



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: FEBRUARY 23, 2016 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM, 2nd Floor – 367 Main Street, 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 Chairman F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle, and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise R. Foster. Commissioner John Abodeley was away.

Darcy Karle, Conservation Administrator, assisted.

I REQUESTS FOR DETERMINATION

Bruce A. McCue & Kathleen Cook. Remove existing 12' x 14' deck and replace with same size screened porch on sonotubes; silt fence to be installed to mitigate erosion and to demarcate work limit at 119 Bayberry Ln., Barnstable as shown on Assessor's Map 335 Parcel 037. **DA-16007**

The applicant was represented by Donald Bracken, Jr. of Bracken Engineering, Inc.

Issues discussed:

- Sonotubes will be dug by hand;
- Any disturbed areas will be replanted with grass;
- Property has a disturbed buffer zone.

A motion was made to issue a negative determination, pending staff's verification that deck was previously permitted; if not, the proposed project will have to return to the Commission,

Seconded and voted unanimously.

Chris McGrath c/o Pine Harbor Wood Products. Construct 14' x 24' detached single-car garage on slab foundation; minor driveway expansion; existing shed to be moved approx. 10' further from wetland, at 70 Maple St., W. Barnstable as shown on Assessor's Map 132 Parcel 021-002. **DA-16008**

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

Issues discussed:

- Drywells will be used;
- An effort will be made to save pines near driveway extension.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

II NOTICES OF INTENT

None

III CONTINUANCES

Town of Barnstable/Dept. of Public Works. Upgrade existing undersized culvert pipe to a properly-sized box culvert, to increase tidal flushing and pollutant removal from Snow's Creek and upstream impoundment. No significant change in water elevations expected. Snow's Creek culvert located at Ocean St., Hyannis as shown on Assessor's Map/Parcel (Various). **SE3-5315**

The applicant was represented by Roger Parsons, Town Engineer, and David Cicia, P.E. of BL Companies.

Issues discussed:

- A quorum of Commissioners was present;
- Additional surveys were performed to gather information on elevations upstream; will be used to form models;
- At mid-tide there will be a 1-foot difference in water elevation;
- They do not foresee any real immediate changes. Any charges will be over a span of perhaps 10 years;
- Water levels not expected to change as much as those at Stewart's Creek.

A motion was made to approve the project with standard and special conditions; the applicant is to submit additional survey work performed upstream, and the GIS aerial shown at the hearing.

Seconded and voted unanimously.

Virginia Reeves. Construct single-family home with garage, driveway, deck, pool and landscaping at 25 East Ave., Osterville as shown on Assessor's Map 139 Parcel 080. **SE3-5360**

[This and next project (Reeves) were heard simultaneously]

Virginia Reeves. Construct single-family home with garage, driveway, deck, pool and landscaping at 45 East Ave., Osterville as shown on Assessor's Map 139 Parcel 079. **SE3-5359**

The applicant was represented by Peter Hansen of Peter Hansen Design, and Michael Ball of Marsh Matters Environmental.

A quorum of Commissioners was present.

Issues discussed:

- The continuation was based on whether the depression/area can be classified as an isolated wetland;
- Mr. Ball presented a delineation report using vegetation and soils dated, 2/23/2016;
- The Vice-Chair stated that, under the Town's Ordinance, consultants may use both vegetation and soils as delineation tools;
- Mr. Ball's professional opinion is that vegetation and soils indicate that the area in question in not an isolated wetland.

Correspondence:

- Letter from Bradford Hall received on 2/23/2016.

Public comment:

- Atty. Albert Schulz, representing an abutter;
- Brad Hall, on behalf of an abutter.

Mr. Hansen agreed to a further continuance, and stated that he would work with all parties to set up a joint site visit.

A motion was made to continue both hearings to March 8th, 2016.

Seconded and voted unanimously.

IV CERTIFICATES OF COMPLIANCE

(* = on-going conditions)

- A. Town of Barnstable/DPW SE3-5015 (coc,ez) reconstruct East Bay Road boat ramp *
- B. Gregory SE3-4856 (coc,ez) construct pier, ramp, & float *

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

Seconded and voted unanimously.

V MINUTES FOR APPROVAL

- A. 2/9/2016
- B. 2/16/2016

A motion was made to approve the minutes (A – B).

Seconded and voted unanimously.

VI MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

- A. Joint letter from Conservation Commissions on Cape Cod regarding Executive Order No. 562

The Commission reviewed the draft petition letter prepared by the Conservation Administrator of Brewster regarding the Governor’s Executive Order No. 562. The order mandates that state agencies review regulations by March 31st of 2016.

The underlying issue is how this executive order will impact the wetland protection act regulations.

Other organizations throughout the state have signed a different petition, while the Massachusetts Association of Conservation Commissioners (MACC) has sent its own letter regarding dam repairs and wetland replication requirements.

A motion was made to table the signing of the petition until the matter has been further investigated.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 7:58 p.m.