



Town of Barnstable Conservation Commission

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Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: APRIL 5, 2016 @ 6:30 PM

LOCATION: TOWN HALL, SELECTMEN'S CONFERENCE ROOM

2nd Floor – 367 Main Street, Hyannis, MA 02601

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, additional resources are available to you: video-on-demand (free on the Town website at town.barnstable.ma.us), and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:30 p.m. by Chairman F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle and Commissioners Peter Sampou, Scott Blazis, and Larry Morin. Commissioners John E. Abodeely and Louise R. Foster were away. Darcy Karle, Conservation Administrator, assisted.

I REVISED PLAN

Project type:

Revision

Dockside Marina SE3-3958

building, wall, floats

modify slips

The applicant was represented by Wayne Kurker.

No issues arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Daniel E. McDonald. Septic system upgrade at 43 Chickadee Ln., Barnstable as shown on Assessor's Map 234 Parcel 014. **DA-16020**

The applicant was represented by Michael Pimental, E.I.T.

Issues discussed:

- The property owner cleaned up leaf/brush debris pile and readjusted the work limit line, as requested by the Conservation Administrator.

A motion was made to issue a negative determination, based upon revised plan dated 3/31/16.

Seconded and voted unanimously.

TEC Associates on behalf of Massachusetts Coastal Railroad. To delineate wetlands for herbicide application within protected wetland buffer zone along MA Coastal Railroad right-of-way in Barnstable. **DA-16021**

A request for a continuance to April 19th was requested via email.

A motion was made to continue the hearing to 4/19/16, without testimony.

Seconded and voted unanimously.

III NOTICES OF INTENT

Alfred J. McNamara & Robert B. Joslyn, Trs., Alfred McNamara 2011 Qualified Residence Trust. Pier improvements to include replacement of portions of fixed pier and stairs with ramps, reconfiguration of floats and one additional float at 91 Point Isabella Rd., Cotuit as shown on Assessor's Map 073 Parcel 025. **SE3-5375**

The applicant was represented by Arlene M. Wilson, P.W.S.

Issues discussed:

- Shellfish rating went from a 4 to a 10, per up-dated shellfish rating map;
- Seeking pier and float improvements for handicap access;
- Waivers being sought – 200+ square feet of floats, no grating over marsh, and plant spacing;
- A demonstrated need for handicap use would require a letter from property owner;
- Improvement would be temporary, reverting back when house sold or handicap access no longer required;
- It was determined that this would be a substantial increase in float size;
- A total of 396 square feet is being requested for floats;
- Ramp instead of grating increases separation from the marsh in this instance;
- The idea of bifurcating or separating ramping from float increase, allowing ramp improvements to remain when no longer needed;
- Increase in width of middle float required so ramp can land on it;
- 12-inch Rule and 30-inch Rule discussed;
- Ms. Karle requested that kayak racks be located on a revised plan;
- The Chair requested a letter be submitted stating there was a demonstrated need for handicap-access improvements.

Correspondence read:

- Tom Marcotti, Town Shellfish Biologist email of 4/4/16;
- MA Division of Marine Fisheries letter dated 4/1/16

Public comment:

- Michael Benoit, direct abutter, in favor of project;
- Arlene Wilson, giving prior history of site and possible impact on shellfish.

A motion was made to issue a finding stating the project, as submitted, is a major modification.

Seconded and voted: 2 votes = Aye; 3 votes = Nay. The motion did not carry.

A motion was made to approve the project as submitted, subject to receipt of a revised plan showing kayak racks and approved changes to ramps, with temporary approval of expansion of floats beyond the current 216 square feet allowed, dependent upon a demonstrated need for handicap use; float to be reduced to currently allowed square footage once property is sold or transferred, or the need is eliminated.

Seconded and voted: 4 votes = Aye; 1 vote = Nay. The motion carried.

Paul J. Donahue, Sr., Trustee, Garrison House Realty Trust. Extend south end of existing sea wall to meet existing back beach retaining wall at 44 Garrison Ln., Osterville as shown on Assessor's Map 114 Parcel 010-002. **SE3-5380**

The applicant was represented by Arlene M. Wilson, P.W.S.

Exhibits:

A – Planting plan from prior filing (SE3-4992)

No issues arose.

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

Paul S. Brandes, Tr., Paul S. Brandes 2012 Qualified Personal Residence Trust. Add and maintain an additional float to an existing licensed pier at 49 Oyster Way, Osterville as shown on Assessor's Map 072 Parcel 039. **SE3-5379**

The applicant was represented by John C. O'Dea, P.E., of Sullivan Engineering and Consulting, Inc.

Issues discussed:

- Shellfish rating of 1 at this location;
- Waiver requesting an additional float, applicant willing to give up a possible slip for a motorized boat;
- Proposed float for a non-motorized vessel, e.g., kayak, paddle boat, etc.
- Discussion of what is a reasonable size for the float.

Correspondence:

- Email dated 4/4/16 from Tom Marcotti (no issues);
- Letter dated 4/1/16 from Division of Marine Fisheries recommending a separation of 30" between bottom of float and substrate within mapped shellfish habitat.

