

**Conservation Commission Minutes  
Thursday, July 23, 2015  
Mashpee Town Hall  
Ockway Meeting Room**

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

**Staff Present:** Drew McManus, Conservation Agent.

Chairman Bob Anderson called the meeting to order at 5:55 p.m.

No comments from the public.

**PRE/POST-HEARING AGENDA:**

**Approval of Minutes:** June 11, 2015 Minutes.

**Motion: Mr. Rogers moved to approve the minutes of June 11, 2015, seconded by Mr. Sweet. Vote 4-0 unanimous**

The Agent announced the public meeting to take place for public comment on August 25<sup>th</sup> at 6:00 pm. This meeting is to seek public comment regarding Mashpee's land disposition. It is in regard to tax taking parcels and is seeking input as to what parcels are suitable for affordable housing, conservation land and nitrogen abatement. There is a map on the town's website. If anyone is interested, this meeting will be an opportunity to comment.

**Barnstable Cooperate Extension Grants**

The Agent said the Barnstable Cooperate Extension is offering grant funding up to \$4,000 and is planning to apply for grant funding for a few projects. Any suggestions from the Commissioners will be welcome. The deadline is August 7<sup>th</sup>.

**HEARINGS:**

**6:00 Gordon J. and Catherine E. Vanderbrug, 181 Daniels Island Road.** Proposed construction of stone rip rap wall. Continued from 4/23/2015 to allow time for revised plans. **NOI**

Resource Area: [Land Subject to Coastal Storm Flow, Coastal Bank, Salt Marsh and Land Under Ocean, Bordering Vegetated Wetland.](#)

Michael Borselli, Falmouth Engineering, was representing the applicants. Mr. Borselli noted this hearing was continued from 4/23. Also present was Brent Totman from Maffei Landscaping. Mr. Borselli stated because of input from the staff the hearing was continued to allow time for submission of revised plans. He said this was a twin plan, the same as Mr. Thompson, an abutter. The commission granted permission to Mr. Thompson and the Vanderburgs are hoping to complete their project jointly. There were some issues raised because there were some alterations to the buffer zone. A small sandy beach had been created without permission and some vegetation had been removed. There was a request for more information regarding the areas to be restored. Mr. Totman will be discussing how the areas will be restored. Mr. Borselli went through the points discussed at the previous meeting. He said he believes the regulations allow for this project. He said a soft solution could be done but in his opinion, it won't last. He requested the commissioners grant the order of conditions.

Mr. Totman, Landscape Contractor, said he looked at the site and the vegetation that was removed. He went through the area and there are not any invasive species. The main plant is Rosa Ragusa. Above the wall and below, native beach grass will be planted. In the area that was disturbed, beach grass will be planted. The concern is there is a lot of phragmites. He would like to do soil disruption so they do not encourage any germination of phragmites in the area.

The Agent agreed with everything Mr. Borselli said regarding the type of bank: because the house was constructed prior to the cut off date, an armored bank is allowable under DEP's regulation. He said he still stands by his opinion that a soft solution would work, however, seeing that the commissioners approved hard armoring next door, it does make sense that they would issue a similar determination for this one since it has the exact same type of conditions. He also agreed with the type of vegetation Mr. Totman described. Overall the project meets the performance standards. He also likes the choice of beach grass because the areas are highly conducive to that type of planting. The Agent recommended a close and issue.

Mr. Borselli stated a small excavator will be used for this project. A dock will be disassembled. They will run along the toe of the bank and remove the vegetation. The wall will be built only occupying the area directly at the toe of the wall and will be built in manageable sections. The same procedure will be duplicated at the Thompson property and then the dock will be reassembled. The stones are 2 to 3 ton stones and 18" diameter and not larger than 36" stones in various sizes.

No comments from the public.

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

**6:03 Mark V. and Donna J. Lopez, 103 Meetinghouse Road.** Proposed addition to existing dwelling. **RDA**

**Resource Area:** [Mashpee River, Bordering Vegetated Wetland](#)

Mark Lopez was present and described his project. At the front of the house, he is proposing to build a 12 by 12 addition. The space will be a living area.

