

**Conservation Commission
Minutes of July 14, 2016
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Bradford r. Sweet, Dale R. McKay, John R. Rogers, Robert C. Anderson and Louis J. DiMeo (Associate Member).

Call Meeting to Order: 5:55 p.m.

The meeting was called to order with a quorum by Chairman Bradford R. Sweet at 5:55 p.m.

There was no public comment.

PRE/POST-HEARING AGENDA

Minutes: Approve June 9, 2016 and June 23, 2016 Minutes

Motion: Mr. Rogers moved to approve the June 9 and June 23, 2016 minutes as presented, seconded by Mr. McKay. Vote unanimous, 4-0.

Signatures: Clippership Village Association land donation

The Agent noted at the last meeting the Commissioners were introduced to and endorsed the parcels that were to be donated to the Conservation Commission from Clippership Village Association. He stated the Board of Selectmen has also endorsed the donation. The Agent said he will be passing the deeds along at the end of the meeting for the Commissioners' signatures.

Letter: to Division of Marine Fisheries – Santuit Pond fish ladder/final comments/feedback

The Agent referred to the letter he drafted to the Division of Marine Fisheries regarding the Santuit Pond fish ladder. He asked if there were any comments or suggestions to please let him know. The letter is addressed to Brad Chase, a fisheries biologist at the Division of Marine Fisheries, with a copy to the Board of Selectmen.

ADDITIONAL TOPICS

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

HEARINGS

6:00 Town of Mashpee, (Applicant), 493-Beach Great Oak Road. Proposed alternate dredge site. Commonwealth of Massachusetts Department of Environmental Management – Owner of record. At request of applicant, continued from 4/14, 5/12, 5/26, 6/9/2016 to allow for NHESP review. NOI

Resource Area: Barrier Beach, LSCSF, Coastal Dune, Coastal Beach, Rare Species Habitat

Matthew Creighton, BSC Group, represented the applicant. He explained they were seeking an alternate site for the dredging along Nantucket Sound for beach nourishing rather than Callie's Beach. The proposed site is bordered by Nantucket Sound, Sage Lot Pond, Great Oak Road and Waquoit Bay. He referred to the letter from Natural Heritage with their comments that the project take place with no work to be done between April 1st and August 31st. They also mentioned no dogs allowed on the beach. 3,000 cubic yards of sand will be dredged and will be placed between the mean high water mark and the high tide mark at the end of Dead Neck. Mr. Creighton described the dredging process along with the beach nourishment.

The Agent noted he was concerned with how it would affect the rare species habitat. He said beach nourishment is an allowable activity as long as it doesn't affect the rare species habitat. The time restriction can be incorporated into the Order of Conditions, as well as no planting of grasses and no fences.

No comments from the public.

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

6:03 Lynn Giacchetto, Trustee, 9 Chart Way. Proposed demolition/reconstruction of single-family dwelling. NOI

Resource Area: LSCSF, Buffer Zone to Coastal Bank, Land Under Ocean and Salt Marsh

Matthew Costa, Cape and Islands Engineering, represented the applicant. He explained the proposed project is to raze and replace the existing single family home on the same footprint. He noted the resource areas and said the owner was very careful to use the exact same footprint. The project meets all the performance standards. The same septic system will be used. The Agent asked about the lawn and the construction access. Mr. Costa said there will be excavators, concrete form trucks in a very tight site but there is room to work. Mr. Costa said they intend to abide by the lawn standards for the disturbed lawn. The Agent said his recommendation would be to extend the same type of lawn all the way to the wall, but it is not required. Mr. Costa said he would speak to the owners. The Agent noted the dock doesn't have any signage, DEP number or address which should have been done a while ago and will be a condition put on the Order of Conditions. He said there are no other issues and there is no adverse impact to the resource areas. He said that the Commission can condition that any lawn areas that are disturbed have to adhere to the lawn standards, which, hopefully, they can extend to the rest of the lawn.

No comments from the public.

Motion: Mr. McKay moved to Close and Issue with the conditions discussed by the Agent, seconded by Mr. Rogers. Vote unanimous, 4-0.

6:06 43 Waterline LLC, 43 Waterline Drive. Proposed Amendment to Order of Conditions 43-2863 with revisions to patio, pool and house footprint. At request of applicant, continued from 6/23/2016 to allow for revised plans. AOC.

Motion: Mr. McKay moved to continue the hearing at the request of the applicant to July 28, 2016 at 6:06 p.m., seconded by Mr. Rogers. Vote unanimous, 4-0.

6:09 Neil and Kathleen Rubado, 126 Wading Place Road. Proposed septic system upgrade. RDA

Resource Area: LSCSF, Buffer Zone to Coastal Bank, BVW, Salt Marsh

Matthew Costa, Cape and Islands Engineering, represented the applicant. He said part of the property is located within land subject to coastal storm flowage and there is a coastal bank as shown on the plan. There is also an isolated wetland. The existing structure has two septic systems right now and they are proposing to upgrade the septic system which is proposed in the driveway. They will re-pipe into a septic tank and then into a pump chamber up the hill to the front yard. He said this is a significant environmental improvement and Board of Health has approved the plan.

