



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

Office: 508-862-4093

E-mail: conservation@town.barnstable.ma.us

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION MEETING

DATE: DECEMBER 5, 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 Larry Morin. [Commissioners Peter Sampou and Scott Blazis arrived later in the meeting]

Conservation Agent Martin Wunderly assisted, along with Fred Stepanis, Conservation Assistant.

3:00 PM AGENDA

I REVISED PLANS

Project type:

Revision:

A. Feinberg SE3-5301 addition to single family dwelling as-built deck
 100 Herring Run Drive, Centerville Long Pond

The applicant was represented by Tarja McGrail of Coastal Engineering.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Russell SE3-5214 bank stairs and seasonal dock stair deviations
 166 Hollidge Hill Lane, Marstons Mills Middle Pond

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

Issues discussed:

- Applicant to remove the extra, unpermitted set of stairs.
- Increase size of openings in stair risers.

A motion was made to approve the revised plan.

Seconded and voted: 4 votes = Aye; 1 vote = Nay. The motion carried.

C. Chartin R. T. SE3-5235 raze/rebuild sfd, pool, patio lighting for flagpole
 524 Wianno Ave., Osterville (Tabled from 11/7)

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

Issues discussed:

- Alternative lighting options sought
- Possibly tabling the project for two months to allow the Commission to view the lights
- Lights will be on through December 12th, upon notification from the engineer.

Comments: Arlene Wilson spoke on behalf of applicant’s neighbor to not allow continuous lighting during the tabled period, if the project is tabled.

The revised plan was tabled to January 16, 2018.

II CERTIFICATES OF COMPLIANCE

A.	Feinberg 100 Herring Run Drive, Centerville	SE3-5301 (coc, ?)	addition to single family dwelling Long Pond
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A motion was made to approve the certificate.

Seconded and voted unanimously.

B.	Russell 166 Hollidge Hill Lane, Marstons Mills	SE3-5214 (coc, d)	bank stairs and seasonal dock Middle Pond
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A motion was made to approve the certificate.

Seconded and voted unanimously.

III EXTENSION REQUESTS

Project type:

Time Requested:

A.	Chartin R. T. 524 Wianno Ave., Osterville	SE3-5235	raze/rebuild sfd, pool, patio	1 st Request; 3 years
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The applicant was represented by John C. O’Dea, P.E.

[Commissioner Peter Sampou arrived at this time]

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

Seconded and voted unanimously.

B.	75 Bayberry Way 75 Bayberry Way, Osterville	2007 R.T. SE3-4904	maintenance dredging	1 st Request; 3 years
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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.

C.	Schwinn 315 Baxter’s Neck Rd., M. M.	SE3-5219	deck, terrace, vista pruning	1 st Request; 3 years
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The applicant was represented by Seth Wilkinson of Wilkinson Ecological.

[Commissioner Scott Blazis arrived at this time]

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

Seconded and voted unanimously.

D. Schwinn SE3-5244 invasives, vista pruning 1st Request; 3 years
325 Baxter's Neck Rd., M. M.

The applicant was represented by Seth Wilkinson.

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

Seconded and voted unanimously.

E. Goss (formerly Longfields) SE3-4470 sfd, septic, pool, landscaping 2nd Request; 3 years
288 Clamshell Cove Rd., Cotuit

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

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

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. Eduardo Franco & Nathalie Badan – 46 Captain Lumbert Ln., Centerville - Alteration of a wetland resource area on Lumbert Pond, maintaining unpermitted boardwalk and dock

Exhibits:

- A – Photos of dock
- B – Order of Conditions SE3-0867 and plan of record

The Commission approved the enforcement order as written, with an extended deadline to remove part of the dock structure and apply for the path and boards under an RDA application.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

B. Niraj & Jill Shah – 110 East Bay Rd., Osterville - Alteration of a coastal bank and resource area buffer, cutting of vegetation in wetland resource area and within 50 ft. wetland buffer zone.

Seth Wilkinson of Wilkinson Ecological and Molly Hutt of Schumacher Companies represented the owners.

Exhibits:

- A – Photos of cutting
- B – Order of Conditions, plan of record, and Form “A” for permit SE3-5011

A vista permit application should be filed separate of any previous filings if the owners would like to get a view corridor. The open permit under SE3-5011 requires an extension under the Permit Extension Act, and any changes to landscape plans must be sent to the Administrator for the appropriate review process.

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

Seconded and voted unanimously.

- C. Stephen & Susan Robinson – 4224 Main St., Barnstable - Alteration of a wetland resource area buffer, cutting of vegetation next to pond. Violation of a Determination (DA-87039).

Exhibits:

- A – Determination and RDA DA-87039
- B – Photos of pond and wetland buffer area

Attorney Ben Losordo represented the Robinsons. The owners are interested in restoring the buffer area next to the pond. They would like more time to research the previous conditions at the site.

A motion was made to amend the enforcement order to give the owners additional time to develop a sketch plan.

Seconded and voted unanimously.

V OLD & NEW BUSINESS

- A. Shellfish Rating Discussion

Certain areas were based on “not familiar” status.

Ratios of “significant” to “not significant” (1.5 or lower) could be removed from the list. These locations and this rating method considered a better interpretation of shellfish habitat significance (value) when dealing with pier filing applications.

4:30 PM AGENDA

VI NOTICES OF INTENT

CAJ, LLC. Extend existing pier and replace existing ell with ramp and float at 123 Seapuit River Rd., Osterville as shown on Assessor’s Map 070 Parcel 011. **SE3-5533**

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

Exhibit A – Revised site plan, 12/4/17

Issues discussed:

- Revised plan dated 12/4/17 addressed the Waterways’ and Harbor Master’s concerns.
- Vessel specs will be posted.
- No boat specs were designated in a prior pier permit.
- Standards for sailboat draft of keel regarding depth waiver
- Asking for a depth waiver for the sailboat: 19" rather than 30"
- Six new additional 12" piles
- The Commissioners acknowledged that this project will be an improvement for shellfish habitat.

Correspondence: Email from Brian Taylor of Waterways, dated 11/29/17; letter from MA Division of Fisheries & Wildlife; Email from Tom Marcotti, Town Shellfish Biologist.

A motion was made to find that the project constitutes a substantial expansion to the pier and, thus, is subject to current regulations with waivers.

Seconded and voted: 6 votes = Aye; 1 vote abstained.

A second motion was made to approve the project with the above finding, based on revised plan dated 12/4/17, and with the following waivers granted: J2 (distance to channel), L (centering of the pier), M1 (water depth). The depth waiver shall apply to all vessels.

Seconded and voted unanimously.

John & Patricia Cabana. Construct two additions; construct in-ground pool with associated patio and fencing at 200 Main St., Rte. 6A, W. Barnstable as shown on Assessor's Map 134 Parcel 007. **SE3-5534**

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

Issues discussed:

- Draw-down pool location
- Height of retaining wall in certain areas
- Work limit line along the 50-foot buffer to include silt fence
- Question of winter bird habitat in mitigation area; would be OK
- Northern end of the 50-foot buffer should be marked.

A motion was made to approve the project with special conditions and receipt of revised plan showing: 1) the pool, 2) draw-down pool location, 3) spot elevation for wall, 4) bayberry or 3 eastern red cedars, 5) demarcation of 50-foot buffer in brushed area, and 6) indicate silt fence in 50-foot work limit line.

Seconded and voted unanimously.

VII MINUTES

A. 11/14/2017

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 5:09 p.m.