



Town of Barnstable Conservation Commission

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MINUTES CONSERVATION COMMISSION HEARING

DATE: MAY 14, 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, John Abodeely, Larry Morin, and George Gillmore.

Edwin Hoopes, Conservation Agent assisted, along with Kimberly Cavanaugh, Administrative Assistant.

I REQUESTS FOR DETERMINATION

Nick Efremow. Replace damaged 4" PVC between distribution box and leach chambers at 873 Craigville Beach Rd., Centerville as shown on Assessor's Map 225 Parcel 031. **DA-19019**

The applicant was represented by Patrick Sullivan of Ready Rooter Excavating. There were no questions or comments.

A motion was made to approve the project as submitted. Seconded and approved unanimously.

Brendan Brazel. Replace existing west deck and support system, replace south entry (no change in footprint to proposed structures); replace trim on house as needed at 171 Riverview Ln., Centerville as shown on Assessor's Map 227 Parcel 093. **DA-19020**

The applicant was represent by Arlene Wilson, of A.R. Wilson Associates.

Issues discussed:

- House existed prior to Wetlands Protection Act.
- The deck needs to be replaced. The sonotubes no longer meet code.
- There will be no change in the footprint.
- The big trees will remain over the deck.

A motion was made to approve the project as submitted. Seconded and approve unanimously.

II NOTICES OF INTENT

Tara O’Keefe, Tr., 1106 Main Street Realty Trust. Proposed paved driveway and parking with drainage; restoration and invasive species management proposed for currently altered/mowed 50-ft. buffer to bordering vegetated wetland at 1106 Main St. (Rte 6A), West Barnstable as shown on Assessor’s Map 178 Parcel 013-002. **SE3-5684.**

Craig Ferrari of Down Cape Engineering and Nick Crawford of Crawford Land Management represented the applicant.

Issues discussed:

- The existing drive is shared with a residential driveway.
- All proposed development is outside of the buffer.
- There will be one planting season between the removal of the invasive species and mitigation of new plantings.
- A forestry mulcher will be used to remove invasive species.
- Some plants when cut re-grow and expand. None of these species will re-root and grow. The forestry mulcher will shred it enough that it would be very unlikely to re-grow.

A motion was made to approve the project with the following conditions; submission of a copy of the plant diagram to staff, annual monitoring reports for three years, any vegetation that dies will be replaced in kind. The Commission is asking for any materials documenting the forestry mulching technique to be sent into the office.

Seconded and approved unanimously.

Richard D. Elizabeth H. Kniss, Trs., Kniss Family 1996 Realty Trust. Proposed management of invasive, non-native aggressive species and planting of native shrubs at 7 Ocean View Ave., Cotuit as shown on Assessor’s Map 034 Parcel 040. **SE3-5683**

The applicant was represented by Charles Rowland, P.E., of Sullivan Engineering and Andrew McGee of Wilkinson Ecological Design.

Issues discussed:

- There are many invasive species.
- None of the existing canopy trees will be removed. They would not be pruned other than for safety of dead wood.
- Intend to treat the Japanese knot weed, green briar and poison ivy. Sumac would be reduced in number to give the new plants a chance to establish.
- Proposing to continue management of the phragmites under a previous Order of Conditions, SE3-4743. Ongoing management would allow them to continue to treat any invasives that may come back in.
- Vista pruning was an issue in the past. Mature trees would not be cut. Only sapplings would be removed. Selectively removing sumac. Leader management could become vista management. There should be no additional vista pruning. Mature trees would not be cut. Only sapplings would be removed.
- Time between treating invasives and replanting. The Japanese knot weed would take longer. Monitoring and reports will be needed.
- Shrub row on landward side of Ocean View Avenue is an obstacle when driving out on to the road.

A motion was make to approve the project with the following conditions; annual reports for three years, any plants that do not survive are to be replaced, allow temporary irrigation during that time, allow removal of shrub row at the landward side of Ocean View Avenue at the discretion of the applicant, identify the Cherry trees that are to be selected for leader management in consultation with staff, submission of a stamped plan.

Seconded and approved unanimously.

Joseph H. Keating. Construct single-family dwelling, on-site septic system, utility connections, retainage, landscaping and shed removal at portion of 710 & 714 River Rd., Marstons Mills as shown on Assessor’s Map 044 Parcel 027 and 028. **SE3-5682**

The applicant, Joseph Keating represented himself.

