



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: February 7, 2017 @ 6:30 PM

LOCATION: Town Hall 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 Peter Sampou, Scott Blazis, and Larry Morin. Commissioner John Abodeely was away.

Conservation Administrator, Darcy Karle, assisted.

I OLD & NEW BUSINESS

- A. Barnstable Land Trust (BLT) requesting Commission support of an application to the Community Preservation Committee, requesting funds to help purchase property, 3.47 acres, located at #0 Church Street, Map 176 Parcel 006, West Barnstable with a commitment from Commission to hold the conservation restriction.

This matter was tabled by the Chair to 2/14/2017.

II REQUEST FOR DETERMINATION

233 Seapuit LLC. Proposed lawn and native plantings restoration of buffer zone, previously developed with pool, patio and retaining walls under DEP File# SE3-4645 at 233 Seapuit River Rd., Osterville as shown on Assessor's Map 051 Parcel 001.
DA-17004

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

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Town of Barnstable/D.P.W. Design and construction of new parking lot, pedestrian access, improved stormwater measures, landscape improvements and new access road at Joshua's Pond Park at 290 Tower Hill Rd., Osterville as shown on Assessor's Map 142 Parcel 039 **DA-17005**

The applicant was represented by Tim Brown and Paul Carlson of Birchwood Design Group, and Roger Parsons, Town Engineer.

Exhibits:

- A – Stormwater Management Report dated 2/1/17
- B – Site Layout plans C2.0 dated 1/20/17; C1.0 dated 1/20/17

Issues discussed:

- A site layout plan C2.0 and existing conditions plan C1.0 were submitted at the hearing to help clarify the proposed changes;
- Mr. Parsons said the contractor is responsible for installation of plants and replacement of any that fail to survive; after that, plantings will be cared for by the DPW;
- Mr. Parsons indicated that an outside water tap can be added to assist with watering plants.

Public comment: Chuck Wildman of 318 Tower Hill Road supported the project but wondered who would eventually care for the plantings.

A motion was made to issue a negative determination subject to review of the stormwater management plan.

Seconded and voted unanimously.

Colonial Gas Company. Extend existing gas main within Fifth Avenue approximately 230 linear feet south and install gas service line west to residence at 191 Fifth Ave., Hyannisport as shown on Assessor's Map 245 Parcel 106. **DA-17006**

The applicant was represented by Dana Vesty of Tighe & Bond.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

EM Crosby Boatworks. Construct concrete boat ramp with maintenance dredging and timber pier, ramp and float for loading and rigging at 178 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 029. **SE3-5445**

The applicant was represented by John C. O'Dea, P.E. and Atty. David Lawler.

Exhibits:

- A – Packet of historic photos
- B – Google Maps, photo and aerial
- C – Revised site plan 2/17/17
- D - Historic maintenance dredging plan packet

Issues discussed:

- Revised plan was submitted to add pier dimensions and pier piling location;
- Applicant would like to use property again for boat building;
- When dredging is being referred to, it is implied that material will be removed to a construction ramp;
- Ramp could be constructed by pre-cast sections or poured in place;
- The Department of Marine Fisheries recommended a time-of-year restriction especially for dewatering the coffer dam;
- A pre-existing non-conforming residence exists on the site, but the ramp would be for commercial use;
- Construction protocol is to be submitted and reviewed by staff;
- A clear definition of "maintenance" dredging;
- No power-washing of boats or vehicles on the ramp.

Comments:

- D.E.P. – project number issuance and remarks, 2/12/17
- D.M.F. letter with TOY restrictions, 2/6/17

Correspondence:

- Brian Taylor, email 2/6/17
- Tom Marcotti, email 2/5/17

A motion was made to propose a finding: Given the unique nature of E. M. Crosby Boat Work's history and current operations, the Commission is allowing a ramp to be constructed on this lot which is considered to be in a marine business zone, including existing boating operations such as Oyster Harbor Marine, Crosby Yacht Yard, and Nauticus Marine.

Seconded and voted unanimously.

A motion was made to approve the project subject to review by the Harbor Master, and going before Waterways for review, as well as the following:

1. Submission of a written construction protocol to be reviewed and approved by the Conservation Agent prior to start of work;
2. Submission of a dredge footprint plan showing which areas constitute maintenance dredging and which areas constitute improvement dredging, as described;
3. Time-of-year restriction, as indicated in DMF letter, i.e., Jan. 15 – May 31, unless conditions met;
4. No power-washing of boats or vehicles on ramp;
5. All bullet points listed in the NOI application under "Operations & Maintenance Plan."

Seconded and voted unanimously.

Adrian P. & Mary L. Pryshlak. Demolish existing single-family dwelling and construct new single-family dwelling with pool and patio area, driveway, walls, grading and all associated appurtenances at 48 Main St., Osterville as shown on Assessor's Map 185 Parcel 004. **SE3-_____**

A request for a continuance to March 7th was received via letter of 2/7/17.

A motion was made to continue the project to March 7th.

Seconded and voted unanimously.

No testimony was taken.

