



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

FAX: 508-778-2412

## MINUTES – CONSERVATION COMMISSION MEETING

DATE: JUNE 27, 2017 @ 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, Clerk Dennis R. Houle, and Commissioners John E. Abodeely, Peter Sampou, and Larry Morin. Commissioner Scott Blazis was away.

Conservation Administrator Darcy Karle assisted.

### I OLD AND NEW BUSINESS

A. **James Clancy**, 417 Lakeside Drive West, Centerville **SE3-5478** – (heard 5/16) review of NHESP letter

A motion was made to re-open the hearing for the sole purpose of reading the letter received from Natural Heritage & Endangered Species Program.

Seconded and voted unanimously.

The NHESP letter dated June 9, 2017 was read into record.

A motion was made to close the hearing, given the fact that there were no conditions given in the letter.

Seconded and voted unanimously.

### II REQUEST FOR DETERMINATION

**Windle & Susan Priem.** Replace collapsed cesspool with 1500 gal. septic tank; convert to existing leaching facility; proposed dry well at 174 Starboard Ln., Osterville as shown on Assessor's Map 166 Parcel 054. **DA-17036**

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

Issues discussed:

- Applicant has filed with the Board of Health
- Possibility of using erosion control fabric, compostable cloth, to increase the chances of revegetation.

A motion was made to approve a negative determination with special attention to erosion control.

Seconded and voted unanimously.

## II NOTICES OF INTENT

**Michael F. Schulz, Tr. 994 Main Street Realty Trust.** To permit existing wrought iron fence, rinse station, lights on stairway to beach, existing lawn, and bank vegetation restoration plan. Also proposed is a stockade fence, flag pole, and replacement of northerly beach stairs to be located within right-of-way with a storage platform at 994 Main St., Cotuit as shown on Assessor's Map 034 Parcel 036. **SE3-5487**

The applicant attended, and was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting, and Seth Wilkinson of Wilkinson Ecological Design.

### Exhibits:

A – revised plan dated 6/27/17

### Issues discussed:

- Mr. O'Dea reviewed the changes made in the revised plan distributed at the hearing
- Status of enforcement order and planting plan
- Planting plan, a directive under the enforcement order, has not been submitted and is overdue.
- Commissioners seemed to be in agreement that when hardscape is proposed in the 50' buffer, mitigation for said hardscape should be offered in in 50' buffer. The offer to remove the hardscape (section of gravel) between 50' and 100' is not sufficient in this case.
- Is the proposed storage platform really necessary?
- Buffer zone calculations to be provided for the storage platform (192 SF using factor of 4)
- Concern with flag pole at top of bank
- Required mitigation in 50' buffer for rinse station and stepping stones with gravel is 244 sf
- Question was raised by Mr. O'Dea regarding the possibility of getting advanced approval for the fence
- Proposed fence could be requested under an RDA while waiting for the continuance for the complete project.

### Public Comment:

- Peter Halesy, direct abutter, asked if letter from SITEC dated June 22, 2017 was sent to the Commission. Chairman Lee said it had been received. Mr. Halesy requested to see the proposed stockade fence shown on the revised plan, as he would like the chance to review and comment.

A motion was made to continue the project to July 25, 2017.

Seconded and voted unanimously.

**Kevin Starr.** Demolish and reconstruct southeast wing of house with 2-foot addition; replacement of existing deck, rear stone entrance and stairs with timber decking at 968 Main St., Cotuit as shown on Assessor's Map 035 Parcel 096. **SE3-5486**

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

### Issues discussed:

- A question was raised about construction access
- Construction protocol and access sketch plan needs to be submitted to staff

A motion was made to approve the project with special conditions requiring construction protocol and sketch access plan to be submitted to staff for review and approval prior to the start of work.

Seconded and voted unanimously.

**Sarah Turano-Flores, Esq., Nutter McClennen & Fish LLP.** Elevated boardwalk, dock, ramp and float is proposed to be installed over saltmarsh located between coastal bank 30 Gardiner Lane and water's edge of East Bay. Proposed structure would extend over two separate properties and would be shared by both owners. Existing

boardwalk, dock, ramp and float at 110 East Bay Rd., would be removed. Project also includes 43,100 sf of restoration planting and invasives removal at 30 Gardiner Ln. and 110 East Bay Rd. Restoration entails saltmarsh enhancement mitigation using core marsh pillows, wetland mitigation, coastal bank mitigation and native woodland understory mitigation. Planting to include 250 native shrubs, 14 trees and seeding. Project locations are: 110 East Bay Rd., Osterville as shown on Assessor's Map 141 Parcel 123-001, and 30 Gardiner Ln., Osterville as shown on Assessor's Map 141 Parcel 123-002. **SE3-5488 \$65.10**

The applicant attended, and was represented by Seth Wilkinson, Don Munroe from Coastal Engineering, and Pamela Neubert, Ph.D, of Stantec Consulting services.