Issues discussed:

- The order of conditions was issued in 2015 before he owned the property and expired in February 2019.
- The applicant is seeking re-approval of original order.
- This would be an extension request if it had not expired.

A motion was made to approve the order as submitted adding special conditions of the original order. Seconded and approved unanimously.

Paul Roiff/40 Crossway LLC. Construct in-ground pool and patio; install tennis court; add landscaping and hardscape; reconfigure and improve existing driveway and parking area at 160 Peppercorn Ln., Cotuit as shown on Assessor's Map 004 Parcel 011. **SE3-5685**

The applicant was represented by Mike Ball, P.E., of Baxter Nye Engineering.

Issues discussed:

- There is a revised plan dated 4/30 in the packet.
- The original project was approved in 2013.
- The construction process was very slow. The house built 2015 and 16. The owner hired a different landscape architect because of the pace of the project. The original order of conditions has expired.
- This new plan has the tennis court and revised driveway, pool and patio in different locations. The coastal bank delineation is the difference between old and new plan.
- At the time of the original order a mitigation fee of \$9,200 was paid.
- Commissioners are concerned that the silt fence is gone, which has allowed spillage inside the 50' buffer.
- The granite markers coming from the side property line every 20' are no longer there.
- There will be no further incursion or hardscape inside the 50' buffer.
- The driveway needs to be marked out on the revised plan showing the width.

A motion was made to approve the project as submitted with the following conditions: receipt of a revised plan showing the revised date in the revision block and adding the location of the granite markers under the previous plan, noting the width of the driveway, and either deleting the dotted rectangle or labeling it correctly. Restoring the silt fence and removing any of the materials that have eroded into the 50' buffer.

Seconded and approved unanimously.

III CONTINUANCES

Erich Stephens/Vineyard Wind LLC. Installation of electric transmission cables within Nantucket Sound to Covell's Beach, then proceeding inland within duct bank buried beneath town roads to grid interconnection at Independence Park; at (Town beach) 857 Craigville Beach Rd., Centerville as shown on Assessor's Map 225 Parcel 006. **SE3-5681**

The project was continued from May 7th to give the applicant opportunity to respond to verbal comments from Attorney Paul Revere and to await the letter from the Natural Heritage & Endangered Species Program (NHESP).

The applicant was represented by Nate Mayo, Holly Carlson Johnston, Jack Vaccaro and Jack Arruda.

Issues discussed:

- The letter from NHESP dated 4/25/2019 was received and read into record.
- Based on the information in the letter a special conditions must be included in the order to protect State listed endangered species. The project will not result in an adverse effect if all the conditions are met.
- Nate Mayo responded in writing to comments from Attorney Paul Revere and offered special conditions.
- There is concern about significant storm issues after construction. There are no hazardous elements within the area. They would mitigate and make the necessary repairs.
- Post construction monitoring will occur to detect any problems with the cable and at risk areas would be surveyed.

- There are no approvals pending the decision of the Conservation Commission from other agencies or boards.
- There is a concern of the sufficiency of notice to abutters. On March 2, 2018 personal letters were sent to abutters within 300' of the project and they were invited to a forum at Barnstable High School. Outreach was done with social media, newspapers and advertisement. There has been an extensive outreach method. They have gone beyond what is required. The NOI has a list of 37 abutters that were notified.
- Attorney Charles McLaughlin for the Town commended the efforts of notification, and spoke to the diligence of the Company to produce a project that can set a model for off shore projects up and down coast.
- Need for monitoring. Pre-construction meeting with staff. To look at wetland area.

Public comment:

Marsha Dill – 59 Fifth Avenue, West Hyannisport. She is a retired school teacher has lived here for 18 years. Yesterday they heard about this meeting. Today at 2:00 a petition was started asking for an independent study. The original location for this project was in Yarmouth. One hundred six people have signed the petition as of 3:00 PM. Martha submitted written questions.

EXHIBIT 1 – Written questions submitted by Marsha Dill.

Donna Miller – 98 Seventh Avenue, West Hyannisport. She was at the hearing held in March. She is concerned about the route for the cable. Why did it not go to Main Street in Centerville? Seems like more of a direct route. Donna was advised that is not in the Conservation Commissions' jurisdiction. She did not hear anything about project and was not given opportunity to be part of the project.

