



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: FEBRUARY 5, 2019 @ 6:30 PM

LOCATION: 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 Pete Sampou, Larry Morin, and George Gillmore. Commissioner John E. Abodeely was away.

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

I NOTICES OF INTENT

Edward & Nancy Eskandarian, Trustees. Maintenance dredging of pier (including the navigable channel into East Bay) located at 421 Main St. Osterville with dewatering of dredge materials at 348 East Bay Rd., Osterville as shown on Assessor's Map 164/004 and 163/013. **SE3-5646**

The applicants were represented by Raul Lizardi-Rivera, P.E. of Cape and Islands Engineering, Inc.

Issues discussed:

- Per the old permit, a 2004 filing which was approved by the Town,
- D.P.W. permitted dewatering at Dowses by way of a revised plan.
- Dredge material to be disposed of at a certified disposal site
- Dowses Beach to be used; a crane will transfer the dredge material to a dump truck.
- A revised plan should be forthcoming; the red line to be eliminated
- A time restriction was suggested by Tom Marcotti, Town Shellfish Biologist, in an email
- This filing has been approved, as signed, by Town Manager Mark Ells
- There will be no change to the footprint
- The Commission asked what boat and restrictions would used
- The special conditions in the original permit satisfy the Commission's "12-inch rule"

Correspondence: Email from Tom Marcotti, Town Shellfish Biologist dated 2/5/19; Letter from MA Division Fisheries dated 1/22/19.

A motion was made to approve the project subject to receipt of a revised plan eliminating the red dashed line from plan, with side slope not to exceed 2:1, as described by applicant's representative; special conditions to read: "dredging shall occur only between November 1st to January 15th"; a post dredge survey; location of maintenance dredging to be marked in the field prior to dredging; to indicate prior SE3# on the plan.

Seconded and voted unanimously.

James L. & Susan H. Cashin. Construct new deck/porch and bulkhead to existing single-family home; install planting mitigation at 362 Huckins Neck Rd., Centerville as shown on Assessor's Map 233 Parcel 033. **SE3-5645**

The applicants were represented by Sam Iamele, P.E. of JC Engineering, Inc.

Issues discussed:

- Nothing on the water side

A motion was made to approve the project as submitted.

Seconded and approved unanimously.

Maroa C. Velez & Thomas F. Vurno. Construct pool with all associated appurtenances including relocation of existing boulder wall; construct patio and deck; pool equipment and fencing; fireplace at 58 South Bay Rd., Osterville as shown on Assessor's Map 093 Parcel 042-004. **SE3-5644**

The applicants were represented by Charles Rowland, P.E. of Sullivan Engineering & Consulting, Inc.

Issues discussed:

- A space to be left under the pool fence, if allowed, for wildlife

A motion was made to approve the project as submitted, subject to receipt of a revised plan indicating the elevation at the top of the wall and, if allowed by Building Commissioner, pool fencing that would allow for small animal passage.

Seconded and approved unanimously.

132 South Bay Road, LLC. Demolish a portion of existing dwelling containing an indoor pool; construct outdoor pool with deck and patio and all associated appurtenances; permit pier lighting at 132 South Bay Rd., Osterville as shown on Assessor's Map 093 Parcel 045-001. **SE3-5647**

The applicant was represented by Charles Rowland, P.E.

Exhibit A – Revised planting plan dated 2/4/19

Issues discussed:

- Copies of the revised plan were handed out to the Commission and staff.
- The project to take place landward of the existing wall
- The pier will be later maintained under a Form M

A motion was made to approve the project as submitted, noting the approval of the revised planting plan dated 2/4/2019.

Seconded and approved unanimously.

II CONTINUANCES

George Haseotes. Permit existing/proposed pier modifications; proposed 28' gangway in place of most landward float and existing permitted ramp; permit current length of pier (seasonal floats); permit two sets of existing pilings at 773 South Main St., Centerville as shown on Assessor's Map 185 Parcel 013. **SE3-5617**

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

Mr. Ojala requested a further continuance to March 5th.

The Clerk of the Commission stated that it would be the third continuance, and therefore, the last.

A motion was made to continue the project to 3/5/19, with no testimony.

Seconded and approved unanimously.

George Haseotes. Amend Order of Conditions **SE3-4963** to permit rock veneer retaining wall at 773 South Main St., Centerville as shown on Assessor's Map 185 Parcel 013

The applicant was represented by Dan Ojala, P.E.

Issues discussed:

- A quorum of all Commissioners was present
- The site is the river front; mitigation to be brought closer to the water
- Should the new buffer zone regulations apply?
- Mr. Ojala thought that the old mitigation calculations should apply, as previously approved.
- The site was a very constrained and compact site
- Because of the amount of hardscape (ratio not 2:1), a Commissioner was in favor of using the new regulations
- Others on the Commission thought that, because it is a request for an amended order, the old regulations should apply
- A question of whether a new NOI should be submitted, as this site has a complicated history
- It was decided that the Commission needed to review the planting plan before going further
- Staff remarked that there is a steep coastal bank, and a planting plan should be required, along with three-years of annual reports
- A Commissioner thought that mitigation planting should be planted next to the wall (landward)
- Mr. Ojala said it would be extremely difficult, as it is such a small area; there are only 15 feet between the house and the wall.

A motion was made to continue the project to March 5th.

Seconded and approved unanimously.

Town of Barnstable Department of Public Works. Construct roughly 263 linear feet of stormwater conveyance pipe, install a concrete headwall with a stone apron dissipation bowl, and conduct associated grading at 725 Main Street, Hyannis as shown on Assessor's Map 308 Parcel 143. **SE3-5641**

The applicant was represented by Griffin Bowdoin of the Barnstable D.P.W.

Issues discussed:

- A quorum of all Commissioners was present
- The pipe ties into the drainage system on Main Street
- The project is on Town property; Town Manager Mark Ells, signed his approval for the project to go forward
- The Town Legal Department needs to sign-off on a revised plan
- Infiltration for separation of ground water; ground water is high.

A motion was made to approve the project, subject to receipt of a revised plan to be approved by the Town Attorney's Office.

Seconded and approved unanimously.

Correspondence: Email from the Town Attorney's Office dated 2/5/2019; Support letter from Amanda Ruggiero, P.E., Interim Town Engineer dated 1/17/19.

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

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|----|------------------------------------|----------|-----------|--|
| A. | Behrens | SE3-5370 | (coc, ez) | management of invasive plants * |
| | 1730 Main Street, Cotuit | | | Rushy Marsh Pond |
| B. | Koppel | SE3-5369 | (coc, ez) | management of invasive plants * |
| | 1664 Main Street, Cotuit | | | Rushy Marsh Pond |
| C. | Feinberg | SE3-5397 | (coc, ez) | raze & replace cottage; landscape & hardscapechanges; |
| | 100 Herring Run Drive, Centerville | | | Long Pond add rip rap * |
| D. | Capasso | SE3-5150 | (coc, ez) | raze & construct single family dwelling * |
| | 116 Bay Shore Road, Hyannis | | | Hyannis Inner Harbor |
| E. | Mellon | SE3-4835 | (coc, ez) | construct additions to single family dwelling (not done) |
| | 19 Indian Trail, Osterville | | | Seapuit River |

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

Seconded and approved unanimously.

IV MINUTES

A. January 15, 2019

B. January 22, 2019

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

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and approved unanimously.

The time was 7:42 p.m.