

Sippewissett Association

Newsletter

Aquaculture Projects Approved

By Peter Waasdorp

On November 30, 2009, the Falmouth Board of Selectmen gave final approval to two aquaculture projects off the coast of Sippewissett.

Ron Smolowitz (Coonamessett Farm, Inc.) received permission to raise Eastern Oysters and bay scallops on 3 acres located 936 feet off the beach by Flume Pond (between Gunning Point and Racing Beach) in 18-24 foot depths.

The area will be marked by small buoys at each corner, and all former recreational uses of that section will still be permitted. The shellfish will be raised in bottom cages tethered to an anchored long line. Approximately 75,000 seed oysters will



be used for the first year and they will mature in 2-3 years.

Seth Adams of East Falmouth received permission to raise

Eastern Oysters on an 8-acre site just north of the Little Sippewissett Marsh outlet by Woodneck Beach. His original proposal for 10 acres was reduced when eel grass was discovered within the southern boundary. He will also utilize ground

cages and anchored long lines and will employ 350 cages containing 500,000 market-sized oysters when production reaches full capacity.

The Conservation Commission Order of Conditions accompanying the approval of the

From the president:

The normal January melancholy seemed worse than usual this year as we contemplated the loss of two former officers of the Association, Katie Abrams and Duff Allen. They are remembered on page 5 in this newsletter.

We know, however, that as friends and neighbors who loved Sippewissett, they would approve of the Association's continuing efforts to protect the environment, ensure public access to the water, and preserve the quality of life in our area.

If the winter seems cold and dark, we can at least look forward to Hila Lyman speaking about gardening on Cape Cod during our Winter Social, at the West Falmouth Library, Sunday March 14, from 3-5 p.m.

—Peter Waasdorp

two proposals specified that special monitoring would be necessary during winter ice

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The mission of the Sippewissett Association is to: protect and foster the mutual benefit and interests of landowners of the Sippewissett region of the Town of Falmouth, Massachusetts; to promote and encourage cooperation among such landowners in order to ensure that the future development of said region shall be in keeping with its general residential zoning restrictions and to take whatever action or actions may be necessary to this end; and to protect and prevent the misuse of public and common areas in the Sippewissett region.

Phragmites Control Continues

By Nancy McDonald



A previously sandy beach invaded by reeds. (From Wikipedia.com)

The program to control *Phragmites australis* (common reed) in the Little Sippewissett Marsh continued in 2009. In March 2009, Chris Polatin, of Polatin Ecological Services, returned with his crew to cut the phragmites that had been treated in October 2008.

At this time, Chris estimated a success rate of

85–90 percent control overall. He returned in late September 2009 to treat the re-growth, of which there was very little.

The final task of this five-part program will be the treating, in September 2010, of any new growth. There will be continued monitoring after that and action taken as necessary.

Quiet Roads Association

By Peter Waasdorp

Years of effort by the Quiet Roads Association (QRA) to pressure the town and Falmouth Police to do something about motorcycle noise are finally paying off. Signs with a “No Noise” symbol and a warning that motor vehicle noise laws will be enforced are being installed on some of the most heavily traveled scenic roads in town, including one facing southbound drivers as they turn onto Sippewissett Road from Palmer Avenue. A sign is also planned for northbound drivers entering School Street in Woods Hole on their way up to Quisett Avenue and Sippewissett Road.

The signs are part of a coordinated campaign by the Falmouth Police working in partnership with QRA and motorcycle associations. In the spring, following the installation of signs in areas suffering the worst noise problems, the police will begin an information campaign. This will be followed by a major enforcement effort as the summer tourist season starts. In this way, the all



New “Quiet Road” sign on Sippewissett Road.

important message that Falmouth is serious about enforcing noise ordinances will spread throughout the motorcycle community. Because action targeting only motorcycles would be discriminatory, loud radios and stereo systems, loud car exhausts, and other noise sources will also be targeted.

Falmouth Police Chief Anthony Riello has been very receptive to QRA’s concerns, as he successfully mounted a similar campaign at his last post in Pittsfield. Sergeant Douglas DeCosta has been his liaison to QRA. Over the years, Katie Abrams and Peter Waasdorp have represented the Sippewissett Association at meetings he chaired.

