



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: January 9, 2018 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM, 367 Main Street 2ND 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), 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 Administrator, Darcy Karle, assisted.

Chair Tom Lee welcomed Paula Schnepf, the Commission's new Town Council liaison

I REQUESTS FOR DETERMINATION

Douglas Kennedy. Proposed septic system upgrade to existing home to replace cesspools at 1127 Craigville Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 049. **DA-18001**

The applicant was represented by John Schnaible, P.E. of Coastal Engineering.

Issues discussed:

- The system will be slightly mounded and will use a perc-rite drip dispersal field.
- The Board of Health hearing is scheduled for 1/16/18
- It is a fairly new type of system, but is an acceptable IA system. The Commission had approved another system like this near Lake Wequaquet.

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

Seconded and voted unanimously, with one abstention.

II NOTICES OF INTENT

Staci A. Evers. Raise existing dwelling 1.5' and place on new flood zone-compliant foundation; replace existing garage with new garage; construct 2nd floor over portion of existing dwelling at 191 Fifth Ave., W. Hyannisport as shown on Assessor's Map 245 Parcel 106. **SE3-5537**

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

No concerns arose.

A motion was made to approve the project as submitted.

Seconded and voted unanimously.

Robert G. & Andrea M. Melvin. Proposed porch on sono tubes; proposed deck at 250 Hollidge Hill Ln., Marstons Mills as shown on Assessor's Map 081 Parcel 019-001. **SE3-_____**

The applicant was represented by Daniel Ojala, P.E. and Steve Cook.

Issues discussed:

- The revised plan being considered dated 1/8/18
- Part of project falls within Natural Heritage & Endangered Species (NHESP) habitat. Their letter has not yet been received.
- Staff needs to check into compliance of the buffer under a prior filing, to insure that the lawn has not crept into the 50' buffer zone.
- Staff questioned the width of the existing path in one area. The path does not seem to be a maintained path, but a natural path set under a heavy canopy.

A motion was made to approve the project as submitted under revised plan 1/8/18, with the requirement that the wide section of the path be narrowed to four feet. The Commission approves, and continues the project to 1/23/18 for review of the NHESP letter, and to allow Conservation staff time to review a prior filing.

Seconded and voted unanimously.

Susan Moore Morgenthau, Tr., 710-713 Sea View Avenue Realty Trust. Porch modifications to include 5' x 30' extension of open porch from front to side entrances; foundation and wall repairs to existing porches; install windows on existing open porch; landscaping to include driveway modification, replacement of screening trees and hedges, and bank and buffer restoration; all associated appurtenances at 713 Sea View Ave., Osterville as shown on Assessor's Map 113 Parcel 007. **SE3-5539**

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

Issues discussed:

- Mr. O'Dea stated that there are currently two other rinse areas.
- Annual reports should be submitted for three years on restoration planting and invasive treatment
- A question was raised on the type of mitigation being offered
- A question was raised on the height of replacement cedars.
- The requirement that a property owner continue invasive treatment in perpetuity. Staff cautioned the Commission on requiring a property owner to continue with invasive treatment beyond the three years, in that the property could change hands to someone who does not wish to treat the invasives.
- Concern was raised about those, currently asking for treatment of invasive species, to be credited toward mitigation. What happens if they return in the future and offer the same thing?

A motion was made to establish a finding that removal of invasive species to be used as part of mitigation for this project cannot be used as mitigation in the same location in a future filing.

Seconded and voted unanimously.

A motion was made that future projects approved as submitted, requiring three-year monitoring reports, also require that mitigation planting be maintained in perpetuity as an on-going condition in the certificate of compliance.

Seconded and voted unanimously.

Beyond the Beach, LLC. Proposed hardscape and landscape improvements including reducing patio area at rear, replacing turf-lawn with native plantings and pavers in gravel/moss groundcover along rear and sides, replacing turf lawn with native shrubs and native grass/wildflower seed mix at front of property, replacing front walk with pavers in gravel, and installing riverside restoration plantings to enhance mitigation at 45 Southwinds Cir., Centerville as shown on Assessor's Map 226 Parcel 164. **SE3-5540**

The applicant was represented by Christopher King of Atlantic Design Engineers.

Exhibit A – “Proposed Buffer Zone Area Figure (Revision 1 – 1/8/2018)”

Issues discussed:

- A question of whether proposed pavers set in moss counted in the buffer calculation. Square footage of stones should be calculated, and added to total calculation and mitigation
- Concern was raised for the request to increase mitigation planting supposedly done under a prior RDA filing for a shed, as mitigation credit for this filing.
- Work on the abutting lot to the north would require an approval letter from the abutter. Otherwise, they will offer mitigation in another area
- Staff mentioned that it appeared that not many shrubs were planted under the RDA application.
- The applicant will need to comply with the prior approved planting plan.
- The property is located on private roads.
- Information requested by the Commission includes revised calculations to add stones in moss, mitigation to offset this work (not to a prior mitigation area). The applicant is to address prior mitigation, and look at mitigation on the abutting property.

A motion was made to approve a continuance to February 6th.

Seconded and voted unanimously.

