



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: MARCH 12, 2019 @ 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 3:00 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, Commissioners Pete Sampou (arrived at 3:18 p.m.), Larry Morin, and George Gillmore. Commissioner John E. Abodeely was away.

Ms. Paula Schnepf, Conservation Town Council liaison, attended.

Conservation Administrator, Darcy Karle, assisted, along with Conservation Agent Ed Hoopes.

3:00 PM AGENDA

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

- | | | | | |
|----|--|----------|-----------|--|
| A. | Al-Saleh | SE3-3472 | (coc, ez) | construct handicapped-accessible boardwalk * |
| | 253 Seapuit River Road, Oyster Harbors | | | Seapuit River |
| B. | Yasmine Rlty. | SE3-4626 | (coc, ez) | maintenance dredging * |
| | 253 Seapuit River Road, Oyster Harbors | | | Seapuit River |

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

Seconded and approved unanimously.

II REVISED PLANS

Project type:

Revisions:

- | | | | |
|----|-------------------------------------|---------------|---------------------------|
| A. | Gould/Marsh House Nom. Tr. SE3-5050 | sfd; addition | generator; AC units, etc. |
| | 82 Hummock Ln., Cotuit | | |
| | (continued from 2/19) | | |

The consultant requested a further continuance.

The matter was tabled by the Chair to April 9th.

III EXTENSION REQUESTS

Project type:

Time Requested:

- A. McNary SE3-5362
755 Rte. 149, Marstons Mills
- sfd
- 1st Request; 3 years

A motion was made to approve an extension for three years.

Seconded and approved unanimously.

IV OLD & NEW BUSINESS

- A. Welcome to Edwin Hoopes, as new Conservation Agent

Noted

- B. Long Pond Community Gardens, Year-End Report for 2018 (continued from 2/12)

Donna Lawson, Master Gardener, reported on the Long Pond Community Gardens.

Issues discussed:

- There are 70 registered gardeners using the Long Pond community gardens.
- Theft of produce was a problem during the 2018 season. In order to help cut down on this problem, they will be doing the following:
 - a) placing two new cameras on site;
 - b) issuing identification badges for registered gardeners, and
 - c) requesting that registered gardeners provide vehicle license plate number so they know who is supposed to be there.
- Three children's educational programs were held on site, centering on pumpkin planting, growth, and harvesting.

The possibility of trimming yews and other vegetation on the inside of the garden was discussed. It was agreed that they could do so in consultation with the Conservation Administrator or the Conservation Agent.

- C. Don Anderson (Laugharn SE3-4710) – request to lift deed restriction, 100 Bay View Road, Barnstable (continued from 2/12)

Mr. Anderson attended.

Exhibit A – Photos of vegetation from three years prior.

Issues discussed:

- The property owner appeared before the Commission to ask for removal of the deed restriction preventing a bedroom in the garage.
- The Town Legal Department was willing to review the language lifting the restriction.
- The proximity of the garage to an isolated wetland
- The property owner would still be required to file an application with the Commission.
- Mr. Anderson was advised not to weed-whack in the wetland, as it is a violation.
- The possibility of using the plot plan included in the NOI filing; this would require re-flagging wetlands and the submission of a report.

- D. Barnstable M.V.P. Resilience Workshop – March 29th, Hearing Room, 9 a.m. – 4:30 p.m.

Noted

E. Wetlands Restriction Orders – Follow-up information after contacting the D.E.P.

- Ms. Karle reviewed the information received from the MA DEP.
- The DEP can be the only party able to enforce a wetland restriction.
- Arlene Wilson offered her knowledge on coastal wetland restrictions.
- Information from Ms. Wilson was found to be very helpful. The information will be transcribed by staff and made available at the office for review, and a copy kept in the hearing bag to assist with future filings, should the issue come up again in the future.
- Restrictions serve as a notice to property owners. At one time, the State was willing to come out and stake the site.
- In most cases, the actual NOI (filed on a property where there may be a coastal restriction) protects the property, as we now have buffer zone regulations. There are a few cases on the north side where restrictions could overlap.

V ENFORCEMENT ORDERS

A. Arthur Perry, Jr. Tr., Perry Residence Trust 1-2013 – 35 Little River Road, Cotuit - Map 053 Parcel 003 Alteration of wetland buffer, riverfront and coastal bank buffer by cutting vegetation; topping trees.

Landscaper – Aaron Childs, Braddock W. Childs Tree Service – Warning letter

Exhibits:

- A. Correspondence and approved revised landscape plan
- B. Correspondence between Sullivan Engineering and Rob Gatewood
- C. Photos taken at time of COC request (dated 1/15/2013)
- D. Assessor's photo dated 1/20/2011
- E. Photos of vegetation cutting taken 12/12/2018
- F. Photos taken 3/6/2019

Mr. Perry attended. Mr. Childs (landscaper) did not appear.