Due to the severe budget problems facing the town, the signs are being paid for privately. QRA vice president Howard Grosser of Falmouth Heights kindly donated \$1,000 to get the signs manufactured and erected. Representatives from the Falmouth Heights, Maravista, and Sippewissett neighborhood associations promised to seek donations from their general funds to cover the costs.

Woodneck Beach Study

By Elizabeth Gladfelter

The Woodneck Beach study, coordinated by the Falmouth Conservation Commission, stems from public concern that the beach and marshland behind it have declined in quality over recent years. The center of the study was a project addressing sand movement and estuarine flushing funded by the Community Preservation Act funds and conducted by a private coastal engineering company, Applied Coastal Research and Engineering. This work was completed in draft form in 2008 and is available on the Town Web site.

Significant supplementary work includes: a study of nutrient balance in the estuary (now complete in draft); a study of coliform bacteria in the Woodneck marsh (Little Sippewissett Marsh) distributaries (by Marine Biological Laboratory scientists) also complete in draft; geological research conducted independently at the Woods Hole Oceanographic Institution; and investigations conducted by the Conservation Commission itself. All of these parts are coming together and a final report is anticipated soon.

One further objective of the Conservation Commission's effort is to promote public stewardship of coastal properties. The Sippewissett Place Home-

owner's Association has initiated a project to restore marsh habitat by controlling the invasive common reed (*Phragmites*) through proper permitting and best management practices.

One troublesome aspect of the Woodneck Beach study is testimony of neighbors that conflicts with other study results. One of the most important involves the reported recent decline in beach quality resulting from sand loss. It is known that beach sand moves up the estuary as a result of the asymmetrical tide at the inlet (stronger flood than ebb). An historical photograph of Woodneck from the late 19th century shows gravel or cobbles on the beach, not sand, so it is not clear why loss of sand has been a *recent* problem.

How did sand recently become available to the beach—to subsequently be lost? One possible explanation is that during two years in the early 1970s the town had added large amounts of sand to Woodneck Beach to enhance the beach for recreational use. This project was not documented in a way that made the record readily available. So it is possible the sand recently lost was that artificially added not too many years ago. It is apparent that there is an annual cycle of on shore—off shore sand

movement that results in the beach being more sandy or more “cobbley,” depending on recent storms.

Another difficult problem has to do with coliform bacteria. Coliform bacteria, which are used by regulatory agencies as an index of sewage pollution, sometimes reach levels at the inlet that force Woodneck Beach to be closed to swimming.

However, increasing evidence indicates that coliform bacteria also come from wildlife or even muds with no human linkage or disease threat. In these cases, regulatory closures may have no scientific basis. Nevertheless, the regulations do not address the actual source of coliforms.

The management problem here is that reducing coliform contamination becomes virtually impossible if wildlife or sediments are the source. The “problem” could be centuries old—or older—but undetected since water quality testing is comparatively recent.

As a study to improve management, the Woodneck Beach study has involved input from many sources, including the public. The Conservation Commission will continue to include public testimony before issuing final conclusions and recommendations.

(Contact: Elizabeth Gladfelter, Chairman, Falmouth Conservation Commission, 508-495-7445.)

Residents Fight to Protect Local Beach Access and Environment

By Arthur Gaines

The SippOwisset subdivision is a 135-acre subdivision of 193 half-acre lots filed in 1897. The subdivision is near Gunning Point and Hamlin Point, part of the area bordering Buzzard's Bay more generally known in Falmouth as "Sippewissett." One amenity of the SippOwisset subdivision is open space at the water's edge, which includes a 3.4-acre pond and low-lying surrounding lands referred to as the Pond Reservation—a total of 6.8 acres. An additional quality-of-life amenity for lot owners is deeded access to parts of the adjacent beach on Buzzard's Bay.

Both of these amenities have been threatened since 1981 when a businessman acquired an ownership interest in the Pond Reservation and a portion of the beach itself. In a battle lasting 29 years and involving at least two generations, lot owners have fought proposals to develop this land or to block residents' access to the beach.

Over the decades the Town and the Superior Court have supported the neighborhood in preventing development. The current fight stems from a plan submitted in 2005 to build a five-bedroom house on the Pond Reservation, this time with

access from Sippewissett Road through a buildable lot on which the existing house would be razed.

