

MESSAGE FROM PRESIDENT KATHERINE S. ABRAMS

As the last newsletter went out, we were planning the Winter Social. It was a lovely party with good attendance and enjoyed by all. While this newsletter is being prepared, we are planning the Annual Meeting for June 24th and looking forward to the Summer Social (date not yet certain). This spring was busy and productive for the Sippewissett Association. The Conservation Commission hearings on the Sweeney Notice of Intent continued until April 15, when the Conservation Commission denied the application. This is a positive step and we have many hardworking scientists, who are members of the Sippewissett organization, to thank. There is more detail in this newsletter. There are two openings on the Board: Secretary and Treasurer. I encourage anyone interested to give me, or anyone else on the Board, a call. We work on many interesting and rewarding projects, and would love to see more people participating in Board Activities.

If you have any questions or comments, contact me at ksakms@aol.com or 508-548-0310.

Fighting to Maintain Open Spaces in Planned Communities

by ARTHUR GAINES

The Haynes "SippOwisset" development of 1897 is one of several early Falmouth developments. Lying between Flume Pond and Hamblin Point, its 130 acres consists of eight roads, 193 numbered building lots, and open spaces. The principal open space is 6.8-acre parcel along the shore that includes a 3.4 acre coastal pond. It is a lovely recreational area for residents, and provides an unobstructed shore view to the several parcels around its perimeter.

The Town recognizes the open space role of this property by assessing "Pond Lot" at about five percent of the land value of the adjacent house lots. This reflects the representations made by the developer and his successors that these lands were never to be built upon.

In 1981, the last of the developer family members sold their remaining interest to developer Philip Williams. This included the "Pond Lot". Williams sought unsuccessfully to subdivide the property. In 1991, he sold it to Joseph Sweeney for \$35,000. Sweeney has made four attempts to build on the property. Repeated offers by area residents to purchase the parcel for conservation purposes have gone unanswered.

To address this challenge, homeowners in the "Sippowisset" subdivision banded together to mount a challenge to Sweeney's proposals. The "Committee of SippOwisset Homeowners" are members of the Sippewissett Association living in the Haynes development. They have deeded rights to the waterfront at SippOwisset beach. Thus in this tedious legal contest, they have "standing", i.e., "something substantial to lose" should their access be lost.

The Committee of SippOwisset Homeowners has organized a multi-pronged defense of the SippOwisset "Pond Lot". The Committee marshaled information, and there were rousing turnouts of residents at the three Conservation Commission hearings (plus two others at which the hearing was continued), starting November 30th and closing April 19th. On May 10th, the ConCom issues a Denial Order, rejecting the application in a 19-page decision.

The Committee is also pursuing other avenues to attempt to resolve this 25-year struggle once and for all. One is a Complaint 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. An April 2006 decision of the Massachusetts Supreme Judicial Court (Reagan vs. Brissey) provides timely and significant support to our case. The Court found that the park areas in the 1872 Bellevue Heights subdivision in Oak Bluff were still subject to the implied easement of the developer and could not be built on.

The Committee of SippOwisset Homeowners is also exploring designating the Pond Lot as a District of Critical Planning Concern (DCPC) under the Cape Cod Commission.

Volunteers have done most of the work of the Committee. However, legal services essential to this effort are incurring significant costs. To meet these expenses, the Committee mounted a fund-drive directed primarily at the lot owners in the SippOwisset subdivision. To date we have received contributions from 64 families, with pledges and contributions from \$20 to \$5,150. Our goal is to gain support from as many people as possible to demonstrate that this is a broad community concern. Those outside the SippOwisset subdivision have also contributed. The Sippewissett Association has contributed \$2,000.

We would like to broaden our appeal for support, recognizing now that the issues and planning tools that we are dealing with are pertinent not just to the "Sippowisset" development but to other shore and open space areas in Falmouth and elsewhere. Developers' maneuvering to create building lots on historically "protected" lands is a threat to older developments. We invite organizations and individuals concerned with these matters to join with us by providing expertise and financial support to this cause.

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. Arthur Gaines (548-2157) and Mr. Hartley Hoskins (548-0179). We welcome your comments and questions.