The Agent noted the coastal bank is a coastal bank by topography only. It is not a sediment source and the excavation is not going to destabilize the bank. He noted the Board of Health approved the septic plan.

No comments from the public.

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

6:12 Town of Mashpee, 491 Great Oak Road Proposed Amendment to Order of Conditions 43-2799 with expansion of boat ramp and floating dock facility and additions of a kayak drop-off area, dinghy storage rack and utility pole for security camera. AOC

Resource Area: Land Under Ocean, Land Containing Shellfish, Salt Marsh, BVW, LSCSF

Roger Michniewicz, Coastal Engineering, represented the applicant. He explained they are requesting an Amendment to the Order of Conditions which was issued by the Conservation Commission on October 20, 2014. He stated the proposed work for the Amendment includes the removal of a concrete boat ramp and floating dock as outlined on the plan. The proposed boat ramp will be 40 feet wide and the floating dock will be 8 feet wide. Also proposed is a kayak drop off area, a dinghy rack and a new pole for the mounting of a security camera. The Agent stated he has been out to the site many times and stated the addition of a dinghy ramp will allow the salt marsh to recover and noted on a photo what the rack will look like. There was a brief discussion on bathroom facilities and it was noted this wasn't within the Commission's jurisdiction.

The Agent stated the Harbormaster and the Shellfish Constable are pleased with what is being proposed. It will increase their access and relieve congestion while accommodating passive boating access as well.

No comments from the public.

Motion: Mr. McKay moved to approve the Amendment to the Order of Conditions as discussed, seconded by Mr. Rogers. Vote unanimous, 4-0

6:15 Paul S. and Margaret K. Hovsepian, 13 Compass Circle. Proposed reconstruction of licensed float. NOI

Resource Area: BSS, Land Under Ocean, LSCSF, BVW, Salt Marsh

Jeffrey Ryther, BSS Design, represented the applicant. He explained the proposed project is to reconstruct an existing wood pier and replace the ramp and install a larger float system into the waters of Popponeset Creek. The reconstruction involves the removal of the upper pier structure and rebuilding the wood pier in the same footprint of the previously licensed structure. The grating will be an open design to allow for light penetration. The floats will be made of wood framing and the applicant wants to enlarge the float from 8'x16' to 8'x16' side float with a main float of 10'x30' as noted on the plan. He explained the piles will be installed from a barge and the old wood piles will be removed. He noted there will be no disturbances to the natural coastal bank or the land subject to coastal storm flowage.

The Agent said the Shellfish Constable has no concerns. The Harbormaster questioned the boat size but noted prop dredging is not allowed. The Agent stated he uses template that he puts into all Orders for docks and piers. The Harbormaster also said there is enough separation from the neighbors. The Agent also noted the float's replacement of the current planking boards will help the salt marsh. He also noted this project has to go through Chapter 91.

No comments from the public.

Motion: Mr. McKay moved to Close and Issue with the conditions discussed by the Agent, seconded by Mr. Rogers. Vote unanimous, 4-0.

Pre-Post Hearing Agenda

Administrative Review Request for 181 Daniels Island Road

The Agent said this request is for a boulder revetment that is going to be tied into his neighbor's project. It is the same project extending through two lots.

Mr. Glenn Thompson said he is here on behalf of Mr. Vanderbrug. He said Mr. Vanderbrug would like to change the wall in his area on Mr. Thompson's property at 175 Daniels Island Road so he doesn't lose his walkway. Mr. Thompson distributed some pictures. He said Mr. Vanderbrug would like to move the wall about 3 or 4 feet so he will still have access to the brick wall. He noted they are currently building the wall now. The Agent stated that

because the work being proposed pushes the wall outside the work limit that was originally approved, that is an automatic required Amendment to the Order of Conditions. He said he didn't see an issue but his suggestion is the homeowner still has to come in and retro permit for it in accordance with the Bylaw. This requires an updated engineering plan. This Administrative Review is being brought before the Commissioners because of a timing issue. They discussed the mitigation and additional mitigation needed due to the bump out of the wall.

No comments from the public

Motion: Mr. Sweet moved to approve the Administrative Review request with the understanding the applicant would return with an after-the-fact request, seconded by Mr. Rogers. Vote 3-1 with Mr. McKay voting in the negative.

Mr. Marsters was present from Country Club Lane in the event the Commissioners had a question on his COC. The Commissioners signed with no questions.

Reorganize - The Agent stated Mark Gurney stepped down from the Conservation Commission due to the fact he moved out of the Town of Mashpee. The Agent and the Commissioners noted all of the fine work and the time Mr. Gurney put into the Conservation Commission and the Agent will prepare a Certificate of Recognition. Mr. Gurney was the liaison to the Farley Bog Restoration Committee.

Motion: Mr. Rogers moved to appoint Mr. Dale McKay to the Farley Bog Restoration Committee, seconded by Mr. Anderson. Vote unanimous 4-0

The Agent noted that on the DEP Adjudicatory Hearing on the three seaside properties will be held on August 4th at 9:00 a.m. at the DEP Headquarters in Lakeville. He will provide transportation to the Commissioners who wish to attend.

Motion: Mr. McKay moved to adjourn, seconded by Mr. Rogers. Vote unanimous 4-0

Respectfully submitted,

Judy Daigneault, Recording Secretary