



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: AUGUST 15, 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, Peter Sampou (arrived at 3:27 p.m.), and Larry Morin. Commissioner Scott Blazis was away.

Darcy Karle, Conservation Administrator, assisted along with Martin Wunderly, Conservation Agent, and Fred Stepanis, Conservation Assistant.

[Note: The following agenda items were taken out of order: #1 Herring Run Update under Old and New Business; #2 both Certificates of Compliance; #3 Tradewinds update under Old and New Business; #4 Revised Plans; #5 Update on 24 Old Shore Rd.; #6 Update on 464 Wakeby Rd.; #7 Extension Requests; #8 Enforcement Orders]

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

A. Stien & Esposito SE3-5354 (coc, d) construct additions; remove driveway
100 Meadowlark Lane, Osterville bordering vegetated wetland near North Bay
(Tabled from 7/18/17 hearing)

The Commission requests that within sixty days a revised landscape plan be submitted for staff review. It shall show: 1) location of split-rail fence (or approved alternative) to delineate lawn from mitigation planting area and, 2) adjustment for loss of mitigation area due to access (if desired by applicant) along northeast side of the house.

Upon receipt of the revised landscape plan, the administrator will either approve it or have it submitted to the Conservation Commission as a revised plan request.

Once a plan is approved and implemented, the agent will re-docket the certificate of compliance request.

A motion was made to deny the certificate.

Seconded and voted unanimously.

B. Khouri SE3-4884 (coc, d) raze & construct single family dwelling *
at 351 Huckins Neck Road, Centerville; Bearse Pond
(Tabled from 7/25/17 hearing)

The applicant was represented by Stephen Wilson, P.E. of Baxter Nye Engineering & Surveying.

The Commission requested that, within sixty days, two full-size as-built plans be submitted to the Conservation Division for staff review. It will show: 1) as-built walkway, 2 as-built bluestone patio, 3) basement bulkhead, 4 A/C pad, and 5) appropriate delineation of vegetated buffer and corresponding Conservation Commission note #5 to reflect mitigation recalculations.

Once a plan is approved and implemented, the agent will re-docket the certificate of compliance request.

A motion was made to deny the certificate.

Seconded and voted unanimously.

<u>II</u>	<u>REVISED PLANS</u>	<u>Project type:</u>	<u>Revision:</u>
A.	Chartin Realty Trust SE3-5235 524 Wianno Ave., Osterville	sfd	flag pole location

Exhibit:

- A – Photo of rinse station
- B – Letter dated 12/20/16 submitted for file SE3-5235

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

Public comment:

Arlene Wilson, representing the Lewis family, abutters, attended. Concern was raised that the current flag pole has flood lights. Ms. Wilson stated that a letter was submitted for the file in 2016, stating their concern with this flag pole location, in view of the shed corridor, and flood lights on the flag pole. In addition a shower enclosure was added to the house. Ms Wilson believes this should be indicated on the revised plan.

Issues discussed:

- After further review it was determined that the rinse station is outside of conservation jurisdiction, based on its location against the house
- The flag pole, with associated lights, is within proximity to a coastal bank and within 50' of salt marsh
- Commission doesn’t usually address lights on flag poles, as it does with docks and piers; however. they understood the concern with the flood lights.

A motion was made to approve the revised plan subject to removal of flood lights.

Seconded and voted: 4 votes = Aye, with 1 abstention.

B.	Markowitz SE3-5331 628 Poponessett Rd., Cotuit	stairs, pier extension, kayak rack	abandoned cesspool to be filled
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The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering, Inc.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

<u>III</u>	<u>EXTENSION REQUESTS</u>	<u>Project type:</u>	<u>Time requested:</u>
A.	Mills, Jr. SE3-4643 1 Indian Trail, Osterville (Tabled from 7/18)	maint. dredging, pier mod.	2 nd Request; 3 years

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. Town of Mashpee SE3-4893 maintenance dredging 1st Request; 3 years

John O’Dea spoke on behalf of the Town of Mashpee.

