



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: OCTOBER 17, 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, Scott Blazis, and Larry Morin.

Conservation Agent Martin Wunderly assisted.

### **I. NOTICES OF INTENT**

**Melvin Shuman, Tr., 82 Lake Drive Nominee Trust.** Construct additions within existing deck and new deck-access stairs at 82 Lake Drive, Centerville as shown on Assessor's Map 230 Parcel 081. **SE3-5521**

The applicant was represented by Arlene Wilson, P.W.S. of A. M. Wilson Associates.

Issues discussed:

- The Commission decided that the site could not be considered mitigation-constrained.
- There will be no new bedroom or intensification of use.
- A previously approved project under SE3-5483 should be noted on the submitted plan as falling under a separate filing.

A motion was made to approve the project subject to the receipt of a revised plan showing 48 sq. ft. of additional mitigation plantings, to be done in consultation with staff, noting the prior filing's work as separate, and allowing the option to include steps to the beach.

Seconded and voted unanimously.

**15 Cove Point Lane LLC.** Relocate entrance to existing driveway; install entry gate with granite posts with under cap lighting; and install retaining wall at 15 Cove Point Lane, Marstons Mills as shown on Assessor's Map 076 Parcel 071. **SE3-5520**

Commissioner John Abodeely recused himself.

The applicant was represented by Griffin Bowdoin, Attorney Mike Ford, and Joseph Latham.

Issues discussed:

- The property owner would like to relocate the driveway for liability, insurance, and access reasons.
- The Commission cannot require the owner to perform a property transfer.
- The wetland is not a vernal pool, but is still regulated as an isolated vegetated wetland. The Commission asked to include passage under the driveway for wildlife.

Comments: Abutter, John Abodeely, asked to remove the fence for visual aesthetics.

A motion was made to approve the project subject to receipt of a revised plan showing: 1) no fence; 2) added holes for passage of animals at ground level; receipt of a stamped, structural engineer plan for staff review, a construction protocol for removal of old wall and construction of a new wall, and a revised replanting plan showing plantings of the strip in the wetland side of the wall, in consultation with staff.

Seconded and voted: 5 votes = Aye; 0 votes = Nay; with one abstention.

## II CONTINUANCES

**Robin Schwartz, Tr./Baxters Neck Road LLC.** Construct addition to existing house; construct pool patio; construct stairway to existing dock; mitigation planting and landscaping at 240 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 024. **SE3-5494**

Commissioner Louise Foster recused herself.

Stephen Wilson, P.E. of Baxter Nye Engineering, and Peter Hansen of Peter Hansen Design represented the applicant.

Exhibit A – Request for certificates of compliance for SE3-4761 and SE3-4769 from Baxter Nye Engineering

Issues discussed:

- A certificate of compliance request required for dock and house/pool was submitted on 9/22/17. The planting plan was submitted a week ago, and the sign for the dock was installed.
- The Commission questioned whether the proposed mitigation area was necessary, as it was already heavily vegetated. There is some meadow grass and vegetation there, but the owner wants to plant more native plants to increase buffer thickness and create a mostly undisturbed 50' buffer.

A motion was made to approve the project, citing both the 7/25/17 site plan and the 10/2/17 mitigation planting plan.

Seconded and voted unanimously.

**F. Wesley Shrum.** Remove three pitch pine trees within 50 feet of Long Pond at 21 Scottsdale Rd., Centerville as shown on Assessor's Map 229 Parcel 064. **DA-17058**

Wesley and JoAnne Shrum attended the meeting.

Exhibit A – Letter from Sunpower re: Shrum property shade report

Issues discussed:

- An energy output report was submitted showing the difference in solar power with or without the trees present.
- One of the pines is already dying and the others will not last long.
- The applicants offered to plant three new evergreen trees in place of the removed pines, in consultation with staff
- They will not mow the areas in the buffer, as noted on the submitted plan, except for a four-foot-wide path to the water.

A motion was made to approve a negative determination, citing the October 2, 2017 site plan showing no mowing zones. Three evergreens shall be planted to replace those cut, and additional native tree plantings are allowed, all in consultation with staff.

Seconded and voted: 5 votes = Aye; 2 votes = Nay. The motion carried.

## III TAKEN UNDER ADVISEMENT

**Kenneth & Melissa Fish Crane.** Dredging up to 120 cu. yds. around existing pier at 218 Long Beach Rd., Centerville as shown on Assessor's Map 205 Parcel 003. **SE3-5473**

Issues discussed:

- This proposed project would be the first improvement dredging for a motor vessel, if approved.
- Precedent is important to consider in this application review. Approval could open up improvement dredging to all private docks in town and create potential cumulative impacts.
- One Commissioner was not a part of the original discussion, and did not participate in the vote.

A motion was made to approve the findings.

Seconded and voted unanimously.

A motion was made to deny the project.

Seconded and voted unanimously.

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

- |    |  |          |           |   |
|----|--|----------|-----------|---|
| A. | Chase<br>58 Calves Pasture Lane, Barnstable    | SE3-1070 | (coc, ez) | construct single family dwelling; replace culvert *<br>BVW, Barnstable Harbor |
| B. | Clancy<br>417 Lakeside Drive West, Centerville | SE3-4667 | (coc, ez) | replace driveway & nourish beach (not done)<br>Lake Wequaquet                 |
| C. | Schenker<br>168 Holly Point Road , Centerville | SE3-5291 | (coc, ez) | changes to pier, stairs, & other hardscaping *<br>Bears Pond / Lake Wequaquet |

A motion was made to approve all of the certificates.

Seconded and voted unanimously.

**V OLD & NEW BUSINESS**

- A. Continued discussion on solar panels and their impact on trees in the 50-foot buffer zone (from 10/10).

The Commission suggested that staff guidelines will be updated to review solar panel projects and building permits to intercept wetland jurisdiction areas where trees might be removed.

**VI MINUTES FOR APPROVAL**

- A. October 3, 2017

A motion was made to approve the minutes.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 7:57 p.m.**