III AMENDED ORDERS OF CONDITION

Robert H. Goodwin, Trustee, Deep Water Realty Trust. Propose to amend **SE3-5469** (approval to maintenance-dredge) to include installation of 6 float piles and 3 dolphin piles at 157 Pleasant St., Hyannis as shown on Assessor’s Map 326 Parcel 052.

The applicant was represented by Rob Braman, Jr., P.L.S. of Braman Surveying.

Issues discussed:

- Whether an amended order was the proper application for this request. Concern for adding pilings to a maintenance-dredging order of conditions
- Commissioners believed the project represented a substantial change, and it should have come in under an NOI
- Concern that the DEP, under Chapter 91, was reviewing a dock filing when referring to “minor modifications.”
- Mr. Braman agreed to withdraw the amended order application, and to file a notice of intent.

Correspondence: 1) Letter from the MA DEP, dated 12/18/17, stating the work is a minor modification; 2) Email from MA Division of Marine Fisheries dated 12/15/2017.

A motion was made to approve a waiver of the Town filing fees when the applicant files an NOI.

Seconded and voted: 6 votes = Aye; 1 vote = Nay. The vote carried.

IV CONTINUANCES

923 Cape View, LLC. Renovations to beach house to include windows, doors, siding, roof deck and 10-foot landward addition; all associated appurtenances including utilities, at 923 Sea View Ave., Osterville as shown on Assessor’s Map 090 Parcel 005. **SE3-5527**

The applicant was represented by John O’Dea and James Bowes.

Exhibits:

- A – Discloser read into the record by Clerk Dennis Houle
- B – Option 1A and Option 2A, dated 1/8/18
- C – Copy of Page 1 of an Order of Conditions (SE3-2436) and revised plan dated 5/11/92

D – Section of zoning regulations, Chapter 240-24.1.13

Issues discussed:

- Commissioners Sampou and Abodeely were not part of original quorum.
- A majority of the Commission believed that Plan A2 addresses what they were looking for
- Stainless steel wires will be used for railings.
- A request to condition outside lighting.
- Mitigation should be discussed only after reviewing (and making a decision about) the proposed work in a resource area, and whether there is a change in the use of the building.
- The labeling of this building as a beach house, bathhouse, or accessory structure.
The applicant would only like to request downward lighting on the steps; nothing on the building.
- The Commission would be granting a waiver to allow for a small expansion for the mechanical room.

A motion was made to approve Option A2 (with exterior cover sheet) dated 1/9/2018.

Seconded and voted unanimously.

David Turner. Install new vertical wood bulkhead to stabilize existing concrete bulkhead at 108 Bay Shore Rd., Hyannis as shown on Assessor's Map 325 Parcel 078. **SE3-5530 \$16.02 (from 11/28/17)**

The applicant was represented by Matt Creighton, P.W.S. of BSC Group.

Issues discussed:

- A quorum was present of everyone except Commissioner Blazis .
- The revised plan being considered was dated 12/29/17.
- Mr. Creighton stated that they could tie into the abutters' walls, and the abutter where they will have to go over the property line will sign a waiver.

Correspondence: 1) Letter from Army Corp of Engineers, dated 1/8/18; 2) Email from Brian Taylor, dated 11/28/17.

A motion was made to approve the project, citing revised plan dated 12/29/17.

Seconded and voted unanimously.

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

- A. Lynch/Fox Island Realty Trust SE3-5361 (coc, ez) replace & modify boardwalk & pier *
132 Fox Island Road, Marstons Mills – North Bay/ Dam Pond
- B. Mugar SE3-4851 (coc, ez) construct pier, ramp, & float (none done)
114 Peppercorn Lane, Cotuit – Pinquickset Cove / Poponesset Bay
- C. Oyster Harbors Club SE3-4903 (coc, ez) raze & construct kids' camp building *
170 Grand Island Drive, Osterville – Tim's Cove / Cotuit Bay
- D. Elder SE3-5222 (coc, ez) raze & construct single family dwelling
344 Bridge Street, Osterville – Flood Zone
- E. Lauer SE3-5367 (coc, ez) raze & construct single family dwelling *
183 Bay Street, Osterville – North Bay
- F. Rizzo SE3-4656 (coc, ez) manage invasive plants; replace wall & patio *
22 Harrison Road, Centerville – Long Pond
- G. Lehman SE3-4769 (coc, ez) construct pier, ramp, float & boardwalk *
240 Baxters Neck Road, Marstons Mills – Prince Cove

- H. Perriello SE3-5418 (coc, ez) construct addition, porch & deck *
166 Bay Shore Road, Hyannis – Hyannis Inner Harbor
- I. 941 Sea View LLC SE3-5092 (coc, ez) construct pool & patio *
941 Sea View Avenue – Nantucket Sound
- J. Webber SE3-5192 (coc, ez) raze & construct house, pool, & cabana *
159 Main Street, Osterville – Centerville River

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

Seconded and voted unanimously.

VI MINUTES

A. 11/28/2017

A motion was made to approve the minutes.

Seconded and voted unanimously.

B. 12/5/2017

A motion was made to approve the minutes, as amended.

C. 12/12/2017

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 9:01 p.m.