The Agent explained the area in the front yard consists of landscaping, garden, turf and a walkway. The closest resource area is bordering vegetated wetland associated with the Mashpee River. It is in the outer riparian. No part of what is being proposed is going to affect any of the performance standards for riverfront. No increase in bedrooms so approval from the board of health is not necessary. It meets all of the performance standards and recommended a negative determination.

No comments from the public.

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

**6:06 Christian W. Bibbo and Lisa Pekkala-Bibbo, 124 Fells Pond Road.** Proposed removal of hazardous trees. **RDA.** Applicant requests continuance of hearing to 8/13/2015

**Motion: Mr. Sweet moved to continue the hearing to August 13, 2015 at 6:06 p.m. Seconded by Mr. Rogers. Vote unanimous. 4-0**

**6:09 David A. Jaye, 40 Popponeset Island Road.** Proposed removal of existing wood walkover structure and construction of pier, ramp and float. **NOI.** At request of engineer, continued from 6/11/2015

**Resource Area: [Popponeset Bay](#), [Salt Marsh](#), [Coastal Bank](#), [Dune Area](#)**

Matt Costa, Cape and Islands Engineering, represented the applicant. They are proposing to remove an elevated walkway and construct a timber pier, ramp and float. This site is on Popponeset Bay with salt marsh area, dune area to the north to a coastal bank. The pier will be located where the existing walkway is and elevated to the resource area. There will also be access stairs. The total length will be a 3 by 20 foot ramp and 8 by 24 foot float with 4 pilings, 2 on each side. The area used to access the water is sand. Mr. Anderson was concerned about damage to the vegetation. Mr. Costa said he could define on the plan the area to be used. It could be conditioned to minimize the impact to the area. The project has been reviewed with the harbormaster and shellfish warden and there were no issues with the shellfish. The project meets the performance standards and Mr. Costa respectfully requested approval of the order of conditions.

The Agent noted the access underneath, display of street address on each portion of the dock and the pier and float. All has been noted on the plan. He recommended a close and issue.

No comment from the public.

**Motion: Mr. Sweet moved to close and issue, seconded by Mr. Rogers. Vote unanimous 4-0**

**6:12 Frank J. and Judith A. Harker, 31 Santuit Lane.** Proposed repair of damaged pier, ramp and float system within same footprint. **RDA**

**Resource Area:** [Waters of Santuit Pond](#)

Matt Costa, Cape and Island Engineering was representing the applicant. He explained the project has an existing pier, ramp, float which they are proposing to replace with a prefabricated pier that will come in sections and placed in the same location. All of the work will occur in the waters of Santuit Pond. He requested the commissioners issue a negative determination. Mr. Costa stated it has an interim approval from DEP.

The Agent recommended removal of the concrete blocks. He also stated that each section must have the street address displayed. He recommended a negative determination.

There was a discussion on the wooden deck and its condition, the Agent stated he would follow up on its condition.

No comment from the public.

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

**6:15 Robert J. and Marsha E. Mebus, 26 Fells Pond Road.** Proposed re-grading of back yard within previously disturbed areas. **RDA.**

**Resource Area:** [Fells Pond, BVW, Land Subject to Coastal Storm Flow, Flood Zone](#)

Matt Costa, Cape and Islands Engineering, represented the applicant. He explained the backyard on the property is a previously legally disturbed area. Plans call for putting in some fill in to raise the elevation around the house so that the ground around the house would be above the flood zone. The work would be within the 100 ft. buffer to the BVW and all the work would be within land subject to coastal storm flow. It is for landscaping and grading. No structures are proposed. There will be minor alteration to the vegetation in the back and the work limit will stay on the lot. The pictures of the house were reviewed. Grass seed will be planted in accordance with the regulations. The whole purpose is to get the dwelling out of the flood zone.

The Agent didn't see any problem with run off into the resource area.

No comments from the public.