A motion was made to approve the project with standard and special conditions, subject to the receipt of a revised plan reducing the size of the float to 96 sq. ft.; sign on float indicating non-motorized vessels only be berthed at float. A waiver is granted (beyond the allowed square footage of float).

Seconded and voted unanimously.

[Bluff, Barzun, and Lowell projects were opened simultaneously – see below]

Bluff LLC. Relocate existing dwellings with improvements to include additions, patios, observation platforms, landscaping, paths, vista pruning and one additional set of stairs at 185 Putnam Ave. (portion of 135 Putnam Ave.), Cotuit as shown on Assessor's Map 036 Parcel 040 (portion of). **SE3-5378**

Isabel Barzun. Relocate existing dwellings with improvements to include additions, patios, observation platforms, landscaping, paths and vista pruning at 181 Putnam Ave. (portion of 135 Putnam Ave.), Cotuit as shown on Assessor's Map 036 Parcel 040 (portion of). **SE3-5376**

Charles R. Lowell. Relocate existing dwellings with improvements to include additions, patios, observation platforms, landscaping, paths and vista pruning at 183 Putnam Ave. (portion of 153 Putnam Ave.), Cotuit as shown on Assessor's Map 036 Parcel 040 (a portion of). **SE3-5377**

The applicants were represented by John C. O'Dea, P.E.

Issues discussed:

- Projects include moving and relocating houses on three parcels;
- Standard vista pruning requested for all three parcels;
- Proposing observation platforms near top of bank on each parcel;
- A new set of coastal bank stairs being proposed at Bluff LLC;
- Concerns with observation platforms in 50-foot buffer;
- Some type of demarcation, stones, etc., to be required at the 50-foot line.

Bluff: A motion was made to approve the project with standard and special conditions subject to the receipt of a revised plan showing: platform moved closer to top of proposed stairs, at-grade construction no larger than 12' x 12'; demarcation of 50'

buffer line in consultation with staff, e.g., using 2 or 3 stones; on-going conditions; replanting meadow area with natural vegetation (to remain); meadow mowing only once per year; 4-foot path.

Seconded and voted unanimously.

Barzun: A motion was made to approve standard and special conditions subject to the receipt of a revised plan showing: at-grade platform located at existing patio area; demarcation of 50' buffer (e.g., 2 or 3 stones) in consultation with staff indicating restored meadow area, natural vegetation to remain; mowing only once per year; 4-foot path to platform.

Seconded and voted unanimously.

Lowell: A motion was made to approve standard and special conditions subject to the receipt of a revised plan showing: platform to be 12' x 12', at grade, may be seaward side of work limit nestled into trees; 4-foot path to platform; demarcation of 50' buffer (e.g., 2 or 3 stones) in consultation with staff indicating replanted meadow only in disturbed areas; mowing once per year with natural vegetation to remain around planted meadow area.

Seconded and voted unanimously.

Town of Barnstable/DPW. Construct new ADA-accessible ramp to beach at 329 Millway (Millway Beach), Barnstable as shown on Assessor's Map 301 Parcel 009. **SE3-_____**

The applicant was represented by Keith MacKenzie-Betty of the D.P.W.

Issues discussed:

- What would be placed at end of ramp for access to beach.

Public comment:

- Robert and Ellen Tempkin were in favor of the project, stating that the current ramp is too steep.

A motion was made to approve the project with standard and special conditions.

Christopher Outwin. Modifications to existing licensed pier to include lengthening ramp by 10', relocating existing 4' x 12' float and replacing 4' x 6' float with a 16' x 5' float at 19 Ladd Rd., Centerville as shown on Assessor's Map 186 Parcel 053. **SE3-5381**

The applicant was represented by Daniel Ojala, P.E., P.L.S. of Down Cape Engineering, Inc.

Exhibits:

- A – Aerial sketch plan;
- B – Photo of waterfront;
- C – Sketch plan pier modifications.

Issues discussed:

- Insufficient water under current dock, requires extension to get to water;
- Applicant willing to seek comments from Waterways;
- Commission was satisfied with a 6-foot-wide float.

Comment letter:

- Email dated 3/28/16 from Derek Lawson;
- Letter dated 4/1/16 from Division of Marine Fisheries;
- Harbormaster, Dan Horn, comments from 2011.

A motion was made to continue the hearing to May 3, 2016.

Seconded and voted unanimously.

IV CERTIFICATES OF COMPLIANCE

(ez = no deviations, staff recommends approval) (* = on-going conditions)

- A. Sturgis School SE3-4931 (coc,ez) construct school building *
105 West Main Street, Hyannis

A motion was made to approve the certificate.

Seconded and voted unanimously.

- B. Walter SE3-4945 (coc,ez) raze two and construct one single family dwelling *
470 Sea View Avenue, Osterville

A motion was made to approve the certificate.

Seconded and voted unanimously.

V MINUTES FOR APPROVAL

- A. March 15, 2016

- B. March 22, 2016

A motion was made to approve the minutes (A & B).

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:06 p.m.