Arthur Gaines and his wife Jennifer have lived in Falmouth for 28 years and own a house in the SippOwisset subdivision.

Sippewissett Baywatchers Continue to Monitor the Health of Buzzards Bay

by Samuel Trotz and Tony Williams

BUZZARDS BAY HAS 280 MILES OF SHORELINE, more than 30 major harbors and coves, and extends from Westport to Woods Hole. In order to keep an accurate account of the health of the entire Buzzards Bay, The Coalition for Buzzards Bay has enlisted the help of over 130 citizen volunteers. These volunteers, Baywatchers, monitor the water quality during the summer months to get an overall picture of the health of the Bay and its harbors and coastal waters. A group of volunteers from the Sippewissett Association has been keeping track of water quality for Gunning Point Pond, Little Sippewissett Marsh and Flume Pond as part of this program.

The Baywatchers program is the largest volunteer-based monitoring program in the state and has been monitoring the waters of Buzzards Bay for 14 years. The data collected is used by state and federal agencies as well as town boards and citizens to guide efforts to cleanup, restore and protect the Bay.

The Sippewissett Baywatchers measured early morning dissolved oxygen levels, temperature, salinity and water clarity on a set schedule once a week from May to September. These basic parameters provide an immediate snapshot of the health of the bay waters. From these measurements volunteers can determine the percentage of dissolved oxygen saturation in the

water and conditions in their specific Bay waters location.

The Baywatchers' data continues to indicate that along the Buzzards Bay coastline excessive inputs of nutrients, particularly nitrogen, are damaging water quality and the health of Buzzards Bay. The principal sources of nitrogen in Buzzards Bay include septic systems, wastewater treatment plants, stormwater runoff, lawn and agricultural fertilizers, and acid rain – all coming from a growing population and increasing, poorly-planned development throughout the Bay's watershed.

The Coalition for Buzzards Bay, local town boards, research institutions, and state and federal agencies are working to reduce nitrogen pollution. You can help improve the health of the Bay:

- Reduce your own fertilizer use at home on your lawn.
- Support town efforts to clean up pollution sources, protect wetlands, and manage new land development.
- Maintain your home septic system and support town efforts to upgrade wastewater treatment facilities to nitrogen removing systems.
- Establish and keep vegetated buffers along the waters edge to filter pollutants.
- Encourage Best Management Practices on your property, farms, and town properties near water.

Dissolved oxygen (DO) concentrations are one of the most important

parameters for determining coastal water quality, particularly in evaluating nutrient loading conditions. With increased nitrogen pollution, ecological processes lead to heavy algae growth that blocks sunlight to eelgrass and intern reduces oxygen levels needed by marine species. Declines in dissolved oxygen have other negative impacts in the waters, including bad odors and loss of additional marine plants and animals. For this reason, dissolved oxygen is measured to track changes in water quality. The Baywatchers field measurements for dissolved oxygen are shown on the attached graphs as the percentage oxygen saturation (%DO). For example, water is said to be 100% saturated if it contains the maximum amount of oxygen at that temperature and salinity. Low dissolved oxygen waters are often associated with algae blooms from the enriched nutrient conditions in the water from watershed inputs. This process of water quality decline creates a chain reaction of negative impacts known as eutrophication. There can be low dissolved oxygen without eutrophication; however, levels below 60% saturation are consistent with eutrophication and levels below 90% may indicate organic enrichment likely due to nutrient overloading.

Anyone interested in volunteering should contact Tony Williams, Director of Monitoring Programs, at (508) 999-6363 ext. 203 or williams@savebuzzardsbay.org

Membership Mailing

Membership dues of \$25 will soon be due for the current year, which runs from July 1, 2006 to June 30, 2007. You should be receiving a separate mailing soon with a new membership renewal form. Please take a minute to fill it out and return it with your check in the enclosed envelope.

Checks handed in at the Annual Meeting are easier to process with the renewal form attached! This is especially important if you have any changes in your address, phone, e-mail, or preferences on where to receive mailings.

