

Summer 2007



The Sippewissett Association Newsletter



GREETINGS FROM PRESIDENT KATHERINE ABRAMS

All is well with the Sippewissett Association; the Board members are working on various issues and identifying problems and solutions. We did not do a winter mailing this year due to logistical problems, and decided a Spring Mailing would be appropriate. Weather is finally acting like Spring in Sippewissett and we look forward to seeing you as we gather for the Summer. We had a successful Winter Social, on what was probably the coldest Sunday of March. A good group of stalwarts came out and it was a wonderful afternoon.

The nominating committee, headed by Barbara Eck, has been working hard to find members for the Board for next year. Fortunately, the turnover is manageable, and we think we have an excellent Board put together. Barbara is ready to present the slate at Annual Meeting.

This Newsletter contains updates of the **Beebe Woods Project, Woodneck Beach Rehabilitation and the SippOwissett Homeowners Update.**

We are planning a **Summer Social on August 5 from 3 to 5p.m. at the home of Ken Foreman and Ann Giblin on 108 Sippewissett Road (a reminder postcard will be mailed).** Looking forward to seeing you all on **JUNE 30 AT THE ANNUAL MEETING.** Please read the back of the newsletter for details.

Katherine Abrams, 21 Valley Road, Falmouth, MA 02540 508-548-0310

Restoration Efforts for the Wood Neck Coastal Complex Underway

Work to restore the health of Wood Neck Beach and Little Sippewissett Marsh has begun!

Coastal armoring (rip-rap, jetties) starves beaches downstream of sand, increases beach erosion and prevents tidal channels from naturally meandering. In futile attempts to save Wood Neck beach from sand starvation, the Town brought in sand to "nourish" the beach for many years. Sadly, much of this sand washes into the marsh during severe storms. This has severely restricted tidal flow of the Little Sippewissett Marsh and led to poor water quality and a freshening of the marsh upper reaches. As a result, shellfish have died, invasive plants like Phragmites are taking over and overall marsh health is suffering.

After the December 2005 storm damage, the Conservation Commission recognized that restoration action could not wait any longer. This spring, Town meeting members approved use of Community Preservation Funds to conduct a year long sand budget and tidal flushing study of the Wood Neck Coastal Complex. Data from the study will help consultants develop options for marsh restoration steps. Sippewissett Place residents are also working with Dick Payne and the Wetlands Invasive Steering Committee to develop a management plan for Phragmites. Both efforts will begin this summer. We'll have updates on Wood Neck at the Annual Meeting and in future newsletters. Stay tuned!

By Maureen Conte

Sippewissett Road



Traffic Issues

IN JANUARY, THE BOARD OF DIRECTORS invited the Falmouth Police to attend a Board Meeting to discuss the traffic problems we all experience on Sippewissett Road. Sgt. Douglas DeCosta attended our Board Meeting and we had a lively discussion on traffic issues. We discussed the ever-present speeding and the problems with the narrow road for dealing with biking, car and foot traffic. He agreed that these are real problems and agreed to do a survey to define the size of the problem. He conducted a survey, with patrol cars present on two different week-days. He stated that the hours covered were 6 AM -5 PM.

**Results: number of cars :280 +
average speed 21 mph to 41 mph
average speed 29.7**

We all know the speeding we experience, and this small survey seems to verify our impressions that a significant number of drivers are over the speed limit. He agrees that this is the case and points out that this is the same problem with many other roads in Falmouth. He also agrees that a police presence is the best deterrent and also lets us know he has many demands on the department resources. He has agreed to provide a patrol car presence for a few days in May and June, and perhaps that will slow people down a bit. He is being quite supportive and is willing to continue to work with us.

Report submitted by Katherine Abrams

Update on SippOwisset: Meeting the Threat to Develop Open Space

On March 7, 2007 the Massachusetts Department of Environmental Protection (DEP) issued a "Superseding Order of Conditions" over-ruling the Falmouth Conservation Commissions (ConCom's) denial of an application to develop open space in Sippewissett. The DEP's decision specifically applies to provisions of the Massachusetts Wetlands Protection Act (WPA) invoked by the ConCom, not to local bylaws. Contrary to the ConCom, who delivered their Denial Order in May 2006, and to our position, the DEP states the project "adequately protects the interests of the Wetland Protection Act."

In response, the Committee of SippOwisset* Homeowners (COSH) has appealed the DEP decision in a 79-page document supporting the Town's position. Although the Town is automatically a party to our DEP appeal, Town Counsel Frank Duffy has decided not to pursue this course of action but rather to focus on a parallel appeal to the Barnstable County Superior Court, discussed below. In our DEP appeal we cite six provisions of the WPA violated in the proposed development project. The first level of the appeal involved a "Pre-Screening Conference" held in Boston on May 10, which was attended by the developer (Applicant), Mr. Joseph Sweeney, his attorney (Glenn Wood of Rubin & Rudman), and their engineering consultant. Our group was represented by our executive committee. In addition a Senior Counsel, Rebecca Cutting, represented DEP. Falmouth Conservation Agent, Jennifer McKay, attended as an observer. Administrative Judge Ann Lowrey was the Presiding Officer.

