



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: APRIL 30, 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 Claudette Bookbinder, Administrative Assistant.

I REQUESTS FOR DETERMINATION

Charles & Susan Delcourt. Construct a 357 sf addition to a single-family home at 36 Captain Baker Rd., Marstons Mills as shown on Assessor's Map 126 Parcel 055. **DA-19017**

The applicant attended.

Issues discussed:

- Will have a man-made drainage ditch

A motion was made to approve a negative determination.

Seconded and approved unanimously.

II NOTICES OF INTENT

Carlton C. & Christine A. Sands, Jr. Construct dock system to include a 100-foot-long pier to a ramp at 16' leading onto a 6' x 16' floating dock; ramp and float will be seasonal, at 4 Bay Shore Rd., Hyannis as shown on Assessor's Map 326 Parcel 082. **SE3-5676** (Request for continuance to 6/11/19)

A motion was made to continue the project to 6/11/19, without testimony.

Seconded and approved unanimously.

Windmill Cove Associates c/o Turtle Rock, LLC. Maintenance dredging (previously performed in the 2000's under SE3-4039) at Windmill Cove, south of Bridge St., including properties at 101 Carriage Rd., 8 & 20 West Bay Terr., 25, 49, 81, & 83 Oyster Way, Osterville as shown on Assessor's Map 071 Parcel 011-012; Map 072 Parcels 011-011, 012, 038-001, 039, 042, 043. **SE3-5678**

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

Issues discussed:

- The Commission asked where the dredge would start from; it could be from inside the channel
- Dredging would be by mechanical means from a barge
- A TOY and other recommendations from MA Division of Marine Fisheries & Wildlife was read by the Chair
- Silt is present
- Actual dredge would be entire channel; 6" of major shoaling
- Staff asked for a bathymetric survey and a time-of-year provision (TOY); the project is in NHESP territory

Correspondence: Letter dated 4/18/19 from MA Division of Marine Fisheries, etc.; Email dated 4/24/19 from Waterways Committee with comments.

A motion was made to approve the project, as submitted, with special conditions to include a time-of-year restriction from January 15th to May 31st; a post dredge bathymetric survey, and special conditions to address a de-watering protocol; a continuance required to await comments from Natural Heritage & Endangered Species Program.

Seconded and voted: 4 votes = Aye; 1 vote = Nay. The motion carried.

A motion was made to continue to May 28th for NHESP letter and comments, only.

Seconded and voted: 4 votes = Aye; 1 vote = Nay. The motion carried.

Curtis & Monica Stevenson. Remove existing dwelling and foundation; construct new flood zone-designed foundation and dwelling at 816 South Main St., Centerville as shown on Assessor’s Map 185 Parcel 059. **SE3-_____**

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

Issues discussed:

- The new foundation/house will be slightly smaller
- It will be a higher foundation (about 7') than before, and poured
- Drywells to be added

Comments: Todd Kittredge of 818 So. Main St., Centerville – in favor of the project

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

Seconded and approved unanimously.

III CONTINUANCES

Janice J. Scullin & John R. Scullin, Trs., The 2005 John Robert Scullin Trust and The 2005 Janice Josephine Scullin Trust. Construct and maintain a timber boardwalk, pier, ramp and float at 144 Pinquickset Cove Cir., Cotuit as shown on Assessor’s Map 005 Parcel 069. **SE3-5671**

Continued for NHESP only

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

A quorum was present of everyone except Pete Sampou, who did not attend the initial hearing.

Correspondence: Letter dated 4/19/2019 from NHESP, with no conditions.

A motion was made to close the public hearing and request staff to issue an order of conditions within 21 days.

Seconded and approved unanimously.

Barbara & Randolph Noelle. Construct, license, maintain and retain a 4' wide x 104' long (pier) with 10' x 20' "T" end pier; boat and water access ladder and kayak rack; remove or cut flush existing piles; abandon existing path over wetlands to the water and allow to naturally revegetate at 35 Short Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 030. **SE3-5677**

The applicant was represented by Raul Lizardi-Rivera, P.E. of Cape & Islands Engineering.

