



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

DATE: JULY 11, 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 & NEW BUSINESS

#### A. Annual election of officers

- Chairman Lee reported that the acting officers were willing to remain and serve in their current positions.

A motion was made to nominate Tom Lee to continue to serve as Chair of the Commission.

Seconded and voted unanimously.

A motion was made to nominate Louise R. Foster to continue to serve as Vice-Chair of the Commission.

Seconded and voted unanimously.

A motion was made to nominate Dennis R. Houle to continue to serve as Clerk of the Commission.

Seconded and voted unanimously.

B. The Barnstable Land Trust (BLT) is requesting a letter of support from the Conservation Commission for a pending grant application enabling the BLT to purchase a conservation restriction (CR) located on a 2.18 acre parcel, at 3600 Falmouth Road/Rt. 28, Map 077 Parcel 005.

Janet Milkman, Director of BLT, and Mark Robinson, Executive Director of The Compact of Cape Cod Conservation Trusts, gave an overview of their vision on improvements of this parcel and why they were requesting the Commission to send a letter of support to be included in a grant application enabling the BLT to purchase a conservation restriction.

Issues discussed:

- Parcel abuts Mill Pond and is adjacent to other open space parcels and other BLT property. 400 feet of pond frontage, vegetated steep bank.
- Janet said BLT would hold the restriction

- Chairman Lee told the CPC at their June 26, 2017 meeting that he supported the request for funding.
- Goal is to remove the two structures, an old house, and small one-bedroom cottage
- There currently is no connecting trail and their vision is to connect this parcel to the herring run by creating a trail on a steep bank with a boardwalk over the wetland.
- Commission raised question, how will they ensure that public access is guaranteed?
- Mark Robinson stated his vision for the parcel would be for the parcel to be owned by the Town for conservation purposes and managed by the Conservation Commission. BLT would work with Town to design a trail on the ground
- Ms. Karle stated this was the first she heard that the Conservation Commission and staff would be asked to manage this parcel. She expressed some concern over staffing issues and funding.
- Where would funding come from to manage the parcel, e.g., to remove buildings or remove illegal dumping that may occur?
- When this goes to Town Council it should go with guidelines or a request for some type of funding for resources if the parcel is to be managed by the Conservation Division
- Commission still questioned whose responsibility it would be to remove the building and place the connector trail in
- Mark Robinson stated that the BLT would be willing to solicit bids to remove buildings and create a path on behalf of the Town
- Mr. Robinson stated they were not ready to answer all the questions on management. He advised moving forward with obtaining the parcel and would work it out later
- Additional parking should be looked into

A motion was made to send a letter of support for the grant application, and when it comes time for it to go before the Town Council, a request should be presented for funds if it is expected that the Conservation Division will manage the property.

Seconded and voted unanimously.

C. Informal discussion – 1635 South County Road, Osterville restoration/land management project.

John O’Dea and Seth Wilkinson gave a Power Point presentation covering a history of the parcel and an overview of the proposed project which would cover just over eight acres. Also present was Rick Burns, Jr., property owner.

- Property consists of approximately 40 acres
- It is an historic property, Edward Kirk Davis developed estate from the early 1900’s designed by Olmstead Brothers Landscape Architects.
- Due to the historical and ecological significance the property, a conservation restriction was granted to The Trustees of Reservations in 2001
- Question raised, how public is the public access? If it is open to the public (but somehow private) no signs are posted
- Richard Burns, Jr. stated that the public is welcome, but concern lies with parking. If you add parking, you increase flow of public.
- Would their goals impact the 50’ buffer, and would their interests be in conflict with protecting the buffer?
- Commission felt they could support the proposed project, given that this is a unique property with a variety of habitats that need protection and restoration.

## **II REQUESTS FOR DETERMINATION**

**Wendy F. Williams.** Vista pruning along Mystic Lake to left of stairs leading to lake to restore view of lake at 436 Turtleback Rd, Marstons Mills as shown on Assessor’s Map 062 Parcel 002. **DA-17037**

The property owner Wendy Williams was present, along with Peter Childs of Childs Arborists.

Exhibit A – photo submitted by Mrs. Williams

Issues discussed:

- House was built 45 years ago
- There currently is a wall of young trees, beach tree saplings, so this would not be a standard vista pruning request
- Peter Childs is recommending two vista corridors which were not indicated on the RDA sketch plan. He would be requesting to thin out some of the saplings preserving the healthy ones.
- Thinning out trees would require a waiver from the Commission's normal vista pruning guidelines.

A motion was made that the Commission add a finding: that, given specific site conditions – a wall of beech saplings along the bank – the Commission will allow a waiver of the Commission Conservation vista pruning guidelines.

Seconded and voted unanimously.

A motion was made, based on findings and subject to receipt of a revised sketch plan showing vista corridors, (2) that the Commission will allow removal of trees within vista corridors in consultation with staff.

Seconded and voted unanimously.