One objective of the meeting was to seek legal means to simplify addressing or to eliminate the appeal. In collaboration with DEP, the Applicant submitted a "Motion to Dismiss" our appeal, alleging several technical shortcomings. We have since responded with a 17-page document in which we make the case that the Motion is *pro forma* and

without substance. Nevertheless, if the Administrative Judge grants the Applicant's Motion, we still have further appeal options. If the Motion is dismissed our appeal will probably be "stayed" pending the outcome of Mr. Sweeney's appeal to Barnstable County Superior Court (in which the Town [ConCom] is the defendant) scheduled to be initially heard during August 2007. In past appeals by this Applicant, the Superior Court has consistently ruled in favor of the Falmouth ConCom. If this were to happen again, the DEP's Superseding Order of Conditions would become irrelevant, as would our need to appeal it. If the Court rules in favor of the Applicant, then our DEP Appeal would proceed, being heard in the Division of Administrative Law Appeals (DALA).

A second objective of the pre-screening conference was to explore a possible compromise among parties. The meeting outcome in this regard was less clear. For the first time, however, Mr. Sweeney hinted he might be willing to negotiate a settlement with us. Though only a nuance, this may represent a possible change in the tone of our interactions. It is obviously too early to suggest optimism.

The disputed project centers in the Haynes "SippOwisset" development of 1897, one of several early Falmouth subdivisions. Its 130-acre plan, embracing Gunning Point and the Cape Codder area, consists of eight roads, 193 numbered building lots, and open spaces. The principal open space, and site of the disputed project, is a 6.8-acre parcel along the shore that includes wetlands, a barrier beach, and a 3.4-acre coastal pond. The Town has acknowledged the open-space status of this property by assessing it as a "reservation", valued at about five percent of the land value of nearby house lots. Mr. Sweeney's proposals to build there, in essence, represent an attempt to create a buildable lot where none presently exists. If successful, the value of the lot could increase by a factor of nearly 100 over his pur-

chase price.

Accompanying Mr. Sweeney's recent proposal for a 5-bedroom house comes the threat of denied waterfront access for lot owners, whose lifestyle and property value are rooted in use of open space at the beach. Aside from the DEP and the Superior Court matters, our Committee is pursuing other avenues to resolve this 26-year long struggle. One is a suit filed in the Massachusetts Land Court challenging Sweeney's right to deny access by lot owners to the waterfront at SippOwisset. This suit includes several arguments, including adverse possession, rights conveyed by estoppel, and access by deeded rights. Repeated offers over the years to Mr. Sweeney to purchase the parcel for conservation purposes have gone unanswered.

Our Committee is comprised of volunteers. However, certain essential legal and engineering services are incurring significant costs. To meet these expenses, the Committee has mounted a fund-drive directed at both the lot owners in the SippOwisset subdivision as well as others who see the threats we face as of broader significance. To date we have received contributions from 87 families, with individual pledges and contributions ranging from \$40 to \$5,150. The Sippewissett Association has contributed \$3,000 for information dissemination purposes.

Comments, questions, and contributions can be sent to Committee of SippOwisset Homeowners, P.O. Box 232, Falmouth, MA 02541-0232. Our executive committee includes Dr. Carl Bowin (548-5566); Dr. Maureen Conte; Dr. Arthur Gaines (548-2157) and Mr. Hartley Hoskins (548-0179). We need and welcome your participation.

**"Sippewissett" refers to a vaguely defined area of Falmouth bordering on Buzzards Bay. "SippOwisset" refers specifically to the 130-acre Haynes 1897 subdivision, labeled "SippOwisset".*

Report submitted by Arthur G. Gaines, Jr.

BEEBE WOODS MANAGEMENT REPORT APPROVED

The Beebe Woods Management Team (BWMT) was appointed in 2004 by the Town of Falmouth Conservation Committee to develop a management plan for Beebe Woods. The Sippewissett Association was well represented, with SA member Vicki Lowell serving as BWMT chair, and Maureen Conte and Janice Hayes serving as Team members.

Beebe Woods had not had any management plan since this nearly 400 acre parcel was donated to the Town over thirty years ago. The initial impetus of establishing the BWMT was that a County/Town wildfire preparedness plan was being developed for Beebe Woods, but the BWMT also studied and developed recommendations concerning other important topics such as forest health, water quality, wildlife, trails and recreational and educational uses.

Following two years of work, the Beebe Woods Management Team submitted its final draft report for public review in January. The Conservation Commission held a very informative and well-attended public meeting in late January to discuss the report. Attendees expressed strong

support of the BWMT's findings and recommendations and provided many useful suggestions. One comment many agreed upon was that all plans to implement management activities be subject to public review before approval.

