



Town of Barnstable Conservation Commission

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CONSERVATION COMMISSION HEARING

DATE: August 6, 2019 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street 2nd Fl., Hyannis, MA

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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 Abodeely, Larry Morin, and George Gillmore. Commissioner Pete Sampou was absent.

Darcy Karle, Conservation Administrator, assisted along with Kim Cavanaugh, Conservation Administrative Assistant.

I REQUESTS FOR DETERMINATION

Jack E. Rooze. Reduce the size of shell path from driveway to Shallow Pond to a maximum of four feet wide at 430 Huckins Neck Road, Centerville as shown on Assessor's Map 233 Parcel 030. **DA-19034 \$15.69**

The applicant represented himself.

Exhibit A – Revised plan dated 8/6/19.

Exhibit B – Photo of path reduced in size.

Mr. Rooze is requesting placement of cobblestones to hold the shells in place.

There were no questions from Commissioners.

There was no public comment.

A motion was made to approve a negative determination based on the revised plan dated 8/6/2019.

Seconded and approved unanimously.

Brett Quinn. Vista maintenance including limbing in lower canopy, limbing over dish antenna, deck, roof and bank access stairs. Planting bare patches on the bank with Rugosa rose and switch grass at 108 Bay Road, Cotuit as shown on Assessor's Map 7 Parcel 22. **DA-19035 \$20.92**

The applicant was represented by Arlene Wilson.

Exhibit A - Picture of view shed from 2015, when pier was initially put in.

Issues discussed:

- There are branches overhanging stairway going down to the dock that they would like to remove for safety reasons.
- Maintain window for view shed.
- A bare patch has developed halfway up the bank. Switch grass seed could be planted in fall and rugose rose in spring.
- This would be standard vista pruning in coordination with staff. No variances needed.

- There is a tree that would have fallen down but blocked by neighboring trees. It may not be on his property. Conservation staff could approve under an Administrative Review.

There was no public comment.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

MassDOT/Rail & Transit Division. Proposed rehab work of existing railroad crossing including milling and repaving, replacement of railroad ties and track, resetting ballast, reestablishing drainage contours, and installing paved waterways at Cape Main Line Crossing, MP 71.73, Fergusons Way, Barnstable. **DA-19036 \$26.15**

The applicant was represented by Kimberly Degutis of Jacobs Engineering and Peter Cruise who was involved in the design.

Issues discussed:

- The project will take one weekend from Friday night to Sunday night.
- There will be two (2), 4” conduit. The second one is a spare.
- The rail is squared off at the buffer line.

There was no public comment.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

II NOTICES OF INTENT

Barnstable Land Trust. Construct 4 sections of wood raised boardwalks on existing trail, new viewing platform, and vegetation clearing and thinning at 1540 Main Street, West Barnstable as shown on Assessor’s Map 197 Parcel 015. **SE3-5703\$20.92**
The applicant was represented by

The applicant was represented by Kelly Barber of Barnstable Land Trust.

Exhibit A – Email from Hope Aldrich to Barnstable Land Trust opposing project read into record.

Issues discussed:

- The purpose of the project is to allow easier visitor access to the area and anticipated increased visitation.
- Viewing platform is to reduce the impact to the land and for visitors.
- They are working on getting a 521 CMR variance for the platform. If required a 50 ft. or more ramp would be needed. The other section of boardwalk will comply. The meeting with the Architectural Board is not set yet.
- Spacing of planks on boardwalk in order to allow light penetration will comply as it is 3/4”.
- If it is determined the viewing platform must comply with handicap regulations, they can submit a revised plan.
- There is major poison ivy in the area that they could request to treat if/when a revised plan is requested.

There was no public comment.

A motion was made to approve the project as submitted.

Seconded and approved unanimously.

Cape Cod Art Association, Inc. Construction of an addition to the existing building and replacement of windows and doors, residing and reroofing. Construction of handicap ramp, relocation of dumpster, restriping of parking area, and construction of a rain garden at 3480 Route 6A, Barnstable as shown on Assessor’s Map 299 Parcel 71. **SE3-5702 \$31.38**

The applicant was represented by Lynn Hamlyn of Hamlyn Consulting.

Commissioner Louise Foster recused herself.

Issues discussed:

- This is the same project that was approved in 2015 but has been reduced in size. Project was not done in time and had expired.

There was no public comment.

A motion was made to approve the project as submitted subject to review of the storm drainage report by the Chair.

Seconded and approved unanimously.

Diana and David Gerbereux. Construction of a single family dwelling with all associated appurtenances and vista pruning at 96 Waters Edge, Marstons Mills as shown on Assessor's Map 062 Parcel 046. **SE3-5705 \$15.69**

The applicant was represented by Charles Rowland PE of Sullivan Engineering & Consulting.