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

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. **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.

Thomas Gary attended the meeting.

The Commission accepted the information designating an intermittent stream.

A motion was made to approve the amended enforcement order.

Seconded and voted unanimously.

B. **Charles R. Grant Tr. – 524 Wianno Ave., Osterville** -Violation of an Order of Conditions and approved plan on record. Construction beyond work limit line in wetland resource buffer.

No one attended the meeting.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

C. **Jospeh R. Jenkins Tr. – 195 Seapuit River Rd., Osterville** - Alteration of a coastal bank and resource area buffer, cutting of vegetation on coastal bank.

Michael Moynihan represented Mr. Jenkins.

A motion was made to approve an amended enforcement order to require an arborist inspection and reports on tree health for a restoration plan.

Seconded and voted unanimously.

D. **Thomas F. Ryan Jr. – 260 North Bay Rd., Osterville** - Alteration of a coastal bank and resource area buffer, cutting of vegetation on coastal bank and within 50 ft. of top of bank.

Mr. and Mrs. Ryan attended the meeting and were represented by Atty. Bernard Kilroy.

A motion was made to approve the enforcement order and a second enforcement order (to be submitted) based upon the evidence provided to the owner and landscaper, to include civil penalties and require ecological inspections and restoration via formal reports and plans by a certified arborist or environmental consultant.

Seconded and voted unanimously.

V CITATIONS

A. **Charles R. Grant Tr. – 524 Wianno Ave., Osterville** -Violation of an Order of Conditions and approved plan on record. Construction beyond work limit line in wetland resource buffer. **\$300.00**

Noted

VI OLD & NEW BUSINESS

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

Noted

- B. Update on **24 Old Shore Rd., Cotuit (Steven Gould)** – Alteration of a resource area, Cotuit Bay, by removing vegetation in wetland buffer and mulching garden plots.

The Commission reviewed a draft restoration plan and discussed a time frame for planting and mulch removal, as well as native plantings. The Commission suggested that the plan is insufficient and must include removal of non-native cypress from the 20-foot buffer strip.

Public comment: Ms. Jessica Rapp-Grassetti commented.

- C. Update on Tradewinds – 780 Craigville Beach Road, Centerville

The Commission asked that: 1) no-mow signs for the meadow be added to the plan; 2) irrigation sprinkler heads be removed from the meadow; 3) the buffer behind the rear parking lot be allowed to naturalize, but may be managed to prevent interference with parking and signage.

The contractor has told Conservation staff that the no-mow limit behind Building E will be defined with a shrub bed.

The finalized plan will be submitted to the Conservation Commission for approval. Once approved, the applicant may submit a request for re-docketing their certificate of compliance request.

- D. Herring Run Update – NRO Chris Nappi

Exhibit – A PowerPoint photos

Amy Croteau, Natural Resource Officer, gave an update and PowerPoint presentation on herring runs in the Town of Barnstable.

- E. **Mark Hennessy.** Install 12' x 14' shed in back yard at 167 Breakwater Shores Dr., Hyannis as shown on Assessor's Map 306 Parcel 146. **DA-17042**

The matter was continued to 8/22/2017.

4:30 PM AGENDA

VII REQUESTS FOR DETERMINATION

Christian Swenson. Replace existing roll-out canvas awning with 30' x 8' roof, framed and shingled at 110 Nyes Neck Road East, Centerville as shown on Assessor's Map 232 Parcel 011-001. **DA-17047**

Mr. Swenson attended.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

Conservation Division. Construct set of wooden steps, 6-feet wide by 1-foot tall, down a coastal bank at Crocker Neck Conservation Area, 9999 Crawford Road, Cotuit as shown on Assessor's Map 005 Parcel 017. **DA-17048**

The applicant was represented by Christian Wiinikainen, Eagle Scout.

