



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

DATE: June 26, 2018 @ 6:30 PM

LOCATION: 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.

The Commission bade farewell to Scott Blazis after serving on the Commission for eighteen years.

I REQUESTS FOR DETERMINATION

Finn, John J. Construct 16' x 16' family room addition on northeast corner of existing single-family house and a 16' x 23' enlargement of existing southeasterly deck at 254 Long Pond Rd., Marstons Mills, MA as shown on Assessor's Map 029 Parcel 003. **DA-18027**

The applicant was represented by Arlene Wilson, P.W.S. of A. M. Wilson Associates, Inc.

Exhibit A – photos

Issues discussed:

- Question was raised on current condition of the 50' buffer. Bushing was noticed off the edge of the stairs and where the older sets of ties were removed on the right, and a bench installed on the left.
- An after-the-fact NOI will be submitted for the stairs, at which time the brushing will be addressed.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

Marc J. & Susan I. Allain. Septic system upgrade of single-family dwelling at 47 Fox Hollow Ln., Osterville as shown on Assessor's Map 145 Parcel 010. **DA-18028**

The applicant was represented by Sam Iannelly of JC Engineering

A motion was made to approve a negative determination.

Seconded and voted unanimously.

Town of Barnstable/Conservation Program. Install roadside raingarden to help reduce polluted stormwater run-off from entering Lake Wequaquet at southern-most end of Holly Point Road, Centerville (roadside) adjacent to Assessor's Map 232-068. **DA-18029**

The applicant was represented by Darcy Karle, Conservation Administrator.

Exhibit A – Rain Garden Section detail

Issues discussed:

- Who will be responsible for maintenance

Public Comment: Peter Murray of 336 Holly Point, Centerville asked whether there were other rain gardens in town, location of proposed storm drain, and what type of planting will be going into the rain garden.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

Estate of Frederick & Joanne Rosengren. Upgrade a failed septic system with no proposed changes to house at 58 Nyes Point Way, Centerville as shown on Assessor's Map 233 Parcel 016. **DA-18031**

The applicant was represented by Ronald Cadillac.

Issues discussed:

- Question raised regarding location of leaching system in road layout to get maximum distance from wetlands
- Separation to ground water using IA system; 3' is approved for IA system

A motion was made to approve a negative determination

Seconded and voted unanimously.

II NOTICES OF INTENT

Diane L. Currier, Tr., 1071 Old Post Realty Trust–2006. Construct accessory structure with storage below and a pool and patios with grading, landscape walls and all associated appurtenances at 1071 Post Rd., Cotuit as shown on Assessor's Map 074 Parcel 028. **SE3-5584**

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

Issues discussed:

- Concern raised on width of existing path and stepping stones going into the marsh.
- Question raised on installation of bathroom or living quarters.
- Request for elevations to be submitted.
- Question on how many trees will be removed between 50' and 100' buffer; answer: 15-20.
- Question: would applicant be willing to move proposed structure further back?
- Revised plan should indicate water and electrical for the proposed structure.
- Concern raised about a future vista pruning request for the structure.
- End of path could be relocated to adjust for stones in marsh.

A motion was made to approve the project, subject to receipt of a revised plan indicating: path dimension to be reduced to 4-ft. width; demarcation in consultation with staff; utility lines such as water, sewer and electric. Stepping stones on path in marsh to be examined for possible better solution, in consultation with staff; elevations to be submitted for staff review.

Seconded and voted unanimously.

Mark F. & Amy C. Lund. Construct a single-family dwelling, pool, cabana and all associated appurtenances; vista pruning at 48 Starboard Ln., Osterville as shown on Assessor's Map 185 Parcel 001. **SE3-5583**

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

Issues discussed:

- Standard vista pruning is being requested

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

Seconded and voted unanimously.

