , homeowner, explained he contacted Tom Staruch of Quality Tree Care to consult and his evaluation included there were several pitch pines that pose a direct threat to the house. He requested permission to remove the tree on the northwest corner of the house. It is leaning toward the house and many of the upper branches are hanging over the house. This is the only tree to be removed completely. The tree service suggested that the scrub pines be pruned for safety and overall health. The applicant was also requesting to place washed stone in the space underneath the deck.

The Agent pointed out on the photos the trees in question and the one that is to be removed. He noted the branches are growing out over the house. He said there was no issue with the gravel under the deck and that it may help with containing the drainage down the bank. He recommended a negative determination.

No Comment from the Public.

Motion: Mr. Sweet moved a Negative Determination, seconded by Mr. Shaw. Vote unanimous 6-0.

6:18 Thomas F. and Bonnie A. Smith, 266 Monomoscoy Road. Amend Order of Conditions 43-2755 for proposed elevated walkway over salt marsh and a dock extending into Great River. AIOC

Resource Area: [Land Under Ocean, BVW, Salt Marsh, LSCSF, Land Containing Shellfish](#)

Thomas Smith, homeowner, was proposing to amend the Order of Conditions (SE 43-2755) by increasing the bent section from 10' to 16' on center and incorporate a 12' ramp and an 8' by 25' float. The proposal will also relocate the dock and maintain 25' from southern property per the Harbormaster and add public access stairs located at 266 Monomoscoy Road. The dock is intended to improve access to the water body for recreational boating purposes and as such it represents a water dependent structure. The proposed project meets the performance standards. The Agent noted the protocol that the float needs to be encapsulated and the signage on the ramp, float and piles.

No comment from the public.

Motion: Mr. Shaw moved to amend the order of conditions 43-2755 for proposed elevated walkway over salt marsh and dock extending into Great River. Seconded by Mr. Sweet. Vote unanimous 6-0

6:21 Marlene Susienka, 160 Wheeler Road. Permit existing dock. RDA

Resource Area: [Ashumet Pond \(Land Under Water bodies and Waterways\)](#)

Katherine Norton was representing the applicant and was requesting a permit for an existing seasonal dock. The Agent stated this was a request for a seasonal beach dock on a sandy beach area on Ashumet Pond. He said all separable parts need to have a street address displayed. This dock would need a license from Chapter 91. He recommended to close and issue.

No comment from the public.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Sweet. Vote unanimous 6-0

6:24 Emily Marks, 34 Bluff Avenue, Proposed expansion of bedroom. RDA

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

Michael LeBlanc was representing the applicant, and explained they have a lot that ended up in the flood zone. The proposal is to add a 6 by 18' addition in the rear with the removal of the bulkhead. The impact would be minimal. The Agent stated this is an area that is covered by the new FEMA flood insurance maps as Flood Zone A. He noted the existing conditions on a photo. There is no impact to the performance standards on the flood zone for native vegetation on the lot. He recommended a Negative Determination.

No comment from the public.

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Sweet. Vote unanimous 6-0

6:27 Christine E. Mone, 20 Sand Dollar Lane, Proposed construction of kayak rack at end of Sand Dollar Lane. RDA

Resource Area: [BVW, Salt Marsh, Land Under Ocean, LSCSF](#)

Christine Mone stated she was requesting a permit to construct a kayak rack at the end of Sand Dollar Lane. It was determined that the land was owned by the Peninsula Council and the commissioners requested that Christine obtain a letter of permission from the Association president to put the kayak rack at this location. The area in question was noted on the plan. Following a discussion, Christine Mone requested the hearing be continued in order for her to get documentation from the Peninsula Counsel and to notify abutters.

No comment from the public.

Motion: Mr. Sweet moved to continue the hearing to May 28 at 6:10 p.m., seconded by Mr. Shaw. Vote unanimous 6-0

6:30 Matthew G. and Susan R. Dempsey, 37 Bluff Avenue. Proposed relocation of bulkhead and replacement of existing patio with a deck. RDA

Resource Area: Land Subject to Coastal Storm Flow

Joe Anastos, Interior Design Concepts and Remodeling, represented the applicants. He stated the proposal was to replace the existing patio area with a deck and move the bulkhead over to the side of the house. The Agent noted this is a landlocked lot within the flood zone, no removal of any natural vegetated areas on the lot. He recommended a negative determination.

No public comments.

Motion: Mr. Sweet moved a negative determination, seconded by Mr. Shaw. Vote unanimous 6-0

Update – Town Meeting

The Agent stated that an article was approved under CPA funding to create a new parking area at the Santuit Pond Preserve parcel. He noted the area on the photo. The current access is in between two houses. He also noted where the parking lot will be located. AmeriCorps would come in and build a connecting trail. Also part of the CPA funding is to remove an old garage on the site.

Refuge Wildlife Partnership Meeting

The Agent stated he attended a Refuge Wildlife Partnership Meeting. The ongoing work taking place on the refuge is the work regarding the cottontail rabbit. All prescribed burning has been halted due to the dry conditions. They invited Cape Cod Mosquito Control to this meeting which was very informative. Cape Cod Mosquito Control doesn't do much spraying but they go into the areas and clear ditches and improve water flow. They do have a larvicide they apply and they only spray in places where it could be a health threat (mosquito borne diseases). As a courtesy the Agent asked if the Refuge could notify the Conservation office that they are going out so if we get any inquiries, the office can let residents know. At the meeting, there was also discussion on the second phase of Abigails Brook and about enforcement of gates/locks to conservation parcels

Motion: Mr. Shaw moved to adjourn the meeting, seconded by Mr. Sweet. Vote unanimous 6-0. Meeting adjourned 7:55 p.m.

Respectfully submitted,

Judy Daigneault
Recording Secretary