

**Conservation Commission
Minutes of September 10, 2015
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Robert Anderson, Ralph Shaw, Brad Sweet, John Rogers, Dale McKay, 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 August 27, 2015 Minutes. (table until September 24 meeting)
- **Assistant Conservation Agent**

The Agent announced that the Assistant Conservation Agent has been hired. Katelyn Cadoret will start on October 5 and will be working 19 hours a week. Her duties include land management, habitat restoration, management of conservation parcels, supervision of volunteers and working with the Partners of the National Wildlife Refuge.

- **Land Donation:** Clipper Ship Village (process)

The Agent referred to three parcels of land donated to the Conservation Commission. The town planner is preparing the forms for the Commissioners' signatures and then it will be recorded at the Registry of Deeds. The land to be donated is at the end of a series of dead end roads. Two out of three abut the woodlands and the third is also connected to the woodlands.

- **New signage need:** Childs River Conservation Area

Our tour guide has tours in the Childs River Conservation Area and has expressed the need for signage. People drive right by and not even know there is conservation land there. The cost of the signage is \$800. The Agent also has been talking to DPW about creating a five to six car parking lot at this location.

Motion: Mr. Sweet moved to authorize the agent to secure signage for the Childs River Conservation Agent, seconded by Mr. Rogers. Vote 6-0

- **ADDITIONAL TOPICS**

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

HEARINGS:

6:00 Joseph N. Biknaitis, 31 Amy Brown Road. Proposed construction of single-family dwelling, installation of potable water supply well, Title 5 Septic System and Busse Wastewater Treatment system. At request of Applicant, continued from 8/13/2015. NOI

Resource Area: [LSCSF](#), [Coastal Bank](#), [BVW](#), [Salt Marsh](#), [ACEC](#)

Matt Costa, Cape and Islands Engineering, was representing the applicant. He explained the project consists of the construction of a single family dwelling with attached garage, deck, rinse station, potable water supply well and the installation of a Busse Wastewater Treatment System. He explained the project also includes the proposed landscaping, gravel driveway and plantings. The proposed lawn areas will be done in accordance with the Mashpee Lawn Standards approved by the Mashpee Conservation Commission. The proposed septic, dwelling and garage will be located as far away from the resource areas as possible.

Mr. Costa said he has submitted this project and received approval from the Board of Health.

They are proposing a 40' naturally vegetated buffer strip. It meets the performance standards and the house and the septic system will be located as close to the front property line as possible. He noted they will have to go to the Zoning Board of Appeals for a variance.

The Agent cited regulation 29 speaking to natural vegetated buffer strips. He said in order to accommodate the proper setbacks and the septic system and have a house on the lot, they have to encroach on the 50 foot buffer. The Agent said this is a vertical definition of a coastal bank and this encroachment leaving a 40 foot buffer strip meets the performance standards.

Mr. Costa explained the septic system (Busse Wastewater Treatment System) which will be housed in the structure. It has approval from Mass DEP. The Agent said Board of Health did approve the septic design plans on August 20, 2015 with variance relief and conditional upon submittal of revised plans.

The Agent recommended a close and issue.

No comment from the public.

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

6:03 Paul and Kristen Hanlon, 83 Clover Lane. Proposed demolition of existing dwelling to be replaced with construction of new single-family home, garage and new Title 5 septic system. NOI

Resource Area: [LSCSF, Coastal Bank, Buffer Zone](#)

Tom Bunker, BSS Design, represented the applicant. He explained the property abuts the beach on Nantucket Sound. The lot is 14,600 square feet with a house built in 1946. A 2.5' by 3' high concrete seawall is at the landward side of the coastal beach. The land slopes up and the base of the slope is in Flood Hazard Zone VE and is considered a coastal bank.

The proposed project is to raze the existing house and rebuild a new house on the lot. The existing house covers 2,501 square feet and the proposed house will cover 2,918 square feet, which includes a two car garage and porch facing Nantucket Sound. Also the proposal includes an at-grade patio on the seaward side 32 feet from the coastal bank in approximately the same location as the existing patio. Mr. Bunker said the existing and new houses will have four bedrooms. There is an old cesspool which will be replaced by a new Title V septic system. The Board of Health approved the septic design plans with variance relief. The septic system requires a larger soil absorption system and the new SAS will be closer to the resource areas but higher above groundwater. The SAS will be 50' from the coastal bank and more than 140' from the high water line of Nantucket Sound which will have no detrimental effects on any resource areas.