Exhibit A – Sketch showing a section of steps

Issues discussed:

- Construction will take place as an Eagle Scout project
- Nine steps will be needed
- Steps were mentioned in a land management plan prepared by Conservation staff
- There is currently erosion on the path.

A motion was made to approve the project as a negative determination.

Seconded and voted unanimously.

Anthony Raggio. Re-grading and pool fence associated with construction of a single-family home at 23 Point Hill Rd., W. Barnstable as shown on Assessor's Map 136 Parcel 017. **DA-17049**
Request for continuance to 8/22/17

A motion was made to approve the continuance to 8/22.

Seconded and voted unanimously.

No testimony was taken

VIII NOTICES OF INTENT

Richard M. Burnes, Jr. & Nonnie Burnes/1635 South County Road Nominee Trust. Proposed land management plan for vegetation management to include removal of non-native and aggressive plant species, native plant restoration, woodland management and vista creation at 1635 South County Rd., Marstons Mills as shown on Assessor's Map 097 Parcel 022-001.
SE3-_____

The applicants were represented by John O'Dea, P.E. and Catrin Higgins of Wilkinson Ecological.

Sally Naser, representative of The Trustees of Reservations, addressed the Commission's questions as they pertained to the conservation restriction (CR) on the property.

Issues discussed:

- There was a prior overview of the proposed project during an informal discussion with the Commission
- Time line: work would start in the fall/winter and continue over three years
- Commission requested that the applicant file a three-year monitoring report
- Sally Nasser, of the Trustees of Reservations which holds the CR, stated that the project would not be in violation of the conditions in the CR and that they support the project.

Correspondence: Letter dated 8/7/14 from the Conservation Restriction Program to Mr. and Mrs. Burnes

A motion was made to approve the Finding: Given the unique historical and environmental site that allows for public access, the Conservation Commission is allowing waivers to its standard policy, as described in the land management plan, for the purpose of restoring grasslands, shrublands, woodlands and creating vistas.

Seconded and voted unanimously.

A motion was made, based on the finding, that the project be approved as submitted.

Seconded and voted unanimously.

Laura Davis. Renovate existing single-family dwelling to include construction of additions and porches; replace exterior windows and doors; roofing and siding; construct patio, walkways and out-door rinse station; reconstruct deck; construct in-ground swimming pool with fence; upgrade existing septic system at 910 Main St., Cotuit as shown on Assessor's Map 035 Parcel 090.
SE3-_____

The applicant was represented by Lynne Hamlyn of Hamlyn Consultants.

Issues discussed:

- Ms. Hamlyn stated that she reviewed the town coastal bank description and believes that a majority of the bank is inland, separated by a structure. She stated she was being conservative when calling this a “coastal bank.”
- Commission believes this is still a town coastal bank based on town regulations
- Commission has concern with placement of a pool within the 50' buffer to the top of bank including the request to approve an in-lieu fee for a swimming pool
- Ms. Hamlyn raised the question, “What performance standards does this proposed project impact?”
- Clerk Dennis Houle clarified that the waiver being requested is found in 704-4 A, and Ms. Hamlyn was requesting 704-5 D (in Lieu fee)
- It was mentioned that a hurricane could potentially reach the toe of the bank at elevation “6”
- Possibility of considering a therapy pool/spa where people swim against a current
- Commission would also need to review and approve the request to review this site as mitigation-constrained.
- Possibility of fitting the pool where the pergola and bluestone patio are proposed.

A motion was made to approve a continuance to September 5th.

Seconded and voted unanimously.

Harry Angevine/Marathon Construction Company. Construct single-family home with associated grading, landscaping, and pool installation at 48 Starboard Ln., Osterville as shown on Assessor’s Map 185 Parcel 001. **SE3-_____ \$22.68**
Request for continuance to 9/5/17

A motion was made to approve the continuance to 9/5/17.

Seconded and voted unanimously.

No testimony was taken.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 6:20 p.m.