Issues discussed:

- Extent and timing of the cutting (42 sapling oaks were topped during the week of Dec. 9, 2018)
- Mr. Perry asked for a continuance to the May 7, 2019 meeting, in order to have his engineer present.
- The Commission agreed to allow Mr. Perry to return with representation; however, the conditions of the enforcement order, discussed and approved at the Jan. 15th meeting, would not change.
- The Commission encouraged Mr. Perry to hire a certified arborist as soon as possible, so that work could begin on the arborist's analysis report, as stipulated in the enforcement order.
- The deadline for receipt of the arborist's analysis was extended to May 1, 2019.

4:30 PM AGENDA

VI REQUESTS FOR DETERMINATION

Nathan & Christine Coelen. Construct 3' x 13' bump-out addition to kitchen; construct two dormers on 2nd floor; construct two bay windows on 1st floor at front of house at 469 Main St., Centerville as shown on Assessor's Map 208 Parcel 085-002. **DA-19007**

The applicants were represented by Frank Donovan, builder.

No issues arose.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

VII NOTICES OF INTENT

David Kanyock/Barnstable Public Schools. Parking lot, grading, drainage improvements and planting; all work associated with renovation of existing baseball field located outside buffer zone at Barnstable High School, 744 West Main St., Hyannis as shown on Assessor's Map 249 Parcel 094. **SE3-5659**

Dave Kanyock attended, and was represented by John Amato of J.J.A. Sports.

Exhibits:

- A – Phase I, "Permitting Presentation"
- B – Documentation of mailings
- C – "Wetland Delineation Report"

Issues discussed:

- Ms. Karle requested that the applicant submit the actual delineation form for the office file, to go along with the report.
- Chair Lee had reviewed the stormwater report.
- A question was raised about providing access gates for maintenance.
- A question arose regarding maintenance of the banks, and whether mowing would be needed. Mr. Amato agreed to provide grading for access.
- A construction protocol should be submitted for drainage structures.
- A level spreader should be provided in overflow areas, such as a concrete berm, to lower the velocity of water flowage in the case of large rain events.
- Maintenance will be provided by the high school.
- Water quality improvements that could be made.
- The Barnstable DPW should be consulted.

A motion was made to approve the project as submitted, subject to receipt of a revised plan, indicating the following: gates for maintenance access, grading changes to facilitate the maintenance, level spreader in the emergency spillway, water quality improvements to existing catch basins by adding a vortex (PVC hood), and tying into a catch basin. Also, approval subject to the following conditions: receipt of a construction protocol to be provided for staff's review prior to construction.

Seconded and approved unanimously.

Yavuz Anahtar. Construct addition and deck to existing single-family dwelling; move septic tank; replace geese-control fence; landscape at 455 Huckin's Neck Rd., Centerville as shown on Assessor's Map 233 Parcel 048. **SE3-5660 \$27.76**

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

Exhibit A – Color-marked plans (two sheets; no revisions)

Issues discussed:

- Type of fencing to control geese; was proposed as a permanent fence; will be kept 8" off-grade.
- Question: Would growth of mitigation in three years allow for fence removal?
- The possibility under a future filing of removing the fence in shrub-planting area, since the shrubs would limit geese from entering the lawn.
- Concern that the work-limit line is only shown on the landscape plan.
- The planting list does not contain "gallon" sizes.
- Staff recommended demarcation of the mitigation area.

A motion was made to approve the project as submitted, with a revised landscape plan indicating demarcation of the mitigation areas, in consultation with staff; geese fencing must allow passage for wildlife; provide gallon-size plants for mitigation.

Seconded and approved unanimously.

Carlton C. Sands, Jr. & Christine A. Sands. Raze and replace single-family home at 4 Bay Shore Rd., Hyannis as shown on Assessor's Map 326 Parcel 082. **SE3-5661**

The applicants were represented by Sean Riley, P.E. of Coastal Engineering and Jennifer Crawford, P.L.A. of Crawford Land Management.

Issues discussed:

- The applicant would, in addition to the above, like to request a fence for a dog.
- Ms. Karle said the fence would work nicely as a demarcation between the lawn and mitigation area.
- The consultant will provide annual monitoring reports, and gallon sizes for shrubs would be bumped-up to three-gallon size.
- No clearance is required under the fence, as it is to contain a dog.
- The fence will be chain-link, and installed on the landward side of mitigation; vinyl fencing to be placed along the sides.
- Whether the applicants should provide a cedar tree.

A motion was made to approve the project subject to receipt of a revised plan indicating the dog fence to be put along the lawn edge; change to three-gallon sizes for beach plum and Virginia rose; a special condition for yearly (mitigation) monitoring reports for three years.

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and approved unanimously.

The time was 5:33 p.m.