Issues discussed:

- The dwelling will have a walkout basement.
- There will be two wing walls, one on the side and one on the back.
- Vista pruning should not be approved until after construction.
- Need the elevation for the top of the retaining wall put on the plan.
- A construction protocol for the project should be submitted by the contractor, Vic Bosse of Bayside Building.
- Commissioners would like a fence showing the 50' buffer put on the plan.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan to indicate spot grades on top of retaining wall and showing a split rail fence along the 50' buffer line. Vista pruning request will be brought back at a later date as a revised plan before the Commission. The contractor shall submit a pre-construction protocol for staff to review and approve. Seconded and approved unanimously.

Josh Garvey. Raze and replace existing family home at 111 George Street, Barnstable as shown on Assessor's Map 319 Parcel 052. **SE3-5704 \$10.46**

A request for continuance to November 26, 2019 was received.

A motion was made to approve the continuance with no testimony to November 26th with two requirements; re-notify abutters and re-advertise in the newspaper. Staff is to re-notify Commission when the project is re-staked. Seconded and approved unanimously.

MassDOT/Rail & Transit Division. Proposed work includes milling and overlaying existing approach roadway surface, minimal track and spot-tie replacement of the approach rail, restoration of the track profile through the crossing, improving existing drainage structures at Cape Main Line MP 69.10, Willow Street, Barnstable. **\$26.15**

Taken out of order after RDA for MASS DOT.

The applicant was represented by Kimberly Degutis of Jacobs Engineering.

Issues discussed:

- No vegetation clearing will need to be done.
- They will be relocating a signal cabinet.

There was no public comment.

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

III CONTINUANCES

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**

The applicant was represented by Barry Fogel from Keegan Werlin, LLP and Nate Jones from Coastal Engineering.

Exhibit 1 – Aerial photo of navigational channel with Ferry.

Exhibit 2 – Aerial photo with constricted navigation area outside of channel.

Issues discussed:

- Continuances have been requested in order to get input from the Waterways Committee. Based on comments from the Waterways Committee the plan was revised. The Conservation Commission received a revised plan on 7/16/19.

- The structure is 74' from mean low water to piling tie off.
- There are two major points in the regulations. The lot frontage is 92'. The plans are over the regulation allowance by 28'. They are requesting a J1 waiver. The other is 703-4L which is relative to trying to put the dock as close to the middle of the property as possible. There is a Town Way to Water toward the north which they are trying to avoid as much as possible. Also, they can have a shorter dock length if they move more toward the south because the contours come in more in this location so they can get to deeper water with a shorter pier.
- They may also need a K waiver, relative to obstructing waterways normally used for recreation, and an M1 waiver relative to a high value shellfish habitat which would require there to be 30" draft under the bottom of a boat.
- They may need four waivers, J1, M1, L, and K.
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Comment letters that were received read into record:

April 18	Letter from the Division of Marine Fisheries.
July 2	Email from Brian Taylor Assistant Harbor Master.
July 25	Email from Division of Marine Fisheries, comments remain same.
July 26	From Brian Taylor, Assistant Harbor Master.
July 29	From Brian Taylor, Steamship and Hy-Line express concerns.
July 18	Dan Horn, Harbor Master received letter from Capt. Montero Steamship Authority.
July 23	Email sent by Murry Scudder Hyline Cruises.
August 6	Letter from Derek Lawson, Supervisor Harbor Master Division.
August 6	Email from Tom Marcotti shellfish biologist.

Public comment:

Robert B. Davis, General Manager, Steamship Authority - Steamship vessels passing move a lot of water and there could be potential damage to their dock and vessel. The Corp of Engineers will be dredging the channel which could create an even smaller navigational area.

Capt. Charles Montero – Has been working for the Steamship Authority for 44 years and is currently the Captain of the Eagle. There will be an impact on recreational boaters because they mass up on both sides of channel when the Steamship vessel is passing. He feels it will impede the safe navigation if another dock and pier is approved. They have to go at a very slow speed and it is difficult to maneuver in wind. If weather is good there are more boats. Recreational kayakers need to get as close to shore as possible to get away from Steamship boats. The effect of a large vessel going through the channel draws water out from underneath smaller vessels. The displacement of water could pull all the water out from under a boat at this dock.

Murray Scudder of Hy-Line Cruises. This is going to put a lot of pressure on what is already a difficult entry and exit of the harbor. Displacement of water is also a concern.

Attorney Fogel responded to public comment.

Issues discussed continued:

- Navigation issue is a critical concern.
- Possibilities of tilting the pier or shortening the length.

A motion was made to approve continuance to September 17, 2019.
 Seconded and approved unanimously.

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

- A. Outwin SE3-5381 (coc, ez) modify existing seasonal dock *
19 Ladd Road, Centerville Centerville River
- B. Haseotes SE3-2534 (coc, ez) permit & modify existing permanent pier, ramp, & floats *
312 Long Beach Road, Centerville Centerville River

A motion was made to approve A and B.
Seconded and approved unanimously.

V MINUTES

- A. July 16, 2019

There were a couple of minor corrections needed. Missing date of minutes.
A motion was made to approve the minutes as amended.
Seconded and approved unanimously.

A motion was made to adjourn.
Seconded and approved.
The time was 8:24 pm.