Issues discussed:

- NHESP habitat; waiting for comment letter
- Discussion of ownership of properties. Ownership is in two different deeds
- Will take a continuance to receive comments from Shellfish Committee and Waterways
- Project will be for non-motorized craft
- Mono-piling design, fiberglass
- Possibility of structure being permitted without handrails; needs further research
- Construction access, one tree may have to be removed.
- Boardwalk measures 824' to MLW
- From MLW out, the proposed dock ramp and float measures 100'
- If engineer holds 3.7 ft. separation above MHW, then the neighbor at 28 Gardiner Lane should be able to get underneath structure with a non-motorized vessel such as a kayak, if he desired to do so.
- Seth Wilkinson gave an overview of the health of salt marsh
- Lack of staking to indicate where they were offering to remove lawn was mentioned by Commission
- Reason for new dock vs. existing dock at 110 East Bay Road would be to provide sufficient water depth for longer periods of time during tidal water cycle
- Proposed thickness of coconut fiber to fit in salt marsh fishers
- Concern restoration / repair of salt marsh offered in proposal will only be a temporary fix, perhaps 20 years
- Concern with length of structure for private use
- Could this application set a precedent?
- There is existing access to water at 110 East Bay Road; can the dock be modified/enhanced?
- A deed restriction would be required before final approval with regard to sharing the pier
- An alternative analysis should be provided regarding existing dock.
- Proposed structure would inhibit paddle boarding

Correspondence: MA Division of Marine Fisheries, June 27, 2017

Public Comment:

- Frederick Merrick of 28 Gardner Lane supports the project, but would request the engineer to look into an alternative path for the boardwalk down and to the left, so it could be shortened; could it be lowered with no handrails? Mr. Merrick says he doesn't navigate the finger channel.
- Dave Brajczewski of 99 East Bay Road – opposed to project and concerned with access/parking for construction vehicles within existing narrow drive into 110 East Bay Road. Have seen vehicles parking on edge of lawns on neighboring parcels.

A motion was made to continue the project to August 8, 2017

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**Charles A. Cheevers, Tr., Peter Chase Insurance Trust.** Remove and replace existing deteriorating pool patio, decking; add pool fencing enclosure; move mechanicals from bank to new location; vista pruning and bank

restoration with mitigation plantings at 295 Green Dunes Dr., W. Hyannisport as shown on Assessor's Map 245 Parcel 029. **SE3-5470**

The applicant was represented by Robin Wilcox.

Issues discussed:

- A quorum of all commissioners present
- Will evergreens be removed near pool?
- Possibility that the pool fence could be eliminated where large clumps of evergreens exist. Needs follow-up with the building commissioner, as this is his jurisdiction.

A motion was made to approve the project with the following conditions: 1) Pool deck to be reconstructed same size and height as well as the pool patio; 2) Pool fence will be constructed in the buffer zone where required by the building commissioner.

Seconded and voted unanimously.

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

- |    |                                       |          |          |  |
|----|---------------------------------------|----------|----------|--|
| A. | Rosiello                              | SE3-5034 | (coc,ez) | construct additions; replace septic system *       |
|    | at 60 Winfield Lane, Osterville       |          |          | West Bay   |
| B. | Callahan                              | SE3-5102 | (coc,ez) | modify existing boardwalk, pier, ramp, & float *   |
|    | at 222 Clamshell Cove Road, Cotuit    |          |          | Shoestring Bay                                     |
| C. | Smith                                 | SE3-5128 | (coc,ez) | replace permanent dock to seasonal *               |
|    | at 471 Huckins Neck Road, Centerville |          |          | Wequaquet Lake                                     |
| D. | Cape Cod Oyster                       | SE3-4400 | (coc,ez) | construct pier, ramp, & floats/flupsys; dredging * |
|    | 262 Bridge Street, Osterville         |          |          | North Bay  |

A motion was made to approve certificates "A" "C" and "D."

Seconded and voted unanimously.

A motion was made to approve certificate "B."

Commissioner Louise Foster recused herself.

Seconded and voted unanimously.

**VI MINUTES FOR APPROVAL**

A. June 6, 2017

A motion was made to approve the minutes "A."

Seconded and voted unanimously.

B. June 13, 2017

The minutes "B" were tabled to July 11<sup>th</sup>.

**A motion was made to adjourn.  
Seconded and voted unanimously.  
Time adjourned: 9:14 p.m.**

