

Conservation Commission  
Minutes of May 26, 2016  
Public Hearings  
Mashpee Town Hall  
Waquoit Meeting Room

Commissioners: Bradford R. Sweet, Ralph B. Shaw, Jr., Dale R. McKay, Mark N. Gurnee, John R. Rogers, Robert C. Anderson 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 Brad Sweet at 5:55 p.m.

There was no public comment.

**PRE/POST-HEARING AGENDA**

Minutes: Approve April 28 and May 12 Minutes

Motion: Mr. Shaw moved to approve the April 28 Minutes, seconded by Mr. McKay. Vote 4-0-2 with Mr. Gurnee and Mr. Rogers abstaining.

Motion: Mr. Shaw moved to approve the May 12 minutes, seconded by Mr. McKay. Vote 5-0-1 with Mr. Anderson abstaining.

**Update: Upper Quashnet River Steering Committee**

The Agent explained the Division of Ecological Restoration (DER) put out a priority projects request for responses. This Division specializes in river restoration. The Steering Committee has been gathering information on what the goals are for the upper Quashnet in terms of river realignment, wetland restoration and addressing some issues with the John's Pond fish ladder. There is a general consensus on the concept we would like to see at the Upper Quashnet River. It is similar to the Childs River Restoration, with the difference being that the Commission owns the land. The Agent said he sent out word to gather up letters of support so he can send them out with the application. He will be organizing another meeting of the Steering Committee to go over the application before he sends it to DER. The deadline for submitting the application is the end of June. The Agent noted he felt confident that we should get some assistance this time around. He will be giving a presentation to the Board of Selectmen because he would like to get endorsement from them as well.

HEARINGS:

**6:00 Victor L. Berman, Trustee, 7 Bight Circle. Proposed Septic System Upgrade. RDA**

**Resource Area: [LSCSF, buffer zone to coastal bank](#)**

Dillon Miller, Falmouth Engineering, represented the applicants. He stated the proposal is to upgrade the septic system to a title five system. The work will be inside the 100' buffer. The

system will be installed under the crush stone driveway which will be replaced. The Agent stated he did not receive any comments from the Board of Health and recommended the approval be conditioned on Board of Health approval.

No questions from the public.

Motion: Mr. McKay moved a Negative Determination upon Board of Health approval. Seconded by Mr. Shaw. Vote unanimous 6-0.

**6:03 Town of Mashpee, 493-Beach Great Oak Road. Proposed alternate dredge site. Owner of record: Commonwealth of Massachusetts Department of Environmental Management. At request of applicant, continued from April 14 & May 12, 216 to allow for NHESP Review. NOI**

Motion: Mr. Rogers moved to continue the hearing at the request of the applicant to June 9 at 6:00 p.m., seconded by Mr. Shaw. Vote unanimous 6-0

**6:06 Erin L. McSweeney, 387 Monomoscoy Road. Proposed relocation of two piles and addition of float to existing, licensed pier structure. NOI**

Motion: Mr. McKay moved to continue the hearing at the request of the applicant to June 9 at 6:03 p.m., seconded by Mr. Shaw. Vote unanimous 6-0

**6:09 Philip M. and Laura Fragasso, 4 Pondview Road. Proposed septic system upgrade. RDA**

[Resource Area: Riverfront, LSCSF](#)

Jeffrey Ryther, BSS Design, represented the applicants. He described the project is to upgrade the failed sewage disposal system to a Title V system. Two pines will be removed for access. He said they filed with the Health department but didn't get a response.

The Agent recommended a Negative Determination with the condition that the Board of Health approves the project.

No comments from the public.

Motion: Mr. McKay moved a Negative Determination with the condition the Board of Health approves the project. Seconded by Mr. Shaw. Vote Unanimous. 6-0.

**Joseph Colasuonno/Scott Nickerson: Coastline Drive Bank Stabilization Project/Golf Course Bank Clearing**

Joseph Colasuonno was present.

Mr. Gurnee explained recently he observed an accumulation of large pieces of rocks, shells and stones between the piles which need to be removed as well as the other large items from behind the piles. This situation was noted in photographs provided.

