



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

DATE: NOVEMBER 27, 2018 @ 6:30 PM

LOCATION: 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, Commissioners John E. Abodeely, Pete Sampou, Larry Morin, and George Gillmore.

Conservation Administrator Darcy Karle assisted, along with Claudette Bookbinder, Administrative Assistant.

### I OLD & NEW BUSINESS

#### A. Land Subject to Coastal Storm Flowage (LSCSF) Workshop

The Clerk reviewed a draft of the new conservation regulations Chapter 712, as proposed.

Seth Wilkinson of Wilkinson Ecological Design gave his input, as requested, on the new regs. His opinion was that the “transitional area” should be protected. He thought the new regulations would benefit the environment, especially after a major storm even.

Mr. Wilkinson said he would submit his comments in a couple of weeks.

Further discussion to take place on December 4<sup>th</sup>, at the next Conservation Commission hearing.

### II REQUEST FOR DETERMINATION

**Donna Elle.** Demolish and rebuild single-family dwelling at 21 Meridian Way, Barnstable as shown on Assessor's Map 319 Parcel 008. **DA-18052**

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

Issues discussed:

- The project is in the flood zone only
- The Commission was concerned with the type of material for the drive; it would be gravel, and permeable
- The house now has a basement, but the new one will not.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

**Robert Holley.** Pump and fill existing cesspools with sand and septic system upgrade at 90 Holly Ln., Centerville as shown on Assessor's Map 229 Parcel 017. **DA-18053**

Exhibit A – Revised plan dated 11/20/18 showing correction setback to BVW

The applicant was represented by Peter McEntee of Engineering Works, Inc.

Issues discussed:

- The project is within the 50 – 100-foot buffer
- A correction made in the setback on the revised plan (11/20/18)
- Black PVC pipe was seen on the lawn

A motion was made to approve the project as a negative determination subject to receipt of a new revised plan showing a five-foot separation from groundwater.

Seconded and approved unanimously.

**Douglas Cohen.** Structural addition of new restrooms and deck to existing restaurant at 213 Ocean Street, Hyannis as shown on Assessor's Map 326 Parcel 035. **DA-18054**

The applicant was represented by D. Michael Ball, Sr. Wetland Scientist of Baxter Nye Engineering, Inc.

No issues arose.

A motion was made to approve a negative determination.

### **III NOTICES OF INTENT**

**Henry Blair.** To permit the use of a hydraulic dredge for maintenance dredging of Millway Marina; to permit a second dewatering basin for larger amount of dredge material produced by the hydraulic dredge; repair existing wooden bulkhead at 275 Millway Rd., Barnstable as shown on Assessor's Map 301 Parcel 063. **SE3-\_\_\_\_\_**

The applicant was represented by Kieran Healy of BSC Group.

Issues discussed:

- A larger area needed for dewatering in order to do hydraulic dredging
- Exposed piling will be replaced
- They have a 5-year certification for 401 Water Quality CERT, but the Town permit lapsed
- The old permit will be closed out as soon as possible
- Sand dredge could benefit another area, e.g., Blish Point, but needs to be grain-specific or compatible sand
- Applicant was asked to follow-up on dredge material disposition and let the Commission know.

Comments:

- Email from Tom Marcotti dated 11/27/18 citing two important caveats or concerns
- Letter from MA Division of Marine Fisheries dated 11/26/18 indicating a TOY restriction and other recommendations

A motion was made to approve the project as submitted, subject to receipt of a revised plan indicting the limit of over-dredge and erosion controls to protect the state ramp. Special conditions shall include all bullet points addressed in the Division of Marine Fisheries letter dated Nov. 26, 2018, except that the work is to be done on the upland side. The state boat ramp is to be protected from siltation by using erosion controls, in consultation with Conservation staff, and monitored. The Town is to be consulted regarding possible use of dredge spoils, and to advise Conservation staff on its disposition, if any.

Seconded and approved unanimously.

**Paul Cassassa.** Installation, planting (American Beach Grass), and maintenance of a coastal dune along seaward edge of property at 111 Sunset Lane, Barnstable as shown on Assessor's Map 301 Parcel 030. **SE3-\_\_\_\_\_**

Exhibit A – GIS aerial photo submitted by staff, indicating the width of the existing lawn

The applicant was represented by Kieran Healy of BSC Group.

Issues discussed:

- The Chair read a statement from Town Attorney Charles McLaughlin indicating that “competing private claims,” i.e., those of abutters, “. . . must be handled outside of Conservation Commission proceedings.”
- An artificial dune appears to be a “sacrificial dune” (as opposed to a permanent dune)
- In a flood zone and in a velocity zone
- Staff researched the area; in 1996 at 68 Great Bay, Osterville the dune appears to be approximately 50’ from the house
- Irrigation system now partly exposed, on top of sand

Comments:

- Bill Quinn, Jr. said dunes to the east shift every year; should postpone the project
- Anthony Densieski requested a copy of the statement by the Town Attorney (as referred to above)
- Fred Tirell said the lot is common property and will interfere with other property owners

The Chair requested a copy of the title to the land for #202 (after hearing Mr. Tirell’s comment above).

A motion was made to approve the project subject to receipt of a copy of the land title.

Seconded and approved unanimously.