347 Eel River Road Realty Trust & B. Francis II & Patricia A. Saul, c/o B. F. Saul Company & Affiliates. Proposed improvements to existing house and accessory structure to include modifications to decking, stairs, walkways, driveway, grading, fill and upgrade of septic system and all associated appurtenances at 347 & 355 Eel River Rd., Osterville as shown on Assessor's Map 115 Parcel 001 (#347) and Map 114 Parcel 023 (#355). **SE3-5582**

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

Issues discussed:

- Need to show dimensions of all proposed features on revised plan.
- Septic should be indicated as a black line. Mr. O'Dea will provide separate plans for the file
- Vertical complexity should be part of mitigation planting; possibility of adding a couple of cedars.
- Request by staff for shrubs in mitigation area to be 3 - 5 gallon size
- Request to remove concrete landing under proposed boardwalk extension; determine whether it can be broken up.
- Note on plan regarding cedar to be remove and replanted, should read: "replaced."
- Filled area should have a limit on fertilization.

A motion was made to approve the project as submitted with the following special conditions and plan revision:

1. Submit a copy of the septic plan for the record
2. Revise plan to show dimensions for any new features, mitigation area, and any additional new steps
3. Plants in mitigation area be 3 to 5 gallon pot size
4. Two cedars to be added to the number provided in an RDA to be planted in strip or higher up on lawn.
5. Attempt to remove concrete walk adjacent to guest house, if feasible, in consultation with staff.
6. Three-year monitoring program for trees planted and replanted in filled area. Any trees that don't survive must be replanted.

Seconded and voted unanimously.

Felix Shneur & Irina Gluskina, Trs., Felirsa Realty Trust. Construct two additions and a deck; relocate and repave driveway at 187 Bay Ln., Centerville as shown on Assessor's Map 186 Parcels 011 & 077. **SE3-5587**

The applicant was represented by Danny Gonzales Down Cape Engineering and Elaine Johnson Landscape Designer.

Exhibit A – Revised plan dated June 22, 2018

Issues discussed:

- Request for addition in the 50-ft. buffer with mitigation that serves as a benefit.
- Concern with request to remove cedar.
- Shrubs should be added to middle section of mitigation strip for vertical complexity, such as bayberry, evergreen, and juniper.
- Demarcation of mitigation area needed.

Public Comment: Chris Caldwell, builder on project, asked whether the cedar can be pruned; the answer was yes. Also, he asked how much verticality the Commission was looking for. The Commission favored a grouping of three cedars.

A motion was made to approve the project subject to receipt of a revised planting plan indicating vertical complexity in middle section of mitigation area with more shrubs; planting a grouping of 2-3 cedars; and, demarcation of the planting area in consultation with staff.

Seconded and voted unanimously.

Nicholas D. & Millie L. Copp. Site improvements to include swimming pool, outdoor sports court, patios, spa, fire pit, walkways and planting beds at 195 Bunker Hill Rd., Osterville as shown on Assessor's Map 096 Parcel 007-003. **SE3-_____**

The applicants were represented by Sean Riley of Coastal Engineering.

Exhibit A – Google Earth FEMA map

Issues discussed:

- Dimensions needed of all features and elevations of proposed wall on revised plan
- Question raised on existing single-rail fence, and what it was demarcating
- Low fence was installed when there was a coastal bank delineated under prior filing. Delineation of resources change with the current flood zone map.
- Wall should be constructed first.
- Sean stated they will use jute netting on slope near pool.

A motion was made to approve the project subject to receipt of a revised plan indicating dimensions of all proposed features and spot elevation of wall. Landscape wall to be constructed first. Construction protocol required.

Seconded and voted unanimously.

III CONTINUANCES

Ocean Gate Condominium Association. Repair of existing damaged brick stairway with new granite steps at 21 Hawes Ave., Hyannis as shown on Assessor's Map 323 Parcel 002. **SE3-5572**
Continued for NHESP only

Issues discussed:

- Quorum – everyone present except Louise Foster.

