



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

DATE: August 23, 2016 @ 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 and Clerk Dennis R. Houle, along with Commissioners John E. Abodeely, Scott Blazis (arrived at 6:38 p.m.), and Larry Morin. Commissioner Peter Sampou was away.

Darcy Karle, Conservation Administrator, assisted.

### I OLD & NEW BUSINESS

A. Proposed changes to Chapter 707: Regulations Governing Minimum Submission Requirements for an NOI

The Chair gave an overview of the proposed changes.

The change requiring PDF versions will allow additional time for other departments, e.g. Shellfish Constable and Harbormaster, and associated committees to review applications in a timely manner.

The change requiring blue or red ink on plans will better distinguish copies from originals.

Effective date for changes to Chapter 707 will be September 1<sup>st</sup>, or as needed to allow time for posting to Town website.

A motion was made to adopt the changes to Chapter 707, as presented, effective September 1<sup>st</sup>.

Seconded and voted unanimously.

### II REVISED PLANS

#### Project

#### Revision

A. Burkhead DA-15041 (**from 8/16**) path, terrace, retaining walls remove/replace trees, shrubs

The applicant was represented by Michael Doucette of Zen Associates.

Staff clarified that the 50-foot buffer was not subject to vista pruning guidelines, being a state coastal bank.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Bogert SE3-5283 (**from 8/16**) additions, expansion/sfd raise roof

(Revised Plans, Bogert, continued)

The applicant was represented by Ron Welch.

No issues arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

### **III REQUESTS FOR DETERMINATION**

**Giles & Jo-Ann M. Archer.** Establishment of two vista corridors at 110 Tracey Rd., Cotuit as shown on Assessor's Map 004 Parcel 002. **DA-16049**

The applicant was represented by Wayne Tavares of Wet Tech Land Design, Inc.

Exhibits:

A – FEMA flood map

Issues discussed:

- The revised plan dated 8/19/16 was reviewed;
- A question of whether the project was correctly advertised;
- Work must remain within confines of property lines only;
- Concern with requested waiver to remove trees, specifically, a 24" pine and an 8" pitch pine;
- The Commission noted that the area is heavily vegetated;
- Possible mitigation required for tree removal;
- A waiver to remove invasives also requested, the Commission was amendable to it; the area would be replanted.

A motion was made to issue a negative determination, subject to the receipt of a revised plan, deleting the removal of the The 24" pine and an 8" pitch pine; must indicate on plan three mitigation trees to replace three trees to be removed, in consultation with Conservation staff.

Seconded and approved: 5 votes = Aye; 1 vote = Nay.

**Town of Barnstable/DPW/Hyannis Water Dept.** Expand approved concrete pad from 300 sq. ft. to 700 sq. ft. and enclose carbon filter; expand footprint of approx. 4 feet in each direction at 629 Mary Dunn Rd., Hyannis as shown on Assessor's Map 331 Parcel 004-X02. **DA-16050**

The applicant was represented by Hans Keizer of Hyannis Water Department, and Mark Marinaccio of the DPW.

Issues discussed:

- The applicant wished to avoid point-source discharge, due to contaminated soils; French drains for roof runoff deemed a better option than a drywell.

A motion was made to issue a negative determination; French drains to be added to a revised plan, and a copy of the plan to be submitted for the Conservation file.

Seconded and voted unanimously.

**Mary M. Ryan.** To renovate/rebuild existing 2<sup>nd</sup> floor over garage at 455 Bridge St., Osterville as shown on Assessor's Map 072 Parcel 035. **DA-16051**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering & Consulting.

(RDA's, Ryan, continued)

Exhibits:

A – Submission of elevation plans for file

Issues discussed:

- Mr. Rowland submitted elevation plans, upon request of the Commission, marked “Exhibit A”.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Arnold Mason & Joan Mason Levitts, Trs.** Remove existing diseased and dying trees and vegetation along property lines, and plant new at 226 Long Beach Rd., Centerville as shown on Assessor's Map 205 Parcel 002. **DA-16052**

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

Issues discussed:

- Replacement trees were reviewed by Mr. O'Dea;
- Impact of project on three properties, due to a right-of-way.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Jill F. G. Mitchell.** Proposed swim spa in existing patio at 345 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 007-001. **DA-16053**

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

Exhibits:

A – Sketch plan dated 8/23/16, showing detail on section of engineering plan

Issues discussed:

- A draw-down pit was not indicated on the plan

A motion was made to issue a negative determination, subject to the addition of a draw-down pit to be added to the sketch plan.

Seconded and voted unanimously.

**Colonial Gas Company.** Extend gas service from existing main on Seapuit Road to residence at 265 Seapuit Rd., Osterville as shown on Assessor's Map 095 Parcel 004. **DA-16054**

The applicant was represented by Amanda Crouch-Smith, P.W.S. of Tighe & Bond, and Seth Wilkinson of Wilkinson Ecological.