**Peter Favat.** Upgrade sub-standard septic system to new Title-5 system with innovative/alternative technology at 373 Bay Ln., Centerville as shown on Assessor's Map 187 Parcel 002. **DA-17038**

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

No concerns arose.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

**Janet Abbott.** Invasive species removal; hazardous tree removal; native plan revegetation with maintenance requested in perpetuity at 55 Powder Hill Rd., Barnstable as shown on Assessor's Map 300 Parcel 050. **DA-17039**  
**REP Michal Talbot and Tyler Gaudreau**

Exhibit A – photo showing staked work limit line

Issues discussed:

- Property being over taken by English ivy
- How will they would control English ivy – they grab it with a brush hook and pull it along behind a skidster
- Only removing 5 – 6 trees covered with ivy
- Annual reports should be submitted for three years.

A motion was made to approve a negative determination with a special condition requiring annual reports for three years.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Jay Bergeron & Joanne L. Crowley.** Replace existing concrete bulkhead with timber; to permit as-build building entrance and proposed landscaping to include driveway reconfiguration, fencing and plantings at 59 Short Beach Rd. Centerville as shown on Assessor's Map 206 Parcel 034. **SE3-5489**

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

Issues discussed:

- John O'Dea submitted requested buffer zone calculations for the file
- The landscape plan is not a mitigation plan, as they do not owe mitigation plantings

- The current engineering plan does not indicate 50' and 100' buffers
- Concern was raised, how will project impact abutters? How do they plan to tie the proposed wooden bulkhead into existing concrete bulkhead that will remain on either side?
- Question was raised on what caused erosion behind concrete wall.
- Rinse station should be indicated and proper drainage provided
- Mr. O'Dea indicated that the driveway will consist of gravel which will help reduce run off, a question raised under public comment (see below)
- Pitch the driveway or add cobble at end of drive

Public comment:

- Christopher Canavan of 56 Short Beach Road stated he would like to see the project completed as quickly as possible. He said the project has lasted over three years and chewed up the road. He raised concern with runoff from proposed project and other projects in neighborhood.

A motion was made to approve the project subject to receipt of a revised plan that:

1. Identifies the 50' and 100' buffer on plan
2. Identifies rinse station and adds proper drainage
3. Drywells or drip trenches for roof run-off
4. Keep driveway run-off on site and cobble end will be allowed.

In addition, the Commission suggests contacting abutters about timber wall and will allow for adjustments for end points, in consultation with staff, after they talk with abutters.

Seconded and voted unanimously.

**J. Brian O'Neill.** Replace existing pool, pool patio and retaining walls (no increase in size); raze a portion of existing pool house; reconstruct and increase footprint by 97 sq.ft.; reconstruct and expand 2<sup>nd</sup> floor at 85 Ocean Ave., Hyannisport as shown on Assessor's Map 305 Parcel 003. **SE3-5490**

The applicant was represented by Steve Wilson, P.E. of Baxter Nye Engineering.

Exhibits:

- A – Mr. Wilson submitted a clean copy of the engineering plan, signed and dated 7/7/17 (the copy submitted with the NOI had been difficult to read)
- B – Revised landscaping plan dated 7/7/17 (Rosa rugosa taken off the plan)

A motion was made to approve the project based on the engineering plan signed by Steve Wilson, P.E. on 7/7/17, and the revised landscaping plan dated the same.

Seconded and voted unanimously.

**Jan T. Barr, Trustee, Jan T. Barr 2010 Revocable Trust.** Construct and maintain path, boardwalk, ramp and float for the use of non-motorized craft in the Centerville River at 0 Long Beach Rd., Osterville as shown on Assessor's Map 185 Parcel 047. **SE3-5491**

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

Issues discussed:

- The project is subject to NHESP comments not yet received; the hearing will have to be continued
- Corner piles will be permanent
- Kayak storage is not needed, just for day use
- Adjust path around rosa rugosa
- Path will be defined just as a place for people to walk.

A motion was made to approve the project as submitted, subject to the receipt of a revised plan adjusting the path around the Rosa rugose, and continuing the hearing to July 25<sup>th</sup> for the sole purpose of reviewing comments from the NHESP letter.

Seconded and voted unanimously.

#### **IV CONTINUANCES**

A. **Alexander & Stephanie Krupyshev.** To construct and maintain a seasonal pier and to construct and maintain stairs down the slope to the proposed pier at 78 Saw Mill Road, Marstons Mills as shown on Assessor's Map 063 Parcel 065. **SE3-5485 (Continued only for NHESP letter)**

Issues discussed:

- Continuance was for the sole purpose of reviewing the letter from NHESP
- No conditions were submitted by NHESP

Correspondence from NHESP dated June 26<sup>th</sup> was read into the record.

A motion was made that the public hearing be closed and that staff issue the permit within a 21 day period.

Seconded and voted unanimously.

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

- |    |  |          |          |   |
|----|--|----------|----------|---|
| A. | Minshall<br>at 60 Winfield Lane, Osterville      | SE3-5357 | (coc,ez) | construct deck *<br>West Bay                              |
| B. | Wilson<br>at 151 Irving Avenue, Hyannisport      | SE3-4119 | (coc,ez) | removal of seaweed from beach *<br>Hyannis Harbor         |
| C. | Gevorgyan<br>at 36 & 50 Old Colony Road, Hyannis | SE3-5198 | (coc,ez) | raze & construct two buildings (not done)<br>Snow's Creek |

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

Seconded and voted unanimously.

#### **VI MINUTES FOR APPROVAL**

A. June 13, 2017 (tabled from 6/27/17)

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 8:21 p.m.**