



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: AUGUST 22, 2017 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM, 367 Main Street 2ND Fl., Hyannis, MA

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 Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners John E. Abodeely, Peter Sampou, Scott Blazis, and Larry Morin.

Conservation Administrator, Darcy Karle, assisted.

I REQUEST FOR DETERMINATION

Elizabeth Broecker. Proposed 16' x 20' addition to north face of existing single-family dwelling at 76 Dumont Dr., Hyannis as shown on Assessor's Map 307 Parcel 089. **DA-17047**

Elizabeth Broecker attended.

Issues discussed:

- Location of shed should be shown on revised plan
- Drywell should be located on revised plan
- Ms. Karle noted there is dumping of leaves in the wetland across the street.

A motion was made to approve a negative determination subject to receipt of a revised plan showing shed location, location of drywell and condition that dumping leaves in wetlands across the street should cease.

Seconded and voted unanimously.

II NOTICES OF INTENT

Brian G. & Denise M. Cobb. Regrade rear yard, provide retainage and plant buffer, replace tree, construct outdoor rinse station and deck stairs at 22 Beech Leaf Island Rd., Centerville as shown on Assessor's Map 187 Parcel 077. **SE3-5505**

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

Issues discussed:

- Deviations exist on typical section between landscape drawing and engineering plan. Proposed fence not shown.
- Ms. Wilson was advised that she should reference on the engineering plan the permit number for the porch
- Question was raised on the permitting of the enclosed porch.

A motion was made to approve the project as submitted, subject to receipt of a revised plan showing:

1. Permit number for the enclosed porch
2. Shower shall be labeled as a "rinse station"
3. Proposed fence running along the top of the retaining wall.

4. All down spouts connected to drywells.

Seconded and voted unanimously.

III AMENDED ORDERS

David Doherty & Allison Price Doherty. Request for amended order of conditions **SE3-5417** to include the following proposals: remove existing unpermitted walk, gravel, and rinse station; proposed second-story addition within existing footprint; proposed porch to road-side of dwelling; proposed patio to pond-side of dwelling at 281 Scudder Rd., Osterville as shown on Assessor's Map 139 Parcel 012. **\$36.36**

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

Issues discussed:

- Concern was raised regarding location of proposed eastern red cedars to be planted under existing maples
- Concern where mitigation was originally being proposed – in the corner, rather than along the top of the bank
- Concern was raised about some mowing over the bank along the edge of path and storage of kayaks and boats at edge of pond
- Concern that existing trees are not located on the plan
- Rack could be indicated on a revised plan for storage of small boats
- Path should be reduced to 4-foot minimum.

A motion was made to approve the project subject to receipt of a revised plan indicating:

1. Mitigation moved from corner and centered
2. Cedars moved to an area where they are not under dense canopy, in consultation with staff
3. Path reduced to 4-foot wide
4. Kayak rack (added if desired)

Seconded and voted unanimously.

IV CONTINUANCES

Mark Hennessy. Install 12' x 14' shed in back yard at 167 Breakwater Shores Dr., Hyannis as shown on Assessor's Map 306 Parcel 146. **DA-17042**

Maureen and Steven Ritaco represented the owner/applicant

Issues discussed:

- Darcy gave a history of the original filing of the house
- There was a prior cutting violation in 1988
- Concern with proposed location being so close to the wetland
- Existing tree stumps and mowing in the 35-foot buffer was addressed; was to be left undisturbed in prior filing SE3-1761
- Proposed shed could be relocated near house and driveway, now that the lots are combined
- Enforcement of mowing in 35' buffer will be handled separately; perhaps allowed to revert back to meadow.

A motion was made to approve a negative determination subject to receipt of a revised plan showing the shed relocated closer to the side of the house. Mowing in the 35-foot buffer zone will be referred to staff to handle as an enforcement matter.

Seconded and voted unanimously.

Anthony Raggio. Re-grading and pool fence associated with construction of a single-family home at 23 Point Hill Rd., W. Barnstable as shown on Assessor's Map 136 Parcel 017. **DA-17049 \$17.01**

The applicant was represented by Daniel A. Ojala, P.E.

No concerns arose.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

Kenneth & Melissa Fish Crane. Dredging up to 120 cu. yds. around existing pier at 218 Long Beach Rd., Centerville as shown on Assessor's Map 205 Parcel 003. **SE3-5473**

The applicants were represented by Arlene Wilson, P.W.S. and Atty. Diane Tillotson of Hemenway & Barnes.

