

**Conservation Commission
Minutes of May 28, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: In attendance: John Rogers, Dale McKay, Ralph Shaw, Brad Sweet, and Louis DiMeo (Associate Member). Absent: Robert C. Anderson and Mark N. Gurnee.

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 Ralph Shaw at 5:55 p.m.

There was no public comment.

Pre Post Hearing Agenda:

Minutes: Approve May 14, 2015 Minutes

Motion: Mr. Sweet moved to approve the minutes of May 14, 2015, seconded by Mr. Rogers. Vote 4-0, unanimous.

Mashpee Wampanoag Tribe Natural Resources Department. Upcoming grant applications for habitat work on the Mashpee River and Popponesset Bay (oyster reefs). Conservation Commission endorsement letters.

The Agent informed the members he met with Chuck Green of the Mashpee Wampanoag Tribe, Natural Resources Department and Quan Toby, the Natural Resources Director. The Tribe is in the process of applying for grants and one of them is through the US Fish and Wildlife Services which is available to Native Indian Tribes for habitat restoration. The work proposed is in different areas of the upper Mashpee River. One of the proposals is to build up the embankments to try to increase the depth of the river. The Agent stated Tribe is asking him to draft a letter of endorsement for the grant application and have the Commissioners sign the letter. The Agent said he would schedule an onsite visit to the property so the Commissioners can get a visual of what the Tribe is proposing to do. The other grant they are pursuing is through the EPA for the establishment of oyster reefs in different areas of Popponesset Bay. Basically, using oyster spat or shells to create the base for the reef and then seeding it with oyster seeds. The Tribe is trying to re-establish a native oyster population not only for harvesting but to improve water quality. The Agent will draft the letters that will fully explain the purpose of the grant.

HEARINGS:

6:00 Philip R. and Kathleen Elia, 49 Pond Circle. Proposed Seasonal Dock. RDA

Resource Area: [Land under Water bodies and Water Ways](#)

Philip and Kathleen Elia, homeowners, were present. Mr. Elia explained they are requesting a dock to make it a more secure situation. The Agent explained this was formally categorized as a 10A float, for which the homeowners were paying a fee, when in actuality it is a dock. The purpose of the application is to recognize it in its existing footprint as a freshwater dock and have it formally recognized under a wetland permit. The Agent informed the homeowners if the Commission approves they will need to get a Chapter 91 license. He also informed them that the Harbormaster requires that the home address be displayed on the float and the ramp.

No comment from the public

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

6:03 U.S. Geological Survey, 0 Santuit Pond Rear. Proposed installation of monitoring wells on Conservation land near southern shore of Santuit Pond. Owner of Record Town of Mashpee. RDA

Resource Area: [Buffer zone to BVW and Land Under Waterbodies and Water Ways \(Santuit Pond\)](#)

Dennis LeBlanc from the US Geological Survey presented the application. He explained the proposed site is located in the Santuit Pond Reserve at the end of the unpaved road that skirts the northern side of the cranberry bog. The wells would be installed about 20 to 100 feet from the shore of the pond at the edge of the road. Mr. LeBlanc stated the U.S. Geological Survey proposes to install two groundwater monitoring wells near the southern shore of Santuit Pond at the abandoned cranberry bog. The wells are a part of a new USGS project to increase the understanding of the interaction between Cape Cod's kettle lakes and the groundwater system. The drilling would be done by a USGS crew. Only minor trimming of branches might be needed to allow for safe passage of the drilling rig along the unpaved road. Any of this work would be cleared by the Conservation Agent. The proposed drilling is scheduled for June 8-17 and would take about one day to complete. The Agent said it is in the interest of gaining more data for research purposes and would encourage a negative determination.

No comment from the public

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

6:06 Richard J. and Sandra T. Horsman, 130 Wheeler Road. Proposed tree removal. RDA

Resource Area: [Inland Bank, buffer zone to Ashumet Pond](#)

Richard Horsman, homeowner, explained the proposal is to remove four trees. He noted the trees on the photos provided. A 6" tree has deteriorated due to disease and the stump will remain and plantings will be placed around the stump. The oak on the slope next to the steps is in poor form with deteriorating limbs and the stump will remain for the stabilization of the slope. A 7" oak at the bottom of the steps has poor form and some dead limbs and

the stump will be removed. An oak at the base of the slope is deteriorating and Mr. Horsman requested permission for it to be cut 6 to 7 feet up where there are two to three branches starting growth. The tree would also allow more sunlight for the plants on the slope. The Agent said he agrees with the removal of the three trees near the steps and noted them on the photos. The one tree he had an issue with is the tree in the middle of the bank. He said that one does not pose a threat at this time. It could be pruned but, in his assessment, it is quite healthy and doesn't pose a threat at the time. He recommended this tree not be removed. Mr. Horsman agreed to the Agent's recommendation.