This recent proposal has avoided certain past environmental pitfalls (such as using the new access route) and has used a procedural error by the town Conservation Commission (late filing) to nullify their Denial Order. Further, the Massachusetts Department of Environmental Protection (DEP) issued a Superseding Order allowing the developer to proceed. In response, lot owners filed an appeal to DEP's order and filed a Land Court suit challenging the developer's right to interfere with access to or use of the Pond Reservation and beach.

Although both the Appeal and the Land Court suit have strong arguments to support the lot owners' position, it has become clear that DEP chooses to ignore environmental science in reaching an expeditious decision. Furthermore, case law in similar circumstances suggests the Land Court suit could be won or lost in near entirety, depending upon the judge. On counsel of attorney, both parties have agreed to explore a

negotiated settlement. Although neither party gains everything it wants, each can capture what matters most. The outcome is more predictable, quicker, and less expensive.

The negotiated settlement would accept the DEP Superseding Order and drop the Land Court suit in exchange for the following: the developer would proceed to seek a Town building permit for the house on lands bordering most of the east side of the pond, meeting specifications of the DEP order and including a denitrifying septic system to protect pond water quality. Most of the pond and land bordering its south side and part of its west side on the beach would be transferred to private land trusts, with conservation restrictions. Access for the entire beach and its anticipated movement over time would be deeded to lot owners of SippOwisset in perpetuity.

If the developer is unsuccessful in obtaining a building permit, he has the option of nullifying all aspects of the agreement—or implementing it if he still wishes to. If the negotiated settlement falls apart, the lot owners are

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Remembering...

Katherine “Katie” Abrams, recent past president of the Sippewissett Association, died after a brief illness on October 22, 2009. She and her husband, Irwin, moved to Falmouth nine years ago after living for many years in Sudbury, Massachusetts. Katie had a long career in the computer industry. She loved bridge, classical music and time with her family. She also loved politics and was elected to Town Meeting in 2009.

Katie became a member of the Sippewissett Association Board of Directors in 2003 and subsequently served as president from 2005–2009. On behalf of the board, she was a member of the Quiet Roads Association, which recently got approval to post "Quiet Road" signs on Sippewissett Road and School Street in Woods Hole.

During her tenure as president, Katie wrote numerous letters conveying the opinion of the board and was a frequent visitor to Town Hall on board business. She worked diligently to see that concerns raised by Sippewissett residents were heard and that the Sippewissett Associa-

tion provided guidance or assistance consistent with its mission and available resources. She organized regular events for the membership that always included interesting and timely educational presentations.

Katie and her diligent advocacy on behalf of Sippewissett will be missed.

Duff Allen, a former Sippewissett Association Board member, passed away last October. Duff served on the board for many years in the 1980s and '90s, and was a vocal advocate for the Sippewissett community.

A man of many interests, Duff also helped organize and then headed the Town’s Vernal Pool Committee to identify and permanently protect these ephemeral wetland pools that are so critical for wildlife.

He is survived by his wife Molly and their three children.

(Aquaculture, continued from page 1)

conditions, as both sites are in areas subject to ice floes that could rip the equipment from the bottom and lead to their possibly landing on area shores and inlets.

Board member Arthur Gaines pointed out to the commission that multiple uses of the same area can lead to conflicts, and that careful oversight would be needed. Numerous other Sippewissett residents submitted oral and written testimony



last spring and summer, expressing a range of concerns, such as interference with recreational activities, noise from outboards motors and radios, ill-defined boundaries, and equipment washing up on shore.

Residents experiencing any problems with the startup projects should notify the Conservation Commission (508-495-7445; e-mail concom@falmouthmass.us).

(Residents, continued from page 4)

prepared to reactivate the Land Court suit.

In a settlement neither party is fully satisfied. Certainly, acceding to development of part of the pond reservation sticks in the craw of lot owners. Nevertheless, settlement seems the best approach at this time.

For further information, contact Arthur Gaines at againes@whoi.edu.

Don't miss the Sippewissett Association
Winter Social, Sunday March 14, 3-5 p.m.,
at the West Falmouth Library.
Our speaker will be Hila Lyman,
who will share her tips about gardening on Cape Cod.
Think Spring and plan your garden now.
Light refreshments will be served.

Think Spring

**The Sippewissett Association
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