**EM Crosby Boatworks.** Demolition of existing residence at 190 Bridge Street, and construction of a 2 story commercial building with gravel parking, and paved boat wash-down pad with recycling wash system at 178 and 190 Bridge Street, Osterville as shown on Assessor’s Map 093 Parcels 029 and 028. **SE3-5623**

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

Exhibit A – EM Crosby building elevations

Issues discussed:

- The building is outside of the buffer, but within storm flowage.
- The Chair asked for architectural drawings
- The issue of a gas or fuel leakage was not considered an issue, as the boat storage would be on a gravel parking area
- The Chair had reviewed the stormwater report, and had no issues with it.

A motion was made to approve the project, as submitted, with a special condition stating that the details of the wash-down pad, selected by the applicant, be submitted to staff prior to installation.

Seconded and approved unanimously.

**Hyannis Rotary LLC.** Lift tower and construct new foundation under; lift portion of existing dwelling; construct new full foundation under; septic system upgrade at 10 Hyannis Ave., Hyannisport as shown on Assessor’s Map 287, Parcel 131. **SE3-\_\_\_\_\_**

The applicant was represented by Atty. Michael Ford, Daniel Ojala, P.E., of Down Cape Engineering, Tim O’Neil, and Craig Ashworth of E.B. Norris.

Issues discussed:

- The building is listed in the National Register – goal to restore/preserve everything
- Structurally, the building is sinking on the eastern side from the water; also the water tower is sinking
- Phase I involves lifting water tower and moving it 50’ to the northeast onto a new foundation; lifting of the easterly portion of the house; upgrading septic; everything is to be restored
- The Commission asked for the elevation of the retaining wall; this will be addressed in Phase II of the project.

A motion was made to approve the project, as submitted.

Seconded and approved unanimously.

**Jane Ward and Steve Waller.** Invasive species removal and management; revegetate with native species; remove or prune hazardous and/or dead limbs and trees; replace existing deteriorating retaining wall and landscape steps at 125 Blantyre Avenue, Centerville as shown on Assessor's Map 229, Parcel 108. **SE3-\_\_\_\_\_**

The applicants attended and were represented by Michael Talbot and Tyler Goudreault of Environmental Landscape Consultants.

Issues discussed:

- Would like to limb two oaks
- A question regarding removal cutting to stump level and replanting next to cut trees
- Staff requested a three-year monitoring plan and work by a CERT; mostly mechanical removal
- The Commission indicated that even dead trees provide habitat; they wished to see the planting plan
- One dead tree is near the water, close to the house
- The Commission requested a revised plan to include buffer zones
- The applicant, Ms. Ward, would like to replant in the 50 – 100 buffer zone first.
- It was agreed that the work should begin in the 50' buffer

Comments:

- Letter from Natural Heritage & Endangered Species dated 11/13/18

A motion was made to approve the project as submitted, with special conditions requiring annual monitoring reports for three years; the project to be completed under the supervision of a certified ecological restoration practitioner CERP in two phases: Phase I will be activity proposed between the 50' – 100' buffer allowing invasive removal, requiring the applicant to return to the Commission within sixty days to present a planting plan after the extent of invasive removal is determined. Phase II (work between the 0 – 50' buffer) will be a later project in which the applicant will return to the Commission to present a planting plan.

Seconded and approved unanimously.

#### **IV CONTINUANCES**

**Marie M. Souza.** Raise house for FEMA compliance; new sewage disposal system and associated site improvements at 168 Long Beach Rd., Centerville as shown on Assessor's Map 205 Parcel 008. **SE3-5616**  
**Request for continuance to 12/18**

A quorum of everyone except John Abodeely was present.

A motion was made to continue the project to 12/18.

Seconded and approved unanimously. No testimony was heard

**Joseph Graziosi.** Construct a low earthen vegetated berm on lawn area between existing residence and salt marsh as a means of preventing tidal floodwaters from reaching house foundation and crawl space area at 1085 Craigville Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 100. **SE3-5614**

The applicant was represented by Michael Ball, Sr. P.W.S. of Baxter Nye Engineering & Surveying.

A quorum of all Commissioners was present.

Issues discussed:

- Project in a coastal flood zone – three resource areas on the Centerville River
- Mr. Ball referred to his letter sent to the Commission dated 11/20/18.

A motion was made to establish a Finding that this project represents no adverse impacts; the area is de minimis.

Seconded and approved unanimously.

A motion was made to approve the project, based on the above Finding.

Seconded and approved unanimously.

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

- |    |  |          |           |  |
|----|--|----------|-----------|--|
| A. | Montgomery<br>94 Holly Point Road, Centerville | SE3-5371 | (coc, ez) | raze & construct single family dwelling<br>Bears Pond  |
| B. | Anderson<br>45 Lake Avenue, Hyannisport        | SE3-5228 | (coc, ez) | construct single family dwelling (only some<br>clearing and retaining wall construction done<br>Schoolhouse Pond |

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

Seconded and approved unanimously.

**VI MINUTES**

- A. 10/30/18
- B. 11/6/18

A motion was made to approve the minutes (A – B).

Seconded and approved unanimously.

**A motion was made to adjourn.**

**Seconded and approved unanimously.**

**The time was 9:12 p.m.**