Exhibit A — A list of Town dredging projects, compiled from 5/1/05 to 5/1/17, by Clerk Dennis Houle

Issues discussed:

- Quorum of everyone but John Aabodeely
- Proposed dredging would take place within silt curtains
- Applicant has not chosen a particular vessel but will return with specs that meet draft requirements
- Mr. Houle mentioned that 253 Seapuit River Road is the only case he could find where the Commission allowed improvement dredging. It was a unique case (see above list, Exhibit A).
- Concern was raised that, once 1-2 feet are dredged out, area will fill in with fine silt. This could increase the flux of nitrogen into the water column from the sediment.
- It was mentioned that Wind Mill Cove dredging was based on World War II aerials showing a dredge, so they feel those cases were actually considered as maintenance dredging.
- It was brought up that East Bay is now open to shell fishing as a result of hard work to protect the resource and improve water quality across the board
- Concern was expressed for the potential of cumulative impacts of additional dredging projects if this one was approved.
- Concern from all Commissioners that this would set a precedent to allow dredging to change from a dingy dock to a dock for a motorized vessel.
- Whether the applicant could look into the possibility of extending the dock to meet the "12-inch rule."
- Waivers are needed: length of pier as compared to width of property.
- Ms. Karle mentioned re-notification and re-advertising should take place if this changes from a dredge proposal to a dock-lengthening proposal including waterways.

A motion was made to continue the project to October 3rd.

Seconded and voted unanimously.

Cape Cod Five-Cents Savings Bank. Raze existing retail and office space; remove existing septic systems; remove existing parking areas; construct new office building and parking garage; construct stormwater management systems in the 50 – 100-ft. buffer zones; restoration of the 0 – 50-ft. buffer around pond (131 Attucks Lane); construct sewage pump station and force main to tie into town sewer; landscaping, at 1520 Iyannough Rd. (Rte. 132) and 131 Attucks Ln., Hyannis as shown on Assessor's Map 253 Parcels 020-B00 (Barnstable), Parcel 020-T00 (Centerville), Parcel 020-H00 (Barnstable) & Map 254 Parcel 012 (Barnstable). **SE3-5499 (re-advertised)**

The applicant was represented by Steve Wilson, P.E. and Matthew Eddy, P.E., both of Baxter Nye Engineering, Inc.

Exhibit A – Municipal Pump Station Watershed Plan dated 6/5/17

Issues discussed:

- Mr. Houle read correspondence from the DPW dated June 6, 2017
- Mr. Wilson said the DPW concerns were addressed, and force main location is shown on landscape plan.
- Tom Lee needs to review the storm report
- Pre-development and post-development: there appears to be a difference in numbers
- Sewer line, force main and easement should be shown on grading C4 plan.

A motion was made to approve the project, subject to Chair Lee's review of the storm report and subject to receipt of a revised C4 grading plan showing sewer line, force main and easement.

Seconded and voted unanimously.

{Commissioner Scott Blazis left hearing at 8:30 p.m.}

David G. Mugar. Demolish existing dwelling and detached garage; construct new dwelling, detached garage and pool with all appurtenances including driveway, patios, utilities, and landscaping at 114 Peppercorn Ln., Cotuit as shown on Assessor's Map 004 Parcel 009-001. **SE3-5496**

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

Exhibit A – Revised plan dated 8/21/17

Issues discussed:

- Quorum of everyone except Scott Blazis
- John O'Dea stated that he moved the structure back 25' – 26', which was what the Commission was looking for

Correspondence: NHESP letter dated 8/17/17

A motion was made to approve the project based on the revised plan of 8/21/17.

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE (ez = no deviations, staff recommends approval) (* = on-going conditions)

A.	540 Main LLC at 803 South Main Street, Centerville	SE3-5386	(coc,ez)	construct boardwalk, pier, ramp, & float; repair stairs & walkway * Centerville River
B.	Town of Barnstable at 5 ROUTE 149, Marstons Mills	SE3-0224	(coc,ez)	additions & repairs to herring run Mill Pond

A motion was made to approve both certificates.

Seconded and voted unanimously.

VI MINUTES FOR APPROVAL

- A. July 25, 2017
- B. August 8, 2017

A motion was made to approve the minutes.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:32 p.m.