The BWMT report provides much useful information about Beebe Woods, maps and list BWMT recommendations for management of land and aquatic resources to preserve and protect the Woods (water quality testing, invasive plants, erosion, wildlife, fire risks) and to improve recreational and educational uses (e.g. trails, parking, dog issues, outreach activities). The BWMT also recommends that the Town create a position of Open Space Manager to oversee maintenance of Falmouth's open space parcels.

A copy of the BWMT report is available on the town website (<http://www.town.falmouth.ma.us/deppage.php?number=295>) or by calling the Conservation Commission. We will also have a few copies available for inspection at the Annual Meeting.

Report submitted by Maureen Conte

REPORT ON MEMBERSHIP

THE MEMBERSHIP LIST of the Sippewissett Association stands at 151. Of this number, 5 memberships are complimentary, given to the organizations we give contributions to (Coalition for Buzzards Bay, F.A.C.E.S., 300 Committee, APCC and Salt Pond Sanctuary Trust), and 13 are members who have not paid their memberships for the current year and who will be dropped from the list after the June mailings. These unrenewed members were sent a second reminder mailing in the fall and did not respond. Membership has fallen off slightly in the past 2 years and reflects the need for us to do more vigorous outreach and recruitment of new members. Any member who notices a new neighbor may contact me with their name and address, and I will send a membership form and most recent newsletter to them.

Barbara Eck 508-548-6690

MEMBERSHIP RENEWAL MAILING COMING SOON

BE WATCHING YOUR MAILBOX for notice of your membership renewal for the current year in the Sippewissett Association. The membership year runs from July 1, 2007 to June 30, 2008 and is called membership year 2007 for convenience. Whenever you may have renewed during 2006, your new membership is now due.

Report submitted by Barbara Eck

THE SIPPEWISSETT BAYWATCHERS

A small group of "volunteers" from the Sippewissett Association have been collaborating with the Baywatchers program of the Coalition for Buzzards Bay for several years now, monitoring three sites in the Sippewissett area for water quality: Little Sippewissett Marsh (Woodneck), Gunning Point Pond, and Flume Pond. Those involved during the 2006 season were Jerry Brown, Maureen Conte, Bill Dugan, Newton Gresser, Vivagean Merz, Ellie Shaver, Samuel Trotz, and Sylvia Vatuk. Some are unable to participate during the 2007 season, SOOO, IF YOU HAVE THE TIME AND INCLINATION TO HELP "SAVE THE BAY", PLEASE PHONE SAMUEL TROTZ AT 508.540.5302. It helps to have the numbers so we can stagger the days people need to "work". It's a fun job.

From May to September, the waters are monitored about every 5 days, in coordination with 30 sites around Buzzards Bay, from Westport Rivers to Woods Hole. Soluble oxygen and salinity are assayed on site each time as indication of the ecological health of the waters, and on four occasions samples are prepared and sent to a lab for analysis of algae, nitrogen, and phosphorus, as further indication of the health of the water. No microbiological tests are performed in this monitoring, as that is handled by different agencies.

In very general terms, the quality of these waters varies somewhat from time to time, or perhaps we should say from tide to tide in the case of Little Sippewissett Marsh, but has been "acceptable". We see a noticeable difference between incoming tide waters and the drainage from the Marsh at ebb tide.

Detailed data is now available at the following web site: <http://savebuzzardsbay.org/baywatchers/>

Report submitted by Samuel I. Trotz

REPORT OF THE NOMINATING COMMITTEE

This is the slate of Officers and Board candidates which will be presented to the Annual Meeting for approval.

OFFICERS - (1 YEAR TERM)

President - Katherine Abrams
V-Pres. - Barbara Eck
Treasurer - Michael Eder
Secretary - Susan Cohen

CANDIDATES FOR 3 YEAR TERM ON THE BOARD:

Susan Cohen
Margaret Goud Collins
Barbara Eck

CONTINUING ON THE BOARD ARE:

Katherine Abrams
Bernard Burke
Maureen Conte
Michael Eder
Arthur Gaines
Carolyn Powers
Kathleen Taylor
Peter Waasdorp

Report submitted by Barbara Eck

**The Sippewissett Association
PO Box 501
Falmouth, MA 02541**

**Annual Meeting Saturday, June 30
at the Cape Codder Clubhouse**

Annual Meeting is scheduled for **SATURDAY, JUNE 30** at the **CAPE CODDER CLUBHOUSE. THE MEETING WILL START WITH COFFEE AT 9:30A.M. AND THE BUSINESS MEETING AT 10:00A.M.** The Clubhouse is on Cape Codder Road in the center of the Cape Codder grounds. They are being very gracious in letting us use the Clubhouse. It is important that we restrict our parking to Standish Road and Cape Codder Road. There is plenty of parking, but walking or car-pooling will keep us from hogging their roads. Our featured speaker at the Annual Meeting will be Jo Ann Muramoto, PhD., Senior Scientist with the Association to Preserve Cape Cod; and Regional Coordinator for the Massachusetts Bay Program.

