



**Town of Barnstable
Conservation Commission**
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Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: JULY 18, 2017 @ 3:00 PM

LOCATION: HEARING ROOM – 367 Main St., 2nd Floor, Hyannis, MA 02601

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 John E. Abodeely and Scott Blazis. Commissioners Peter Sampou and Larry Morin were away.

Conservation Administrator, Darcy Karle, assisted.

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE (coc = Certificate of compliance) (ez = no deviations, staff recommends approval)
(d = deviations, staff recommends denial) (* = on-going conditions)

A. McGarrahan SE3-0300 (coc, ez) Construct single family dwelling *
489 South Main Street, Centerville – Centerville River

A motion was made to approve the certificate.

Seconded and voted unanimously.

B. Stien & Esposito SE3-5354 (coc, d) construct additions; remove driveway
100 Meadowlark Lane, Osterville - bordering vegetated wetland near North Bay

The certificate was tabled to August 15, 2017.

[The agenda taken out of order – the first Enforcement Order (A. Joseph Jenkins) was heard, and then the Revised Plans].

II REVISED PLANS

Project type:

Revision:

A. Thompson SE3-5421 boardwalk, bridge, path, etc. eliminate bridge/boardwalk, etc.
448 Starboard Ln., Osterville

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

A motion was made to approve revised plan.

Seconded and voted unanimously.

B. Rhodes SE3-4967 bulkhead repair Maintenance/replace rest of bulkhead
347 Sea View Ave., Osterville

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Riley SE3-4731 stone wall & concrete wall remove part unpermitted wall; extend other
129 Hayes Rd., Centerville

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

Issues discussed:

- Originally, the Commission had requested that a revised plan be submitted showing the stone wall to be constructed with smaller stones
- John O'Dea stated that he could not, in good faith, design a wall that would continue to be washed out due to currently managed water levels of Lake Wequaquet.
- Difficulty in finding a balance between a wall that is best for habitat versus a wall for stability

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III EXTENSION REQUESTS

Project type:

Time requested:

A. Hard-A-Lee LLC SE3-5203 sfd, garage, vista pruning 1st Request; 3 years
299 Eel River Rd., Osterville

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

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

B. Mills, Jr. SE3-4643 maint. dredging, pier mod. 2nd Request; 3 years
1 Indian Trail, Osterville

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

Issues discussed:

- This was a second request for three years
- A question was raised as to whether all required bathometric surveys were submitted

The request was tabled until August 15th to allow confirmation regarding submission of required surveys.

C. Lehman SE3-5181 dolphins at existing piles 1st Request; 3 years
240 Baxters Neck Rd., Marstons Mills

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

Commissioner Louise Foster recused herself.

Issues discussed:

- Concern was raised regarding a misleading real-estate advertisement concerning size of permitted vessels allowed to be berthed at pier

- Ms. Karle mentioned that an upcoming project should contain a special condition clarifying the size of permitted vessels to be displayed on the pier. This condition had, inadvertently, been left out of a prior order.

A motion was made to approve the extension request for three years, and ask Steve Wilson to contact Dr. Lehman to correct the real-estate advertisement to indicate the correct vessel sizes.

Seconded and voted unanimously.

D. Rudman SE3-4882 sfd, septic, landscape, etc. 1st Request; 3 years
40 Waterman Farm Rd., Centerville

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

Issues discussed:

- Commissioner Blazis mentioned that he no longer needs to recuse himself in this matter, as his father is no longer involved with this project.

A motion was made to approve the three-year extension.

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. **Joseph R. Jenkins Tr. – 195 Seapuit River Rd., Osterville-** Alteration of a barrier beach on the Seapuit River by maintaining unpermitted boardwalk and steps around kayak rack.

The property owner was represented by John C. O’Dea, P.E.

Issues discussed:

- Property owner authorized Mr. O’Dea to file a Notice of Intent for the boardwalk
- Concern was raised regarding topping of trees in more recent photos. Ms. Karle stated she would request Enforcement Officer Martin Wunderly to check into this.

A motion was made to approve the enforcement order as written.

Seconded and voted unanimously.

B. **Sunset Lane LLC – 155 Sunset Ln., Barnstable -** Alteration of a resource area buffer, cutting of vegetation within 50 ft. of tidal beach and coastal bank, Barnstable Harbor.

The property owner was represented by Steve Dublin and Neil Perron.

Issues discussed:

- A question was raised as to whether the hydro seed applied at this parcel had a fertilizer component or not
- The Commission would like condition #1 verified
- Whether soil should be removed if fertilizer was part of hydro seed

A motion was made to approve the enforcement order as written.