Summer Social

One of the highlights of the summer is always the Summer Social held by Sippewissett Association. The location and date are still open as of this writing, but it will be a Sunday afternoon in August. All members will receive a postcard notification in July about the event, so be watching for it. We are eager to hear from anyone who might be willing to host the event, either this summer or in the future. We will not soon forget the wonderful Social last year hosted by John and Marianne Scarpellini!

Woodneck Beach Update

The winter newsletter (March 2006) contained an article by geologist Dr. Jude Wilber, explaining some of the basic causes of beach erosion, a subject of major concern in Falmouth. The article used Woodneck Beach to explain the processes to which many beaches in Falmouth are subject. The Conservation Commission has established a Working Group to explore and find solutions to beach erosion. Conservation Committee members Courtney Bird and Betsy Gladfelter are leading this group, using Woodneck Beach and the Sippewissett area as a test environment. They

are trying to work through the problems encountered in those areas and reach conclusions that will help solve the erosion problems for Falmouth beaches in general. Courtney and Betsy attended our last Board Meeting and expressed the need to hear from members of this area about environmental issues anyone has seen or experienced in the past. That will help establish a database. You can give them a call at the Conservation Commission at Town Hall to volunteer your help as this process gets going, or to offer any information you might have.

Neighbors Express Concern Over Proposed Development

Maggie Goud Collins

Some residents near the northern end of Sippewissett have expressed concern about applications to expand the driveway between #28 and #36 Sippewissett Road into a subdivision road and to add a house lot on the land it accesses. While the immediate neighbors whose homes and land would be affected are most concerned (the road would make their lots non-conforming), the broader issues regarding the enforcement of regulations regarding road widths, vernal pools, and wetlands are of general concern to the neighborhood and the town. The issue was brought before the Conservation Commission on June 7, and the developer was asked for more information regarding compliance with a number of environmental regulations; the ConCom issued a continuance until June 21. The application will come before the town Planning Board on June 20.

The immediate neighbors have so far borne the costs in time and money of ensuring that those regulations are followed, but they would appreciate support from other neighbors, including ideas from others who have experience in regulatory oversight.

For more information, call Meg Todd (508)548-6078



Annual Meeting

The Annual Meeting of the Sippewissett Association will be held on Saturday, June 24th, from 10-noon at the Gus Canty Center. The business meeting will be preceded by coffee and donuts at 9:30. The business meeting will include a summary of the year's activities and election of the new Board and Officers for the coming year. Following the business meeting, there will be a presentation on coastal management, with particular emphasis on the issues and possible approaches for Sippewissett beaches. Local geologist Jude Wilbur and Conservation Commission member Betsy Gladfelter have been invited as speakers. Please plan to attend!

Annual Meeting Saturday, June 24
at 10a.m. Gus Canty Center

The Sippewissett Association
PO Box 501
Falmouth, MA 02541

Willard Dow

Willard Dow, 89, passed away at Falmouth Harborside HealthCare on May 27th. He had been a resident of Falmouth since 1946 when he came to work as an electronics engineer at the Woods Hole Oceanographic Institution. He sailed on several research cruises on the ketch ATLANTIS, the BEAR, and the CHAIN before retiring in 1978. He authored some thirty published papers and technical reports, and held several patents. Dow, along with Philip Hamilton, Carolyn Miller and Andrew Wessling were founders of the Sippewissett Association in 1965. In addition to its social activities, this neighborhood group was involved in several zoning and conservation matters. He served as its President for twenty years.

His great interest in light opera occasioned his meeting Evelyn Parker, a talented pianist. They were part of the

Trysail Chorus, which produced four Gilbert & Sullivan operettas from 1949 to 1953 in Falmouth.

They were married in 1954 and celebrated their 44th anniversary shortly before her passing in 1998. The Dows were longtime members of the Falmouth Unitarian Fellowship. They had season tickets to the College Light Opera Company from its founding in 1968. He was a regular at the Wednesday folk dances in Woods Hole for forty years, and was particularly fond of the Greek dances.

He grew up in Waltham and graduated from Tufts University. He started teaching as an undergraduate because many of the Tufts faculty had been drafted.

He is survived by a niece, Susan Evans of Dade City, FL, a nephew David Healy of Arizona, and two cousins, Laura Parker of New York City and Janet Parker Osborne of Lynnfield Center, MA.