



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: June 12, 2018 @ 6:30 PM

LOCATION: Selectmen’s Conference 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 REQUESTS FOR DETERMINATION

John & Maureen Hailer. Install a 25' x 30' children’s play area with woodchips; with border on three sides and fence on fourth side at 743 Old Post Rd., Cotuit as shown on Assessor’s Map 054 Parcel 011-004. **DA18026**

The applicant was represented by John Figment and Jesse Roberts of Maffei Landscape.

Issues discussed:

- An enforcement order will be issued for unpermitted rinse station and storage sheds, mulch and stepping stones on path. Applicants will need to file an NOI to incorporate proposed play area and address the unpermitted items.

The contractor withdrew the RDA on behalf of the property owners, and will contact an engineering firm.

II NOTICES OF INTENT

[Items taken out of order: “Assembly Required” was heard first; “Hailer” heard second]

Assembly Required LLC. Raze existing house, site improvements and vegetation management at 27 Gardiner Ln. (formerly 30 & 34 Gardiner Ln.) and 110 East Bay Rd., Osterville as shown on Assessor’s Map 141 Parcels 104-005, 123-002, 123-001. **SE3-_____**

The applicant was represented by Seth Wilkinson of Wilkinson Ecological, and Nate Jones of Coastal Engineering.

Issues discussed:

- Commission was concerned with the number of standing trees tagged for removal, despite the claim that gull wasps have affected the standing trees.
- Question was raised regarding view corridor at 110 East Bay Road, and the possibility of shifting the vista corridor
- Tree removal request should be based on an arborist’s report.

- Commission was fine with the request to remove non-native hollies and rhododendrons
- Request for clarification was made regarding the last paragraph on Pg. 9 of the “Land Management Plan.” Pruning of shrubs is not an approved practice under the Commission’s vista pruning guidelines.
- Concern with the lack of a defined vista pruning corridor for #27 Gardiner Lane.
- Commission requested that they simplify their request and reduce the number of trees to be removed. They were also asked to document those trees they would like to remove, identify vista corridors and mitigate with additional trees.

A motion was made to approve a continuance to June 26th

Seconded and voted unanimously.

III FOR RECONSIDERATION

Jason Stone, Trustee, Jason Stone Trust. Reconsideration for installation of boat lift on existing licensed pier at 183 Bay Shore Rd., Hyannis as shown on Assessor’s Map 325 Parcel 180. **SE3-5546**

The applicant was represented by Atty. Michael Ford and John O’Dea, P.E. of Sullivan Engineering & Consulting.

Issues discussed:

- Quorum for reconsideration: Tom Lee, Dennis Houle, Louise Foster, and Peter Sampou. The prior vote was a 2 to 2 vote.
- This application came in just prior to new regulations going into effect regarding boat lifts
- No denial order has been issued, as the applicant had requested a twenty-one-day waiver
- Attorney Ford addressed the question as to why the claim of potential damage to a vessel was being brought up now, and not by a prior property owner. Counsel also wished to provide additional evidence for the record, documenting the extraordinary environmental circumstances in this case.

A motion was made by Vice-Chair Louise Foster to allow the reconsideration by the Commission.

Seconded and voted unanimously.

Exhibits:

- A – Undated letter from prior property owner, Bill Pane, submitted by John O’Dea shortly after the April 3rd hearing;
- B – Packet submitted by John O’Dea containing a letter from Larry Demers, owner/president of Cape Cod Docks, Inc. dated 3/6/18; emails; letter from Town Shellfish Biologist, Tom Marcotti, to the Commission dated 8/21/04; article by CBS Boston dated April 6, 2018; printout from National Data Buoy Center re: wind speed data for five years at [this] location;
- C – Videos on DVD indicating extreme weather/wind conditions.

Issues discussed:

- Questions raised on wind direction, as seen in video clip
- Whether a mooring had been considered
- Commissioners believed that the additional documentation submitted for the record provides sufficient evidence to support the need for a boat-lift at this location.
- Caution was raised that the Commission had lost in the Mitchell case, a case where there was less supporting evidence
- The Commission could take this opportunity to place special conditions on an approved project. This was something that the applicant was willing to accept.

A motion was made to establish a finding stating that, although this filing is not subject to Regulation “Q,” given the new evidence applicable to §703-4Q (2) (b), and the willingness of the applicant to accept all the conditions under §703-4Q (3) (a-d) and in light of the Mitchell decision, the Commission is moving this to the approval track.

Seconded and voted unanimously.

A motion was made to approve the project as submitted, subject to all applicable conditions in §703-4Q (3) a-d.

Seconded and voted unanimously.

IV CONTINUANCES

James Pinho. Construct additions to a single-family home, including new garage, link, decks, and relocation of existing rinse station; existing structures and impervious surfaces are to be removed at 65 Short Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 105. **SE3-5576**
Request for Continuance

An email was read into the record from BSC Group, dated 6/5/18, requesting a continuance to July 24, 2018.

A motion was made to continue the project to July 24, 2018.

No testimony was taken.

Seconded and voted unanimously.

V CERTIFICATE OF COMPLIANCE

A. Town of Barnstable/CONS SE3-4937 (coc, ez) fanwort treatment
Wequaquet Lake & Bearn Pond, Centerville

A motion was made to approve the certificate.

Seconded and voted unanimously.

VI MINUTES

A. 5/29/2018

A motion was made to approve the minutes.

Seconded and voted unanimously.

VII CHAIRS'S EXECUTIVE SESSION REVIEW

In consultation with Assistant Town Attorney Charles S. McLaughlin, Jr., the Chair is taking the following actions:

A. Release the previously approved executive session minutes of May 30, 2017, which relate to the matter of pending litigation re: Whistleberry (DA-15049)

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:07 p.m.