



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

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**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: February 13, 2018 @ 3:00 PM**

**LOCATION: Hearing Room – 367 Main St., 2<sup>nd</sup> 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](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 was Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners Peter Sampou, Scott Blazis, and Larry Morin. Commissioner John Abodeely was away.

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

**3:00 PM AGENDA**

**I CERTIFICATES OF COMPLIANCE**

- A. Furman SE3-0105 (coc, d) construct single family dwelling \*  
221 Riverview Lane, Centerville – Centerville River

Mr. Thomas Cadzow, the current homeowner, represented himself. He stated that the stairs, retaining walls, and boardwalks were there when he moved in. He stated that modifications to the driveway and maintenance of the walls and boardwalk were done since then.

A motion was made to deny the Certificate of Compliance. Mr. Cadzow is to submit a Notice of Intent application (NOI) within 90-days to seek approval of the existing hardscaping.

Seconded and voted unanimously.

**II REVISED PLANS**

**Project type:**

**Revision:**

- A. Sunrise Nominee Trust SE3-5342 sfd 1<sup>st</sup> & 2<sup>nd</sup> story decks  
60 High Noon Dr., Centerville

The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering, Inc.

The Commission required a shade-tolerant conservation seed mix below the deck.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

- B. Cape Cod Five SE3-5499 raze/rebuild office bldg.. change to parking lot  
1520 Iyannough Rd., Hyannis

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Krupshev SE3-5485 78 Sawmill Rd., Marstons Mills	pier/stairs to pier	extend stairs closer to pier
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering & Consulting,

The Commission needed clarification that one of the trees marked on the plan under the steps would be removed. A note is needed on the plan that must include the tree to be removed.

A motion was made to approve the revised plan subject to revisions to include a note and location of the tree to be removed on the plan.

Seconded and voted unanimously.

D.	Assembly Required LLC SE3-5480 617, 633 Main St. & 106 E. Bay Rd., Osterville	demo sfd; site improvements	landscape modifications & restoration plantings
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The applicant was represented by Seth Wilkinson, Ben Wollman, and Ben LaFranz of Wilkinson Ecological Design.

The Commission discussed the correct revised plan date of 2/5/2018, and the methods for pesticide use on the hemlocks to prevent the woolly adelgid.

Mr. Wilkinson reviewed the list of invasive plants to be removed and the native plants to be planted.

A motion was made to

Seconded and voted unanimously.

E.	Assembly Required LLC SE3-5474 8 East Bay Rd., Osterville	reconstruct sfd	landscape, plantings, septic
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The applicant was represented by Seth Wilkinson and Ben LaFranz.

The Commission discussed potential stormwater flow calculations.

Mr. Wilkinson reviewed the protocol for invasive phragmites removal.

The Commission asked that the proposed patio be moved outside of the 50-ft. wetland buffer.

A motion was made to approve the revised plan subject to revisions (relocate proposed patio).

Seconded and voted unanimously.

<b><u>III</u></b>	<b><u>EXTENSION REQUESTS</u></b>	<b><u>Project type:</u></b>	<b><u># Years Requested:</u></b>
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A.	Fisher SE3-5267 164 Annable Point Rd., Ctrvl.	raze/rebuild sfd	1 <sup>st</sup> request; 3 years
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The applicant was represented by Tom Fisher.

A motion was made to approve a 3-year extension.

Seconded and voted unanimously.

- B. Dockside Marina, LLC SE3-5287 pump-out, bollards, etc. 1<sup>st</sup> request; 3 years  
0 School St., Hyannis

No one attended the meeting.

A motion was made to approve a 3-year extension.

Seconded and voted unanimously.

#### **IV ENFORCEMENT ORDERS**

- A. Case Martin – 59 Blue Water Dr., Centerville – Alteration of a wetland resource buffer, cutting of vegetation next to Shallow Pond.

Exhibits:

- A – Photos of cut trees and aerial GIS image of missing trees and shrubs
- B – Permit and site plan for SE3-2129
- C – Prior 1997 enforcement order for prior owner relating to bush removal in wetland buffer zone
- D – Photos of termite damaged trees.

Mr. Case Martin was present.

Mr. Martin provided photos of termite damage and notified the Commission that he was unaware of the wetland protection regulations.