Issues discussed:

- A quorum of all Commissioners present.
- Low water depths in area where pier will go
- Revised plan of 4/22/19 discussed, as well as revised boat specs
- Waterways meeting at end of the month falls on same night as Conservation Commission meeting
- The vessel would occupy a portion of the channel
- Waterways might say pier should be shortened

A motion was made to continue the project to 6/11/19.

Seconded and approved unanimously.

BW Residential LLC. Proposed renovations to existing dwelling including new foundation slid 5' to the east; 4' addition to porch and covered deck; replace existing garage with 10' landward expansion over existing driveway; landscape walls and walkways, timber stairs and boardwalk, and all associated appurtenances including septic upgrade at 23 Atlantic Ave., Hyannisport as shown on Assessor's Map 286 Parcel 001. **SE3-5679**

The applicant was represented by John C. O'Dea, P.E. and Bernice Waller, landscaper.

[The project was continued from 4/16 without testimony]

Issues discussed:

- Existing foundation was beyond repair
- Existing dwelling will be picked up and put on a new foundation; will be "easily slid over 5 feet."
- Some hardscape to be removed in the 50-ft. buffer
- East side has abrupt drop-off where "sliding" house, observed a Commissioner
- No regrading, but foundation will follow contours
- Boardwalk/grating material over saltmarsh will have a 5-foot clearance
- Board of Health approved the project
- The Chair asked about the elevation of the wall; Mr. O'Dea said they would make it clearer on plan.

Comments: Fred Arnold of 26 Atlantic Avenue (across street from applicant) said a 5-foot "slide" to the east with the porch would cause an impact to his view; he was told that [someone's view] was not part of the Commission's jurisdiction.

A motion was made to approve the project as submitted, subject to receipt of a revised plan showing the wall elevations.

Seconded and approved unanimously.

<u>IV</u>	<u>REVISED PLAN</u>	<u>Project type:</u>	<u>Revisions:</u>
A.	Dacey SE3-5553 85 Oakdale Path, Osterville	Pool, patio, cabana	house footprint

Further revision removed the proposed change out of Conservation jurisdiction, and reduced the pool/patio footprint, allowing the project to be signed-off during building permit review.

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

- A. Smith SE3-5460 (coc, ez) construct attached garage *
119 Breakwater Shores Drive, Hyannis Hyannis Harbor

A motion was made to approve the certificate of compliance.

Seconded and approved unanimously.

VI OLD & NEW BUSINESS

- A. John Yunits, Commissioner/Barnstable County – Barnstable County Fire Training Academy SE3-5606 – Request for information testing data, follow-up report, and correspondence

Exhibit A – Photos, Phase I

Roger Thibeault, P.E., L.S.P. of Nover-Armstrong/BETA represented the applicant, along with Mykel Mendes, Environmental Engineer.

Exhibit A – photos of the site (to be submitted to office)

Issues discussed:

- Special Condition #16 (initial assessment of Flint Rock Pond) as reason for appearance before Commission.
- Two packets of information submitted in compliance with Special Condition #17 of the Order of Conditions.
- Phase I completed; photos displayed (Exhibit A).
- A request for a certificate of compliance will be submitted
- PFAS samples collected; surface water samples obtained, using a box dredge (not precise depth)
- Elevated PFAS levels; increase levels found further out in pond (have no explanation for)
- November and March levels of no significant difference
- The MA DEP has set threshold for aquatic impacts, provided in a table shown in a distributed packet of information
- According to the data, two high numbers were cited by one of the Commissioners.
- More sampling to be submitted in six months; however, the Commission was told that a risk assessment would not be available at the time of the next sampling (October).

VII MINUTES

- A. April 2, 2019

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

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and approved unanimously.

The time was 8:35 p.m.