John Boyle - 56 Hidden Hill Road, Centerville on behalf of Towns Infrastructure and Energy Committee, is in support of the project. They feel the applicant has given plenty of information through the newspaper. Committee has confidence in Vineyard Winds ability to do the project and be in compliance.

Lindsay Crouch - 78 Pitchers Way, Hyannis resident is in support of the project. Renewable energy is a very important step in mitigating climate change and will benefit protected and endangered species. Disturbances and impacts will be comparable to a road construction project. Vineyard Wind has been good about reducing impacts and addressing all of the concerns.

Entire project timeline – Jack Arruda responded. Work will start in November or December of this year and will be completed by Spring of 2021. There will be no road work during the summer seasons, Memorial Day to September 15th.

There was a motion to approve the project as submitted with the following conditions; Include the special conditions from NHESP in their letter of May 14, condition #'s 1, A_D, 2, 3, and 4. Also incorporating the applicants proposed conditions. There were five listed in a note of May 14, 2019. In addition, will be looking for a pre-construction meeting (in area of our jurisdiction) with staff going over the protocols to ensure the protection for the environment.

Seconded and approved, 5 aye, 1 nay.

IV OLD & NEW BUSINESS

A. Request to authorization the Chair to prepare a letter regarding staffing requirements to the Town Manager.

Long Beach Land Management Plan. There is currently not enough staff to do what needs to be done. Enforcement has not been able to be done effectively. The Chair is requesting authorization to write letter to the Town Manger requesting additional help. It is important for the Commission to continue raising the issue. Letter should be specific as to what needs to be done and indicate the loss if do not get the staff. Enforcement stacks up because cannot get to everything. Barnstable has a huge part of its economy based on a healthy environment. If environment suffers economy suffers.

A motion was made to authorize the Chair to write a letter to the Town Manager.
Seconded and approved unanimously.

B. Town of Barnstable New Sources Alternatives Evaluation Report March 2019.

Proposal to request Hans Keiser, Water Supply Superintendent give a summary of the report at the June 4th hearing.

C. Discussion of the use of herbicides to control invasive weeds.

In the last four weeks there have been a lot of questions on the use of herbicides. There is a suspension of herbicide use in Bearse Pond. The law suit that was filed is for a different chemical.

Town council has been requested three times not to allow chemical use. There is a movement within Town Government to suspend use until further notice. All the work to save these ponds and areas will have been for nothing. Nothing else has worked. Lake and ponds will become severely compromised for swimming, fishing and any recreational use. Salt is a chemical. Not all chemicals are harmful to the environment. Research has shown they are effective and safe and should be allowed to continue. Chemical is not leaching into the water. Would be prudent for Commission to touch base with council? Commission can provide information to educate. There is prior approval and testimony taken on the safety of use. Commission will submit comments when the issue comes before the Town Council and will draft a letter to be submitted to Town Manager.

D. Discussion of a proposed position of Alternate Member of Conservation Commission. Within next 2 or 3 years there may be changes to commission members. Would like to have alternate members to be trained on how the Commission works. It has to go through Town Council and be approved. Other Town groups have alternate members. Will also need an alternate in case there is a shortage for a quorum. Alternate would not need to attend every meeting. Site visits would be important. It is a commitment for both parties. Intent is to learn techniques. The background of the appointed person would depend on amount of learning curve. Each commissioner has their specialty. Would like to continue discussion at another hearing.

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

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|----|----------------------|----------|-----------|---|
| A. | Feeney | SE3-0103 | (coc, ez) | inland bank landscaping *
unnamed pond |
| B. | Kaschuluk | SE3-4757 | (coc, ez) | raze & construct single family dwelling *
Centerville River & Bumps River |
| C. | Hyannis Harbor Tours | SE3-1594 | (coc, ez) | modify existing & construct new buildings (not done
Hyannis Inner Harbor |
| D. | Hyannisport Club | SE3-4897 | (coc, ez) | dredge pond; manage invasive plants; fill upland depression
Marchant's Pond, Hyannisport Golf Course |

A motion was made to approve certificates A through H.
Seconded and approved unanimously.

VI MINUTES

A. 4/30/2019

A motion was made to approve the minutes as submitted.
Seconded and approved, 1 abstained.

A motion was made to adjourn.

Seconded and approved unanimously.

The time was 8:55 p.m.

