

Town of Barnstable Conservation Commission

200 Main Street
Hyannis Massachusetts 02601



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MINUTES – CONSERVATION COMMISSION MEETING

DATE: JULY 19, 2016 @ 3:00 PM

LOCATION: HEARING ROOM – 367 Main St., 2nd Floor, 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 3:00 p.m. by the Chair, F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Dennis R. Houle, Clerk, and Commissioners Peter Sampou, Scott Blazis, and Louise R. Foster. Commissioner John E. Abodeely arrived at 3:37 p.m. Commissioner Larry Morin was away.

Conservation Administrator Darcy Karle assisted, along with Conservation Agent, Martin Wunderly.

3:00 PM AGENDA

[Items I and II were taken out of order]

I OLD & NEW BUSINESS

- A. Ken Wagner update re: Hamblin and Lovell's ponds. Darcy Karle update re: Long Pond, Centerville, Mystic Lake, Middle Pond and Lake Wequaquet and Bearse's Pond.

Ken Wagner, Manager of Water Resource Services, gave a PowerPoint presentation on prior alum treatments in Hamblin and Lovell's Ponds and Mystic Lake.

Ms. Karle gave an overview of four other lake and pond projects, and their compliance with special conditions.

II REVISED PLANS

Project type:

Revision:

- | | | | |
|----|--|-------------------|-----------------------|
| A. | Rosiello SE3-5034
60 Winfield Ln., Osterville | additions; septic | driveway & mitigation |
|----|--|-------------------|-----------------------|

The applicant was represented by Steve Wilson, P.E. of Baxter Nye Engineering, and Mike Ball of Marsh Matters Environmental.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

- | | | | |
|----|---|---|--------------------------------|
| B. | Zelman SE3-5398
133 Sunset Ln., Barnstable | addition to garage; landscaping;
fence | change parking; relocate fence |
|----|---|---|--------------------------------|

The applicant was represented by Steve Wilson, P.E.

At the Chair's request, Mr. Wilson was asked to indicate on the plan that the path is to be four-feet wide, and to initial.

A motion was made to approve the revised plan, with additional notation (as above) on the plan.

Seconded and voted unanimously.

C. Presbyterian Church SE3-4934 expansion of church & add lighted sign & run electric conduit
2391 Iyannough Rd., W. Barns. parking areas

The applicant was represented by Steve Wilson, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. TOB/DPW DA-16038 replace guard rail; add parking regrade shoulder, add stone
Ocean View Ave., Cotuit

The applicant was represented by Roger Parsons, Town Engineer.

Exhibits:

A – Photos

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Littleton SE3-5090 modify dock add lights & water
23 Hayward Rd., Centerville

The applicant, Mr. Littleton, attended.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Steamship Authority SE3-4994 lengthen pier; etc. minimal/to no impact on wetlands
71 South St., Hyannis

The applicant was represented by Greg Endicott.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. Leslie SE3-5326 deck/stairway re-configure deck & stairs
219 Green Dunes Dr., Centerville

The applicant was represented by Lauren Cronin, Associate of Gregory Lombardi Design.

A motion was made to approve the revised plan with special conditions: deck improvement approved as handicap-access improvement for as long as a demonstrated need exists, or until such time as the property is sold or transferred.

Seconded and voted unanimously.

H. Wilkens SE3-4396 maintenance dredging allow re-use of dredge spoil
265 Seapuit River Rd., Osterville

The applicant was represented by John C. O’Dea, P.E.

A motion was made to approve the revised plan with the condition that the grain size of the sand is compatible for beach use.

Seconded and voted unanimously.

I. Schenker SE3-5291 stairs/deck; relocate pier pier location
168 Holly Point Rd., Centerville

The applicant was represented by John C. O’Dea, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III EXTENSION REQUESTS

Project type:

Time requested:

A. Callahan SE3-5102 boardwalk, pier, ramp, float 1st Request; 3 years

Vice-Chair Louise Foster recused herself.

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

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

B. Vedder SE3-5105 replace piling & sheeting 1st Request; 3 years

The applicant was represented by Steve Wilson, P.E.

Issues discussed:

- Concern with allowing a three-year extension when mitigation planting has not been completed.

A motion was made to approve a three-year extension: a mitigation progress report to be submitted to the Commission after the first year documenting mitigation survival rate, due in July, 2017.

[Commissioner John Abodeely arrived]

IV ENFORCEMENT ORDERS

A. **Taylor – 2 Crossway Pl., Osterville.** Alteration of a resource area, cutting vegetation in the 50’ undisturbed buffer from a wetland, Coleman Pond. Cutting down large hardwood trees.

Mr. Michael Taylor attended

Exhibits:

- A. 2015 Aerial GIS photo showing tree cover and area of recent tree removal.
- B. Conservation Agent photos of cut trees.