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

**6:18 Lois B. Tanzer, 69 Pickerel Cove Circle.** Proposed replacement of existing landscape timber steps to allow for dock access. **NOI.**

**Resource Area:** [Mashpee Pond, Inland Bank](#)

Tom Bunker, BSS Design, represented the applicant. There are timber steps going down to Mashpee Pond. The steps have been in there a long time and are loose. The

proposed project will be to install new 6x6-foot steps and backfill with granular material. The material will catch the runoff. Safety will be improved by installing a handrail. It will allow the slope and the buffer to revegetate. On the site is a licensed seasonal dock which is removed in the winter.

The Agent noted there are no shrubs in the area but just a weeded area with a sandy gravelly beach at the base of the steps. Kayaks are okay as long as they are not smothering vegetation. This would be included in the conditions. He stated it is a necessary project since the stairs are falling apart.

No comment from the public.

**Motion: Mr. Sweet moved to close and issue, seconded by Mr. Rogers. Vote unanimous 4-0**

**6:21 David P. and Veronica P. Twomey, 34 Spoundrift Way.** Proposed tree removal and tree pruning. **RDA.**

**Resource Areas:** [Buffer zone to Land Under Ocean/Coastal Bank, LSCSF](#)

David Twomey explained he would like to remove 5 dead trees and prune 3 trees. He said there are 2 dead trees by the driveway. He showed the trees on pictures provided. Trees labeled 1, 2, 3, 4 and 5 to be removed and 6, 7 and 8 to be pruned.

The Agent said this is pretty straightforward for removal and pruning.

No comment from the public.

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

**6:24 Kevin Cayer, 190 Monomoscoy Road.** Proposed construction of walkway, platform, and steps. **NOI.**

Applicant has requested a continuance to August 27 at 6:00 p.m.

**Motion: Mr. Sweet moved to continue the hearing at the applicants request to August 27 at 6:00 p.m., seconded by Mr. Rogers. Vote 4-0**

**6:27 Scott N. and Marissa Carmel, 374 and 372 Monomoscoy Road.** After-the-fact application to allow for salt marsh restoration and erosion control at bulkhead returns. Owner of record of 372 Monomoscoy Road: Ann M. Dumais, Trustee. **NOI.**

**Resource Area:** [Salt Marsh, LSCSF, coastal bank, Land Under Ocean](#)

Arlene Wilson, Wilson Associates, was representing the applicants. She gave a brief history of the property. In 2006 the commission granted permission to remove an old cottage. In 2007 the commission issued an order of conditions to dredge and enlarge the existing boat slip on the property bulkhead around it and construct a boardwalk out

to the slip. Both were built without obtaining DEP permits. There was an order of conditions but the owners did not go to the State to get the other permits required for dredging. The conservation commission issued a certificate of compliance.

When the property was put on the market, it was discovered that the required permits did not exist. A.M. Wilson and Associates was hired to get after-the-fact permits. There is quite a bit of negotiation for this process. The process was started in 2010 and 2012. The present owner bought the property with that permitting in process. In 2013, the Chapter 91 license was issued and the Corps decided a 401 permit was needed. Ms. Wilson said there has been some damage to the salt marsh and has developed a restoration plan. The proposal calls for some coil wrapping along the existing bank and plugging those with salt marsh species. They are proposing to put coconut fiber rolls. There is a monitoring plan in place in which pictures will be taken as the project progresses. Ms. Wilson asked for the commissioners' blessing on this project. They may have to wait until the spring to get it started. The Army Corps has given their approval. The marsh repair needs a permit to allow them to restore it.

The Agent said when he met on site he noticed the scouring so that is also part of this application. In addition is the restoration of the salt marsh which was not part of the original application. This particular project is to deal with separate issues.

John Adams, Mashpee resident, asked if it is not going to be rectified until next year is anyone going to take measures for a temporary remedy on the degradation. The Agent stated any further damage once the project gets started will be rectified.

The Agent said in the order of conditions it will state the project must be done by qualified contractors.

No further comments from the public.