Seconded and voted unanimously.

C. **Thomas Gary – 340 Cedar St., West Barnstable -** Alteration of a wetland resource buffer area, cutting of vegetation and clearing within 100 ft. of intermittent stream.

Tom Gary attended the meeting.

Issues discussed:

- Commission would appreciate having clarification of jurisdictional areas from Mr. Wunderly.

The enforcement order was tabled to August 15, and deadlines for required delineation would be postponed until the next hearing.

D. **Paul Barbas – 111 Harris Meadow Ln., Barnstable** - Alteration of a resource area buffer, cutting of vegetation and installing retention pond.

Mr. Barbas, along with landscaper Josh Miller, attended the meeting.

Issues discussed:

- Mr. Barbas stated that the area was created to keep sheet-flow of water from entering onto Mr. Lindberg's property, and that it has improved the situation already
- Possibility of planting area
- Mr. Barbas would like to file an RDA to seek approval and understands that after-the-fact fees will be charged.

Exhibits:

- A – Letter to Mr. Barbas from Tim Lindberg, dated July 17, 2017
- B – Photo of detention area holding water (undated)

A motion was made to amend the enforcement order as follows: The property owner shall file an RDA application by August 15, 2017 with associated after-the-fact fees.

Seconded and voted unanimously.

E. **Joanna Chodes Tr. – 464 Wakeby Rd. (791 Santuit-Newtown Rd.), Marstons Mills** – Violation of an order of conditions. Erosion from work site into 50' buffer and wetland resource area (wooded swamp at Long Pond).

The property owner was represented by Pat Sciuto, Manager of Harbor Homes.

Issues discussed:

- Continued erosion issues exist, due to grade and heavy rain events
- A revised plan including existing conditions will be required to address redesigned walls
- Work protocol to address erosion issues, wall construction, access and revegetation
- Revised Engineering plan should be submitted within two weeks
- Commission believes the best solution would be to have the walls constructed as soon as possible, and then the removal of siltation in the wetland and restoration of vegetation
- How to place effective erosion controls. An on-site meeting should be planned to address this.
- Revised plan shall be reviewed by the Chair, Administrator, and Agent. Once reviewed and approved, it may be stamped administratively.

A motion was made to approve a revised enforcement order stating the following:

1. Repair erosion controls with one good base row below existing row, in consultation with staff
2. Revised plan showing retaining walls and existing conditions to be submitted in two weeks
3. Once revised plan is approved administratively the construction of walls can ensue
4. Relocate original work limit line
5. Once the walls are in, all eroded material, wetland-side of original work limit line, shall be removed by hand and all vegetation shall be restored. A planting plan shall be submitted to staff. Removal of all material in the wetland shall also be done by hand.

Seconded and voted unanimously.

V CITATIONS

- A. **Harbor Homes Building and Remodeling, Inc. - 464 Wakeby Rd. (791 Santuit-Newtown Rd.), Marstons Mills** – Violation of order of conditions. Erosion from work site into 50' buffer and wetland resource area (wooded swamp at Long Pond). **\$200.00**

Noted.

VI OLD & NEW BUSINESS

- A. Lyons – Response to BSC Group appeal letter dated June 29, 2017 to the DEP

Issues discussed:

- Commission has not received notification of the DEP on-site review yet
- Chair Lee stated that the Commission is welcome to submit any comments regarding the BSC letter to him, and a formal response to the DEP will be drafted with Attorney McLaughlin's assistance. The Commission will be allowed to review the draft
- Comments should be submitted within two weeks.

4:30 PM AGENDA

VII REQUESTS FOR DETERMINATION

None

VIII NOTICES OF INTENT

Anne & William LeBlanc. Reconstruct existing boathouse, same footprint with taller walls and higher ridgeline; move existing floating dock to align with access path to Lake Wequaquet at 276 Holly Point Rd., Centerville as shown on Assessor's Map 232 Parcel 029-003. **SE3-5492 \$42.72**

Request for continuance

A request for a continuance was received via letter.

A motion was made to approve a continuance to 8/8/17.

Seconded and voted unanimously.

No testimony was taken.

Edward M. Kennedy Institute for the U.S. Senate, Inc. To permit existing beach access walk and stairs at 47 Marchant Ave., Hyannisport as shown on Assessor's Map 286 Parcel 024. **SE3-5493 \$32.04**

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

Exhibit A – Revised plan dated 7/18/17, indicating width measurements of boardwalk to stairs, as requested by staff

Issues discussed:

- Erosion in area

A motion was made to approve the project using revised plan date 7/18/17.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 5:05 p.m.