The Agent stated it looks like a high maintenance lawn and under existing Conservation lawn standards any new areas have to meet those standards. There is also a nitrogen control bylaw now in Mashpee that prohibits excessive use of nitrogen based fertilizer for lawns within 50 feet of coastal resource areas or wetlands and said this needs to be a condition on the Orders.

Public

Motion: Bud Shaw moved to close and issue with the condition that the lawn standards are adhered to, seconded by Mr. Sweet. Vote 6-0 unanimous

6:06 Joshua VanDernoot (Applicant), 18 Cross Tree Way. Proposed demolition of existing dwelling to be replaced with construction of new single family home, deck addition and associated grading and landscaping (Owner of record: Frieda D. Ramaswamy) NOI

Resource Area: [LSCSF, Salt Marsh and Bordering Vegetated Wetland](#)

Matt Costa, Cape and Islands Engineering, represented the applicant. The proposed project is to raze the existing single family dwelling and deck and construct a new single family dwelling on the existing foundation with an attached 33 square foot addition, and a new deck location within the existing building footprint. Also included in this project are new patios and walkways and landscaping of existing overgrown areas. The existing septic system has been inspected and will remain in service. The project also includes removing one cedar tree and the installation of six cedar trees and the replacement of existing foam floats on the existing dock. The project proposes to remove the Rosa

Ragusa, Bittersweet and Poison Ivy vegetation from the overgrown areas and stabilize the area with mulch. This would allow access around the structure. The 6 cedar trees will be planted along the lot line which is mitigation for the removal of the one cedar tree.

The floats will be modified to remove the foam material and encapsulate it. The project meets the performance standards.

George Mandolos, an abutter, was concerned the cedar trees would affect their view. Mr. Costa stated they would slide the trees up the property line and the trees would be spaced 6 feet apart.

Mr. Costa stated the patio would be bluestone type patio. They are also proposing drywells to handle the roof runoff. The patios are at grade patios.

The Agent recommended a Close and Issue.

No comments from the public.

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

6:09 Dale R. McKay and Karen A. Labonte, 69 Crescent Road. Proposed beach nourishment and maintenance. NOI

Resource Area: John's Pond (Bordering Land Subject to Flooding)

Mr. McKay recused himself from this hearing.

Mr. McKay explained his project is to enhance and maintain part of an existing beach on Johns Pond. The existing beach is 55 feet wide at the water and extends between 5 and 15 feet back from the water. The enhancement would consist of 4 yards of clean sand which would be placed above the mean high water of the pond. Mr. McKay noted the area on photos provided. Maintenance will consist of removing plant life other than grass from the beach area and occasionally adding sand as required.

The Agent stated this project was submitted to National Heritage and is still waiting for their letter but he anticipates a no take. The Conservation Department will delay issue of the order of conditions until receipt of the NHESP letter. The Agent recommended to Close and Issue.

No comment from the public.

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Sweet. Vote 5-0 unanimous

Mr. McKay returned to the commission

Santuit Pond Preserve Parking

The Agent explained this is a parcel co-managed by Barnstable, Mashpee and US Fisheries and Wildlife. The parking area is in a middle of a subdivision in between two

houses. He informed the Commissioners that the easement has been incorporated into one of the lots and is no longer a public easement. The homeowners have now closed it off for public vehicles and put up a No Trespassing Sign. The Town has received Community Preservation Act funds to establish a small parking area off of Route 130. It is a great opportunity to install a parking lot and put up a sign and connect the trails down to the fish ladder. This should be taking place this fall. In the meantime, the original area has been closed off and the information has been taken off the website. He proposed to use another dead end road off of Shields Way in the interim until the parking area is finished off of Route 130.

Gooseberry Island Appeal

Motion: Mr. Shaw moved to go into executive session to discuss strategy with respect to litigation as an open meeting may have a detrimental effect on the bargaining or litigation position of this public body from which we will not return to open session. Seconded by Brad Sweet. Roll Call Vote: Bud Shaw, yes; Dale McKay, yes; Mark Gurnee, yes; John Rogers, yes; Brad Sweet, yes; and Robert Anderson, yes. Vote unanimous 6-0

Motion: Mr. Shaw moved to close the executive session, seconded by Mr. Sweet. Roll Call Vote: Bud Shaw, yes; Dale McKay, yes; Mark Gurnee, yes; John Rogers, yes; Brad Sweet, yes; and Robert Anderson, yes. Vote unanimous 6-0

Respectfully submitted,

Judy Daigneault
Recording Secretary