**Motion: Mr. Sweet moved to close and issue, seconded by M. Rogers. Vote unanimous 4-0.**

**6:30 Mark and Gloria Salgueiro, 114 Wheeler Road.** Proposed Title 5 septic system installation. **RDA**

**Resource Area:** [Buffer zone to inland bank \(Ashumet Pond\)](#)

Dan Ojala, Civil Engineer in Yarmouth Port explained this is a title 5 septic system to replace two cesspools. He noted the areas of installation. This is an upgrade for a real estate transaction.

The Agent noted board of health comments is that the project is under review.

No comment from the public.

**Motion: Mr. Sweet moved close and issue conditioned on the approval of the board of health, seconded by Mr. Rogers. Vote unanimous 4-0**

**6:33 Edwin D. and Carol C. McGuire, Trustees, 410 Monomoscoy Road.** Proposed expansion of existing deck. **RDA.**

**Resource Area:** [Land subject to coastal storm flow](#)

Capewide Enterprises represented the applicant. The project is to extend the deck and railing two feet.

The Agent stated the project meets the performance standard and recommended a negative determination.

No comments from the public.

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

### **Public Comment**

John Adams inquired about assisting in maintaining and pruning trails. The Agent stated he could give him a letter giving him permission. The Agent stated the pruning is to be done on conservation land only. The Agent would make up a list for Mr. Adams His whole intention is to get people involved. He stated he would like to do some public service announcements on Mashpee TV programming. He wants to get the younger generation to participate. This would be a good opportunity to reenergize the land steward program.

### **Santuit Pond Lake Level**

The Agent stated a few residents complained about the level of the water at Santuit Pond. Shellfish Constable Rick York said it's up about 4 inches. Some of the trees are now in the water and the water level is getting dangerously close to flooding basements of abutting dwellings. Working with Rick York, plans call for pulling a couple of boards and replacing them with screening so the fish can't get through. It is anticipated that it will take about a week or so to get the pond level down.

### **Santuit Pond Weed Problem Presentation**

Mr. Allen Waxman, Friends of Santuit Pond, made a presentation on the weed problem at Santuit Pond. Progress has been made on the algae problems. He reviewed a map of Santuit Pond which consists of 173 acres. There are 6 solar bee circulators in the pond. This creates a layer of circulation which brings oxygen to the bottom. The circulators were installed in spring of 2012 and since then, there are no algae blooms.

The bad news is that very deep weeds in the northern end of the pond were noticed. The commission approved the taking of water samples which were tested and found to contain abnormal levels of phosphorous and nitrogen. This section is also close to a cranberry bog. De-weeding tests were done along with the water samples. They raked to see if the weeds could be removed. Samples were taken before and after the raking. Mr. Waxman reviewed a water sample analysis chart with observations and conclusions. From the looks of things it seemed to be a nitrogen problem. The heavily

weeded sites had unusually high nitrogen and low phosphorous. Mr. Waxman reviewed pictures of the apparatus. He built boat towed rake on wheels and pond tiller for weed removal. Using big rakes on wheels was more effective. He also showed a pond skimmer to remove the floating debris.

Mr. Waxman reviewed the next steps for Santuit Pond: collect water samples and submit water results to the Conservation Commission for review; and monitor weed growth on pond throughout the summer. If weed growth continues and spreads over the north of pond, plan for raking in early fall. Obtain funds to build double rake on wheels to purchase surface skimmer. Getting approval in advance to do this might solve the problem. The objective is to control the weeds. Mr. Waxman will come back and report.

It was suggested to contact UMASS Dartmouth to see if they would be interested in assisting in the project. The agent stated this could be a grant opportunity through the county. It would be a worthwhile project and would follow guidelines of the grant. The Agent noted there are avenues to pursue to find out what is going on with the bogs. The Agent encouraged continuing the work they have been doing and continue to take water samples and raking. This would be an extension to the original permit. Before any further raking is done, the association will come back to the commission.

Chairman Anderson thanked Mr. Waxman and asked him to pass the appreciation on to all the other individuals involved.

**Motion: Mr. Sweet move to adjourn, seconded by Mr. Rogers. Vote unanimous 4-0.** Meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Judy Daigneault, Board Secretary