The Agent explained this project was proposed and permitted in 2011 for the purpose of stabilizing an eroding coastal bank. The project is comprised of mostly biodegradable materials, including sand filled coir envelopes and wooden pilings. The Agent noted it is not known how this debris got there. He explained the issues: the spacing between the piles is frequently jammed up with small debris such as cobblestones that wash in to the piles through wave energy. There is a mix of small, medium and large debris on the bank side (landward) of the pile configuration. He explained when the spacing between the piles is clogged with debris, the pile configuration performs more like a solid wall than a permeable structure. This results in a violation of the performance standards for coastal bank and coastal beach.

The Agent stated the Commission should require a set number of inspections from the permit holder to occur during an annual time frame. He suggested making the inspections no less than quarterly at a minimum with specific dates of inspections to be carried out in perpetuity, year round. He said the inspections should include photographs of pre and post cleanup, a brief narrative including the date and time of inspection, name of inspector and summary of existing conditions and the maintenance work that took place, as well as statement of time when inspection took place. This information will help the Commissioners monitor this project to ensure it continues to meet the performance standards.

The Agent said he would be willing to do a site visit with Mr. Colasuonno but he wanted to make it known that his recommendations are what the Commissioners should require. It was agreed that Mr. Colasuonno, the Commissioners and the Agent will walk the site to make observations and also visit the second tee to see how that is going. Mr. Colasuonno will meet with the Commissioners at their next meeting after the site visit and reviewing the Agent's recommendations.

### **Golf Course Bank Clearing**

Scott Nickerson, Golf Course Superintendent, stated he was responsible for the clearing on the bank. He met with the Agent and Matt Creighton from BSC on site and discussed the plantings.

The Chair read the recommendation from the Agent: recommend that the Commission requires the filing of a Notice of Intent for the restoration and mitigation of this area of cleared vegetation of the coastal bank. The applicant must hire a certified landscape professional who will create a suitable restoration plan to accompany the NOI application. The Agent recommends that the consultant/contractor conducts a thorough inventory of what vegetation was cut and what vegetation exists nearby along the remaining vegetated portion of this coastal bank. This information should be included in a restoration narrative, including specific vegetation species, spacing, site preparation, methodologies and long term monitoring protocols no less than 3 years. This narrative should be in accordance with the protocols in a Mitigation Regulation 12 under the Chapter 172 Wetland Bylaw.

Matt Creighton referred to the management plan and requested permission to treat the poison ivy. Matt said he has to have a plan and site survey done and hopefully be ready in a month. He recommended doing the planting in the fall because the planting season is much better. The Agent asked that Mr. Creighton submit a full planting inventory and noted there is a cease and desist order with no cutting or pruning in this area. Mr. Creighton stated the bank was still vegetated and stable and the root mass is holding the bank. The Agent agreed with treating the poison ivy.

The Chair stated Mr. Nickerson has been a model citizen and asked why the coastal bank was cleared of vegetation. Mr. Nickerson said he wasn't thinking it was environmental and in his mind he was thinking he would mow it down and plant some beach grass. The size of the area is about 15 feet to 25 feet, in a pie shape. He said he did it on his own and has no excuses. He apologized and takes full responsibility.

There was a discussion on whether to implement a fine. The Agent said he did not recommend a fine because Mr. Nickerson fully cooperated. It was decided that a notice of intent will be filed as soon as possible with the idea the planting may have to wait until the fall. The Agent said the process can start immediately and the planting can wait until the fall.

**Administrative Approval Request: Deanna Broadley (One Point)-Request to put down seasonal beach access walkway-19 Ocean Bluff Drive**

DeAnna from One Point explained the homeowner is requesting to put down a mobile walkway down to the beach. The removable walkway would be put down before Memorial Day and removed just after Labor Day. The Agent noted the location of the walkway on a photo. He stated the pathway is already there leading out to the coastal beach. He suggested a Mobi-mat which is used at South Cape Beach and is less obtrusive than the product being proposed. DeAnna stated the walkway will be picked up before an impending storm. Following a discussion, the Agent stated he didn't see any kind of impact for this design or the Mobi-mat and suggested contacting the DPW for information on the Mobi-mat

Motion: Mr. McKay moved to approve the Administrative Approval as presented with the recommendation of going with the Mobi-mat, seconded by Mr. Shaw. Vote 5-0 with Mr. Anderson voting in the negative.

Motion: Mr. Shaw moved to adjourn, seconded by Mr. Rogers. Vote unanimous 6-0.

Meeting Adjourned 7:20 p.m.

**ADDITIONAL TOPICS**

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

Respectfully submitted,

Judith Daigneault, Recording Secretary