Mr. Taylor is required to have an arborist work with staff to train individual tree sprouts to grow into a structurally sound trunk. Must submit vegetation management plan and three-year monitoring reports. Allowed to prevent growth of invasives.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

B. **Couite – 0 Fairway St., Centerville.** Alteration of a resource area (coastal dune) on Nantucket Sound, by placing a large bench on dunes.

Ann Couite attended the meeting.

Exhibits:

- A. 6/3/2016 photo of bench by Conservation Agent
- B. Aerial GIS image with area of bench noted
- C. 4/30/2012 warning letter from Conservation Staff to remove bench from dune/private property

A motion was made to approve the enforcement order, as amended, requiring the property owner to submit a Request for Determination to approve the bench.

Seconded and voted unanimously.

C. Redden – 172 Ralyn Rd., Cotuit. Alteration of a resource area, and alteration of the 50' undisturbed buffer from a wetland, No Bottom Pond, by removing vegetation.

James Redden attended.

Exhibits:

- A. 2014 Aerial GIS showing path location
- B. 5/4/2016 Photos of cleared path, cutting, brush pile, and planted trees.

A motion was made to approve the enforcement order, as amended: species of willow trees planted should be identified and removed if they are non-native.

Seconded and voted unanimously.

D. Ashur – 487 Scudder Ave., Hyannis. Alteration of the 100' buffer from a wetland, wooded swamp and Schoolhouse Pond, by removing vegetation and clearing groundcover.

No one attended the hearing.

Exhibits:

- A. 2014 Aerial GIS with 100 ft. buffer line, wetland, area of concern, and pipe material.
- B. 5/2016 Photos of cleared and loamed area, pipe material, damaged tree, and pond.
- C. 8/2009 Amended Enforcement order for clearing area in 100-ft. wetland buffer.

Issues discussed:

- The Commission questioned if any of the cleared area was in a wetland resource area. If submitting a request for determination to seek approval, Mr. Ashur must include a wetland delineation report.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

E. Bryan – 223 Regency Dr., Marstons Mills. Alteration of a resource area, cutting vegetation in the 50' undisturbed buffer from a wetland, Mystic Lake.

Dean Bryan attended.

Exhibits:

- A. Aerial GIS map of lake, wetlands, and disturbed area.
- B. 6/17/2016 Conservation Agent photos of clearing and cut trees.
- C. DA-10030 Removal of gray willows

The matter was tabled to 8/16/2016. The Commission requested more research.

F. Roper – 229 River Rd., Marstons Mills, Violation of an enforcement order (#VIO 2016-004 Construction of boardwalk in wetland resource area.)

Harold Roper attended.

Exhibits:

- A. 6/17/2016 photos from Natural Resource Officer
- B. 2/5/2016 enforcement order for alteration of resource area, with site plan, order of conditions, and GIS image showing edge of wetland
- C. 3/16/2016 amendment to enforcement order

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

V NON-CRIMINAL CITATIONS

A. **Roper – 229 River Rd., Marstons Mills** – Violation of an enforcement order – \$300.00

Noted

4:30 PM AGENDA

VI REQUESTS FOR DETERMINATION

Susan Gilson. Clear understory and dead trees from 50 – 100 ft. wetland buffer; maintain as meadow; install open fencing at 3385 Main Street/Route 6A, Barnstable as shown on Assessor's Map 299 Parcel 044.002. **DA-16042**

The applicant attended.

No issues arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Colonial Gas Company. Install a new gas service main on Berry Hollow Drive, Marstons Mills as shown on Assessor's Maps 044 & 045 and Parcels 018, 019, & 047. **DA-16043**

Commissioner Scott Blazis recused himself.

The applicant was represented by Amanda Crouch-Smith, P.W.S. of Tighe & Bond.

Public comment:

- Steve Farrar of 860 River Road asked if a swale could be constructed while the project takes place to help with drainage issues. The Commission replied that they cannot require the applicant to construct a new swale.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

VII NOTICES OF INTENT

William LaPoint. Demolish existing dwelling; construct new dwelling, pool, & septic system. Remove invasive plants and conduct mitigation planting at 980 Main Street, Cotuit as shown on Assessor's Map 034 Parcel 033. **SE3-5401**

The applicant was represented by was represented by Daniel Ojala, P.E. of Down Cape Engineering, Jen Crawford and Nick Cranford of Crawford Land Management.

Issues discussed:

- Verification of an eight-foot buffer strip, as required in a prior order of conditions; if it were improved upon, could this area be included in the overall mitigation calculation for this project?
- Request to see more vertical complexity of vegetation on bank planting plan
- Question about boat attached to the bulkhead
- Lounge beach chairs lined up on top of bulkhead where beach grass was to be maintained.

A motion was made to continue the project to August 9th.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 6:22 p.m.