



**Town of Barnstable  
Conservation Commission**  
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**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: February 20, 2018 @ 6:30 PM**

**LOCATION: Town Hall Hearing Room, 367 Main Street 2<sup>ND</sup> 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](http://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 Commissioner Larry Morin. Commissioners John E. Abodeely, Peter Sampou, and Scott Blazis were away.

Conservation Administrator, Darcy Karle, assisted.

**I OLD & NEW BUSINESS**

- A. Review draft Open Space Recreation Plan (OSRP)
- Elizabeth Jenkins and Anna Brigham of the Town Planning & Development Department gave an overview of the OSRP draft plan, and listed goals and objectives.
  - This is an update from the 2010 plan.
  - They were seeking a letter of support from the Conservation Commission.
  - Additional time was requested to submit comments, before the Commission's letter of support of the plan was issued.
- B. Public hearing to amend Chapter 703-2 Definitions to support new regulations, "Q" and "R," found under Chapter 703-4 Regulations.

Exhibit A – Commissioner Morin's comments to language used

Discussion:

- In reviewing "Spring Tides," proposed definition, Commissioners gave input on the definition of "spring tides."

A motion was made to approve the amended language under "Spring Tides."

Public comment: Arlene Wilson added that it might be helpful to state that the tide tables can be found on the National Oceanic & Atmospheric Administration (NOAA) website.

A motion was made to amend the language, adding Ms. Wilson's suggestion. (See "Approved Definitions #2," below)

Seconded and voted unanimously.

Continued discussion:

- In reviewing "Improvement Dredging," Commissioners gave their input.

Public comment: Arlene Wilson suggested that the Commission clarify what is meant by a "license." She thought the Commission should, instead, refer to it as an "Order of Conditions."

A motion was made to approve amended language for “Improvement Dredging.” (See “Approved Definitions, #3” below).

Seconded and voted unanimously.

Continued discussion:

- In reviewing the definition of “Maintenance Dredging,” Commissioners shared their input.

A motion was made to approve the definition of “maintenance dredging” (See “Approved Definitions, #4” below)

Seconded and voted unanimously.

Continued discussion:

- In reviewing the definition of “littoral process,” Commissioners gave their input.

Public Comment: Arlene Wilson suggested that the word “coast” be changed to “shore,” since *littoral drift* can happen in fresh water, too.

A motion was made to approve the amended language. (See “Approved Definitions, #5” below)

Seconded and voted unanimously.

Continued discussion:

- In reviewing “boat lift, davit, or boat elevator,” Commissioners gave their input.

Public Comment: Arlene Wilson mentioned that if a davit were placed on a bulkhead, [State] Chapter 91 would classify the bulkhead as a pier.

A motion was made to approve the amended language. (See “Approved Definitions, #1” below)

Seconded and voted unanimously.

### **Approved Definitions: Ch. 703-2**

- (1) **Boat Lift, Davit, or Boat Elevator:** A mechanical or electrically-driven device attached to a dock, pier, or bulkhead for raising and lowering a vessel vertically (from one level to another), in and out of the water.
- (2) **Spring Tides:** The average height of the high waters of the spring tides is called spring high water, or mean high water springs (MHWS). The Spring Tide Line is defined as the annual average of the two monthly lunar spring tides. This information can be obtained from the NOAA tide tables.
- (3) **Improvement Dredging:** Any dredging under an Order of Conditions from the Conservation Commission, beginning in 1973, or from other agencies prior to 1973, in an area which has not previously been dredged or which extends the original dredged width, depth, length or, otherwise, alters the boundaries of a previously dredged area.
- (4) **Maintenance Dredging:** Dredging under an Order of Conditions in any previously dredged area which does not extend, expand, or exceed the originally dredged width, depth or length. However, such dredging does not, by its very nature, include improvement dredging or backfilling.
- (5) **Littoral Processes:** The movement of sediments, including gravel, sand, or cobbles along the shore caused by waves or currents.

## **II NOTICE OF INTENT**

**James & Susan Kelleher.** Vista pruning and maintenance; mitigation planting and species substitution at 39 Hilliard’s Hayway, W. Barnstable as shown on Assessor’s Map 136 Parcel 048. **SE3-\_\_\_\_\_**

The applicants were represented by Arlene M. Wilson, P.W.S.

Exhibit A – Composite Project Plan dated 2/17/18

Issues discussed:

- The applicants wished to treat phragmites by the “snip-and-drip” method in a small area between the abandoned path and the relocated path
- The project location occurs in Natural Heritage & Endangered Species Program (NHESP) habitat. Their comment letter has not yet been received.

A motion was made to approve the project as submitted, subject to receipt of comments from NHESP, with a continuance to March 13<sup>th</sup> for NHESP only.

Seconded and voted unanimously.

### III CONTINUANCE

**Beyond the Beach, LLC.** Proposed hardscape and landscape improvements including reducing patio area at rear, replacing turf-lawn with native plantings and pavers in gravel/moss groundcover along rear and sides, replacing turf lawn with native shrubs and native grass/wildflower seed mix at front of property, replacing front walk with pavers in gravel, and installing riverside restoration plantings to enhance mitigation at 45 Southwinds Cir., Centerville as shown on Assessor’s Map 226 Parcel 164. **SE3-5540**

The applicant was represented by Christopher King of Atlantic Design.

Issues discussed:

- The four Commissioners present at the hearing constituted a quorum; only three votes would be needed to approve the project.
- The revised plan dated 1/31/18 was the subject of review.
- Commissioners appeared to be pleased with the revisions presented

A motion was made to approve the project, as revised.

Seconded and voted unanimously.

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

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| A. Bergeron & Crowley SE3-5489<br>59 Short Beach Road, Centerville | (coc, ez) replace bulkhead *<br>Centerville River                      |
| B. Bergeron & Crowley SE3-5147<br>59 Short Beach Road, Centerville | (coc, ez) elevate house *<br>Centerville River                         |
| C. Wallace SE3-4678<br>111 Long Beach Road, Centerville            | (coc, ez) remodel single family dwelling *<br>Nantucket Sound          |
| D. Young SE3-5413<br>298 Wheeler Road, Marstons Mills              | (coc, ez) construct addition and deck *<br>Middle Pond                 |
| E. Schneckloth SE3-5286<br>120 North Precinct Road, Marstons Mills | (coc, ez) permit existing landscape & structures *<br>Weathervane Pond |
| F. Ryan SE3-5452<br>455 Bridge Street, Osterville                  | (coc, ez) replace driveway & walkway *<br>West Bay                     |

A motion was made to approve all the certificates (A – F).

Seconded and voted unanimously.

**V MINUTES**

A. February 6, 2018

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 7:49 p.m.**