He stated that he was willing to restore the buffer area, as necessary. The Commission suggested that larger caliper placement trees should be replanted.

A motion was made to approve an amended enforcement order.

Seconded and voted unanimously.

- B. Helen Rowell – 37 May Ln., Centerville – Maintaining a shed in the 100 ft. buffer to a wetland without permission.

Commissioner Blazis recused himself.

Exhibits:

- A – Plans and Orders of Conditions SE3-1312
- B – Assessor's photo and aerial GIS image of plot

Ms. Rowell was present.

The Commission discussed the need for a survey of the property line, or for Ms. Rowell to work with the abutting property owner – Barnstable Land Trust. The shed had been placed on BLT property without their knowledge. It will need to be relocated onto Ms. Rowell's property before the Commission can approve re-locating it in the 100-ft. wetland buffer.

A motion was made to approve an amended enforcement order.

Seconded and voted unanimously.

- C. Robin Schwartz - 240 Baxters Neck Road, Marstons Mills – Alteration of a wetland resource area buffer, topping of vegetation along Prince Cove.

Commissioner Foster recused herself.

Exhibits:

- A – Order of Conditions and site plan for SE3-4761
- B – Photos of topped trees and an aerial GIS photo of wetland buffer area

Steve Wilson, P.E. represented the property owner.

The Commission discussed the importance of canopy trees in the location of the violation, and was not convinced that sprout and leader management would be an effective means of restoration for the damaged oak trees.

The Commission required tree plantings to restore the wetland buffer zone.

A motion was made to approve an amended enforcement order.

Seconded and voted unanimously.

## **V OLD & NEW BUSINESS**

A. Thomas F. Ryan Jr., 260 North Bay Rd., Osterville – Revised enforcement order response plan review.

Exhibit A – Revised planting plan and plant list

The applicant was represented by Michael P. Neath

The Commission discussed the height of the proposed trees at maturity.

A motion was made to approve the 2/6/2018 landscape plan.

Seconded and voted unanimously.

B. In consultation with 1<sup>st</sup> Asst. Town Attorney, T. David Houghton, the Chair is taking the following action:

Approve and continue to retain the minutes for the executive session of January 23, 2018 that relate to the litigation matters of Jill F.G. Mitchell, and Kenneth & Melissa Fish Crane, vs. Town of Barnstable, as these matters are still on-going.

C. Society of Ecological Restoration’s (SER) Certified Ecological Practitioner (CERP) program

Seth Wilkinson presented information on the certification program for ecological restoration practitioners. There is a list of certified practitioners available, and a code of ethics. The certification lasts five years, after which one can be re-certified. This program is important for carrying out restoration projects effectively.

Exhibit: New Certification for Ecological Restoration Practitioners

## **4:30 PM AGENDA**

## **VI DETERMINATIONS**

**Town of Barnstable/Conservation Division.** Install a catwalk over a stream, and install landings on a steep area of the trail at 43 Harju Rd., Centerville as shown on Assessor’s Map 146 Parcel 023. **DA-18006**

The applicant was represented by Emily Baker and Martin Wunderly.

The Commission commented favorably on the efforts of AmeriCorps member, Emily Baker.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

**Town of Barnstable/D.P.W.** Pulverize & blend top 16" of road surface within current footprint. Frames and grates for existing drainage systems will be adjusted to meet new roadway elevations; no new systems planned to be installed at Mariner Cir., Cotuit as shown on Assessor's Map 039 Parcels (various). **DA-18007**

The applicant was represented by Joe Orciuch and Kip Diggs.

The Commission asked that a "no dumping" sign be considered at the project location, and that the dumped leaves be removed.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

## **VII NOTICES OF INTENT**

**Stephen V. Kenney, Tr., Dead Neck Realty Trust.** Replace and expand exiting gazebo; remove existing tennis court; construct a pool and patio with landscaping and all associated appurtenances at 160 Vineyard Rd., Cotuit as shown on Assessor's Map 015 Parcel 003. **SE3-5545**

The applicant was represented by John O'Dea.

The Commission asked that the proposed gazebo be relocated away from the 50 ft. buffer, matching the perimeter of the patio corner.

A motion was made to approve the project with special conditions, subject to a revised plan shifting the proposed gazebo away from the 50-ft. wetland buffer.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 5:22 p.m.**