Correspondence: Letter from NHESP dated June 13, 2018

A motion was made to close the public hearing for this project, and have staff issue the Order within twenty-one days.

Seconded and voted unanimously.

Oliver Berrett & Lisa Rudolph. Permit existing freshwater dock and boardwalk and repairs to structure; implement wetland buffer zone land management and restoration plan, at 521 Bumps River Rd., Osterville as shown on Assessor's Map 143 Parcel 039. **SE3-_____**
Request for continuance to 7/24/18

Issues discussed:

- Quorum of everyone, as there was no testimony.
- Town Surveyor out on medical leave, therefore, applicants required a further continuance.

A motion was made to continue the project to July 24th, with no testimony.

Seconded and voted unanimously.

Joseph R. Jenkins, Tr., South Bluff Realty Trust of 1997. Continued bank management to include existing pollarding with proposed coppicing, leader management and native plantings for increased density and height diversification at 195 Seapuit River Rd., Osterville as shown on Assessor's Map 070 Parcel 015. **SE3-5570**

The applicant was represented by Michael Eagan, John O'Dea, and Steve Hayward of Bartlett Tree, Valerie Moore, and Attorney Liza Cox.

Issues discussed:

- Quorum of all present.
- PowerPoint photos as they appeared in the NOI.
- Steve Hayward gave an overview of various arborist-cutting practices, e.g., coppicing and pollarding.
- Clarification was requested of what the applicant was seeking instead of vista pruning, or whether he was asking to keep trees at a certain height. Concern was raised that this request is an exception to what the Commission normally approves.
- Question as to how many trees could be reverted back under leader management.
- Concern with request to use these cutting methods from one side of the property to the other.
- Question was raised on health of the habitat. What is the effect of these cutting practices on the mass of a tree?
- Question raised about how much dead material exists after pollarding, as dead material provides habitat for wild life.
- Concern that a particular cutting practice may provide less of a diverse habitat.
- It mentioned that under a prior filing of a special condition stated that no vista pruning shall occur without application to, and approval by, the Conservation Commission.
- Mr. Egan stated he already had a view (considering the historic way he had been maintaining the bank), so he didn't know why he would need to apply for vista pruning.
- Vistas should be identified on the plan.
- Question about which species were requested for leader management. Possibility for white oak leader-management.

A motion was made to approve a continuance to July 24th.

Seconded and voted unanimously.

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. **SE3-5581**

The applicant was represented by Seth Wilkinson of Wilkinson Ecological Design.

Issues discussed:

- Revision addresses concern with the number of trees to be removed, now reduced to three trees in the 50-ft. buffer.
- Six wind-blown trees will still need to be removed.
- A one-time restorative pruning treatment requested for #27 Gardener Lane to shape the plants into a more natural form.
- Vista corridor was identified off of the terrace, as the Commission had requested.

A motion was made to approve the project as submitted, based on revised plan dated 06/19/2018.

Seconded and voted unanimously.

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

- | | |
|--|---|
| A. Theoharidis SE3-0145
Hamden Circle, Hyannis | (coc, ez) construct drainage for subdivision
Crooked Pond area |
| B. Yasmine Rlty. Ltd. SE3-4890
253 Seapuit River Road, Osterville | (coc, ez) construct additions to single family dwelling *
Seapuit River |
| C. Khouri SE3-4884
351 Huckins Neck Road, Centerville | (coc, ez) raze & construct single family dwelling *
Bears Pond |
| D. Seal SE3-5366 (coc, ez)
355 Bridge Street, Osterville | construct in-ground pool with re-grading *
flood zone & isolated wetland |
| E. Bradley SE3-5343
48 Magnolia Avenue, Centerville | (coc, ez) raze & construct single family dwelling *
Centerville Harbor |

A motion was made to approve all certificates (A-E).

Seconded and voted unanimously.

V MINUTES

A. 6/5/2018

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

B. 6/12/2018

A motion was made to approve the minutes, as written.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:28 p.m.