No Comment from the Public

Motion: Mr. Sweet moved a negative determination with the condition that the 4th tree as discussed not be removed, seconded by Mr. Rogers. Vote 4-0, unanimous.

6:09 Laura E. Kanter and Susan Wilson, 9 Kanter Lane. Proposed installation of driveway, construction of an addition to dwelling, installation of new Title V septic system. RDA

Resource Area: [Land Subject to Coast Storm Flow, Buffer Zone to Coastal Bank, Salt Marsh](#)

Matt Creighton, BSC Group, represented the applicants. He explained the proposed project is to construct an addition to an existing single family dwelling and stone driveway. The addition is proposed at a disturbance of 53 feet within the 50-100 ft. buffer zone to salt marsh and within the 50-100 ft. buffer zone to the coastal bank. The stone driveway is proposed at a disturbance of 22 feet within the buffer zone to salt marsh and within the buffer zone to the coastal bank. Mr. Creighton also explained the project will require relocation and installation of a new Title V septic system. The existing cesspool will be pumped, crushed, and filled and the proposed septic system will fall outside of the 100 ft. buffer zone. The Agent noted the applicant has not filed with Board of Health. Mr. Creighton stated the owner has spoken with Board of Health and they have no issues and an application will be filed. The Agent showed the Commissioners the site conditions on the photos. There was a picture of the house facing towards Waquoit Bay and the coastal bank which is armored. He said there is no proposed expansion towards the resource area so none of this triggers any mitigation requirements. His only concern is the applicant must communicate with the Board of Health. The permit will be issued after the Conservation Department gets confirmation from the Board of Health that the proposal has been approved. The Agent recommended a negative determination.

No comments from the public.

Motion: Mr. Sweet moved a negative determination with the condition the Board of Health gives their approval, seconded by Mr. Rogers. Vote unanimous, 4-0.

6:12 Christine E. Mone, Sand Dollar Lane. Proposed installation of kayak rack at end of Sand Dollar Lane. Continued from May 14, 2015. Applicant requests additional continuance. RDA

Motion: Mr. Sweet moved to continue the hearing at the Applicant's request to August 13, 2015 at 6:00 p.m., seconded by Mr. Rogers. Vote 4-0, unanimous.

6:15 Plato A. Spillios II, 366 Monomoscoy Road. Proposed septic system upgrade RDA

Resource Area: [Flood Zone, Buffer Zone to Coastal Bank, Great River](#)

Darren Meyer, Meyer and Son, represented the applicant. He stated that the cesspool has failed and the proposal is to replace an existing cesspool unit with a fully compliant Title V septic system, 1,500 gallon septic tank, D-box and leaching field. He said the 100-foot setback requirement will be maintained when siting the system. The Agent stated the Board of Health is waiting for revised plans and the application has been submitted and is currently under review.

No comment from public.

Motion: Mr. Sweet moved a negative determination with the stipulation that the Board of Health concerns be addressed before the issuance of the permit. Seconded by Mr. Rogers. Vote unanimous, 4-0.

6:18 David S. and Melody Rose, 184 Rock Landing Road. Proposed septic system upgrade. Owner of Record: Armin and Julie Cline RDA

Resource Area: [Buffer Zone of the Bordering Vegetated Wetland and Land Subject to Coastal Storm Flow.](#)

Jeff Ryther, BSS Design, Inc., represented the applicants. He stated he was representing the former owners. Mr. Ryther stated the project is to upgrade the sewage system to meet title V regulations. The existing system will be pumped and filled with clean soil. The proposed site work will occur within the Flood Zone and within the buffer zone to the Pond. He explained the system is composed of a singular denitrification septic tank, a pump chamber in the parking area and a slightly elevated soil absorption system. All disturbed areas shall be restored to match existing conditions except at the SAS. This area will be restored with loam and seed or wood chips along the gravel driveway.

The Agent noted the Board of Health comments. The plans are under review for a new Title V system with an I/A denitrification unit, singular system.

It was noted the former owner is the applicant and the new owner has reviewed the plans and the upgrade is being paid for by the former owner.

Motion: Mr. Sweet moved a negative determination with the condition the Board of Health approval. Seconded by Mr. Rogers. Vote unanimous, 4-0.

The Agent noted he was at the Quashnet Bogs last week with the Natural Resources Conservation Service and used the ground penetrating radar unit to get a look at the peat and sand layers underground. He said it was interesting to see how the radar image of how it looks underground. They surveyed the entire western and northern bog edge and should receive the results in a month. It will be useful information as to whether or not river realignment is feasible. The Agent said another thing to consider is the effects to the existing wetland areas which support the river habitat if the river is realigned. This study will help the Commissioners make a decision on a realignment scenario.

Motion: Mr. Sweet moved to adjourn the meeting, seconded by Mr. Sweet. Vote unanimous 4-0. Meeting adjourned 7:55 p.m.

Respectfully submitted,

Judy Daigneault
Recording Secretary