Mary Fallon, c/o John Fallon. Construct screened porch, three-season room and roof deck within existing footprint of patio/deck; construct access stairway at 43 Island View Rd., Hyannis as shown on Assessor's Map 325 Parcel 178. **SE3-_____**

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

Issues discussed:

- Failure to maintain the fence along the work limit line under a previous filing will be addressed as an enforcement issue;
- Staff indicated that the plan submitted with the NOI application would need to be revised, since it did not indicate that the fence continues onto the property line;
- The bump-out on the walkway was approved under a prior filing that received a certificate of compliance.

A motion was made to approve the project with special conditions subject to receipt of a revised plan showing the fence in the proper location.

Seconded and voted unanimously.

Richard & Margaret Bernard. Demolish westerly portion of dwelling; construct addition on new full foundation; remove portion of paved driveway; remove compromised pitch pines within buffer zone to a coastal bank at 172 Millway, Barnstable as shown on Assessor's Map 300 Parcel 034. **SE3-_____**

The applicant, Margaret Bernard, attended and was represented by Daniel Ojala, P.E. and Steve Cook.

Exhibits:

- A – Email from arborist citing trees a "hazard"
- B – Site plan from prior filing in 10/21/98.

Issues discussed:

- Removal of three pines, considered a hazard leaning toward house, and two trees on side of house;
- Commission concerned with volume and height of brushing on lot; not in keeping with Commission guidelines;
- Replacement for trees being removed;
- Concern with method of limbing previously done;
- Approval of project depends on a cease and desist of brushing, vista pruning, and limbing until an NOI is filed and approved at a later date.

Correspondence: Letter from abutters Vincent and Karen Foley.

Public comment: Ms. Barnard (buyer) requested that the proposal be approved due to closing schedule; a future NOI will be filed for vista pruning, brushing and limbing.

A motion was made to approve the project with special conditions, subject to: 1) revised plan showing five trees to be removed; 2) three trees in 50-ft. buffer to be replaced with hollies or other suitable species, in consultation with staff; 3) no cutting, limbing, brushing until an NOI has been filed (within 90 days) to deal with the brushed area and vista corridors.

Seconded and voted unanimously.

IV CONTINUANCES

George R. Valentgas. Renovate existing dwelling including construction of three dormers and a front-entry porch and landscaping to include a retaining wall with re-grading at 434 Eel River Rd., Osterville as shown on Assessor's Map 114 Parcel 025. **BCC-0196**

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

Exhibits:

- A – Confirmation of Evidential Review from Commissioner Scott Blazis
- B – Revised site plan dated 2/1/17
- C – Photos
- D – First Floor plan of Valentgas residence dated 1/23/17

Issues discussed:

- A quorum of five with the addition of Scott Blazis;
- Peter Sampou was not part of quorum;
- A revised plan submitted to address Commissioners' comments from a previous meeting;
- A potential vernal pool;
- Location of additional plantings and possible berm near road.

A motion was made to approve the project with special conditions subject to: 1) receipt of a revised plan showing additional enhancement plantings closer to Eel River Road; 2) addition of a berm, given the topography of the site.

Seconded and voted unanimously.

James F. & Susan H. Whelan. Construct and maintain timber boardwalk, pier, ramp and float at 65 Ocean Ave., Hyannis as shown on Assessor's Map 287 Parcel 120. **SE3-5436**

The applicants were represented by Charles Rowland, P.E. and John O'Dea, P.E.

Exhibits:

- A – Photos (2), February, 2017
- B – Shellfish survey by David Ryan, 1/30/17

Issues discussed:

- Proposed pier for non-motorized craft only, after review of comments by Tom Marcotti, Town Shellfish Biologist;
- Review of comments by Tom Marcotti contained in two documents: Shellfish survey results, dated 12/13/16, and Significate Shellfish Habitat Rating, dated 12/13/16;

- Possible cumulative impacts;
- Seasonal piers reduce the length of time surface area is available for aquatic invasive macro species of algae to settle on;
- Dinky docks are generally shorter and seasonal, with time-of-year restrictions;
- Possibility of a seasonal dock but 10 – 12-inch piles used for float with float stops;
- Area known to have eel grass and scallops.

Correspondence: O’Neil, Stepaneks, Brian Taylor, Tom Marcotti.

Public Comment: Ron Glance for Town Shellfish Committee and BARS associations. Both groups recommend denial of the project.

A motion was made to approve the project with special conditions subject to receipt of a revised plan showing non-motorized seasonal dock with float on permanent 10 – 12-inch piles;

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE

A. Horvitz SE3-5202 (coc,ez) modify dock; re-nourish beach * at 66 Holly Point Road, Centerville – Wequaquet Lake

A motion was made to approve the certificate.

Seconded and voted unanimously.

B. Kassakian SE3-5142 (coc,ez) replace & extend ramp & float * at 200 Baxters Neck Road, Marstons Mills – Prince Cove

Commissioner Foster recused herself.

A motion was made to approve the certificate.

Seconded and voted unanimously.

C. Weiss SE3-5327 (coc,ez) buffer restoration; beach nourishment; retaining wall * at 400 Lakeside Drive West, Centerville – Wequaquet Lake

A motion was made to approve the certificate.

Seconded and voted unanimously.

VI MINUTES FOR APPROVAL

A. January 10, 2017

A motion was made to approve the minutes.

Seconded and voted unanimously.

B. January 24, 2017

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

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:20 p.m.