Exhibits:

A – Revised plan dated 12/19/12 for 275 Seaport Road, submitted by Mr. Wellington, abutter. (This plan was found not to be properly associated with this filing).

Issues discussed:

- Condition of road would need to be restored to its current condition after project is completed;
- Mr. Wilkinson indicated that other utilities were not being upgraded at this time.

(RDA's Colonial Gas, continued)

Correspondence:

- Emails from David Breed and Charles Wellington, both citing their concerns about the project.

Public comment:

- Charles Wellington was concerned about an open trench in the road while the project is taking place, and the impact to vehicles' and construction vehicles' access. He also felt there were discrepancies in engineering plans between his own and those of the project regarding the 50-ft. buffer line. In addition, he was concerned with the current haybale line installed for construction currently going on – he would like all utilities companies to file applications simultaneously, so pavement would be “ripped-up” only once.

A motion was made to issue a negative determination, approving/allowing a trench in the existing road, and the restoration of the road to its current condition after the project is complete.

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**George W. Jensen.** Clearing of overgrown vegetation, including vista pruning at 50 Lattimer Ln., Hyannis as shown on Assessor's Map 288 Parcel 156. **DA-16046**

The applicant was represented by Nicola Facendola, P.E.

Exhibits:

A – Revised plan dated 8/20/16

Issues discussed:

- A question of whether the resources on the plan represent a state or town bank;
- Ms. Facendola stated that the project was located on a state coastal bank;
- Because the project is located on a state – rather than town – bank, the work requested in the backyard is approvable.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

[Upon later examination, the project was identified as being on a town coastal bank and, therefore, subject to the 50-foot buffer set-back. A further hearing for reconsideration would be required for approval of the project.]

**Robert Bancroft.** Septic system upgrade at 21 Bancroft Circle, W. Barnstable as shown on Assessor's Map 215 Parcel 013. **DA-16047**

No one attended the hearing.

A motion was made to continue the hearing until September 6<sup>th</sup>.

Seconded and voted unanimously.

No testimony was taken.

**Bortolotti Construction.** New Title-5 septic system with enhanced treatment at 100 Nyes Neck Rd., Centerville as shown on Assessor's Map 233 Parcel 066. **DA-16048**

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

No issues arose.  
(Continuances, Bortolotti, continued)

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Louis N. & Zacharie H. Vinios.** Demolish existing detached garage; construct new pool, patio, cabana, retaining wall, new detached garage; reconfiguration of driveway and renovations to existing dwelling at 47 Sea View Ave., Osterville as shown on Assessor's Map 162 Parcel 025. **SE3-5407**

The applicant was represented by Charles (Chuck) Rowland, P.E.

Issues discussed:

- Location of retaining wall;
- Elevation of wall;
- Possibility of wall being pulled back eleven feet;
- Mitigation planting; request for greater variety of additional plant species to increase vertical complexity and add foraging species for wildlife.

A motion was made to approve the project with special conditions, subject to the receipt of a revised plan showing a variety of planting material, in consultation with staff; retaining wall to be set back eleven feet, and plan to show elevation of retaining wall.

Seconded and voted unanimously.

[Commissioner Scott Blazis left the hearing at this point, and did not return.]

**Patrick J. Melampy, Tr., Ships Eagle Lane Nominee Trust.** Restoration of coastal bank to include removal of non-native plants, supplemental planting of native plants and selective management of dead and diseased trees and saplings, and vista pruning at 52 Ships Eagle Ln., Osterville as shown on Assessor's Map 164 Parcel 022. **SE3-5402**

The applicant was represented by John C. O'Dea, P.E., Seth Wilkinson, and Katrin Higgins.

Issues discussed:

- A quorum was present, with the exception of Commissioner Blazis;
- As the Commission requested, Ms. Higgins gave a presentation on the status of three other projects on steep banks, 159 Main St., 819 So. Main St., and 315 Baxters Neck Rd. In addition, she gave additional information regarding the replacement tree, tupelo, for the Norway maple proposed to be removed.

A motion was made to approve the project with special conditions, as revised in the August 9, 2016 Land Management Plan and revised Restoration Plan of the same date.

Seconded and voted unanimously.

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

A.	Hyannisport Club	SE3-4723	(coc,ez, TABLED from 8/9/16)	invasive plant management * at 2 Irving Avenue, Hyannisport – Hall's Creek
B.	Franco	SE3-5263	(coc,ez)	construct addition to single family dwelling * at 143 Abbey Gate, Cotuit – Santuit River
C.	Basta	SE3-4909	(coc,ez)	construct deck, pool, & patio * at 20 Marchant's Mill Road, Hyannis – bordering vegetated wetland

(Certificates, continued)

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

Seconded and voted unanimously.

**VI MINUTES FOR APPROVAL**

A. August 9, 2016

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 9:03 p.m.**