



# Town of Barnstable Conservation Commission

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## MINUTES– CONSERVATION COMMISSION HEARING

DATE: OCTOBER 1, 2019 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street 2<sup>nd</sup> 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](http://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 Loise R. Foster, Vice-Chair, Dennis R. Houle, Clerk and Commissioners Larry Morin, John E. Abodeely, and George Gillmore, and Pete Sampou.

Darcy Karle Conservation Administrator, assisted, along with Grayce Rogers, Administrative Assistant.

### I REQUESTS FOR DETERMINATION

**Ronald Leary 2011 Trust.** Proposed septic system upgrade at 59 Seventh Avenue, Hyannis as shown of Assessor's Map 246 Parcel 153. **DA-19041.**

The applicant was represented by Peter McEntee P.E. of Emergency Works.  
Exhibit A – revised plan of proposed septic system upgrade 9/25/19.

#### **Issues discussed:**

- There was concern about mowing near the wetland, grass clippings going into the wetland, and a question about a shower under the deck which may not be permitted.
- The commission requested a revised plan and the date stamped on it.

There was no public comment.

A Motion was made to approve as a negative determination based on the plan revision 9/25/19.  
Seconded and voted unanimously.

**Anthony Sapienza.** Remove sand from under cottage and deck and to relocate to beach. Plant relocated sand with beach grass at 301 Harborpoint Road, Barnstable as shown on Assessor's Map 352 Parcel 035-00N. **DA-19042 \$18.88**

The applicant represented himself.

Sand has moved under the cottage and forces the water up into the floor of the cottage resulting in water damage.

#### **Issued discussed:**

- A concern arose about what type of equipment would be used to complete this project.
- There was a question posed about the wall that is located to the rear of the house and its potential effects on the project.
- There is currently about 2 feet of separation between the cottage and sand. The removal would result in about 3.5 to 4 feet in separation under the cottage.

There was no public comment.

A Motion was made to approve a negative determination.  
Seconded and voted unanimously.

**Christiane Caldwell.** Raze existing dwelling, and construct a new flood zone compliant dwelling, remove paved driveway and replace with shell driveway at 10 Eel River Road, Osterville as shown on Assessor's Map 116 Parcel 088. **DA-19043 \$18.88**

The applicant was represented by Daniel Ojala, P.E., PLS of Down Cape Engineering.

The proposed project is within the same original footprint.  
There were no questions from the Commissioners.  
There was no public comment.

A Motion was made to approve a negative determination.  
Seconded and voted unanimously.

**Brian Buttrick.** Construct a 20' X 20' attached breezeway and garage at 220 Horseshoe Lane, Centerville as shown on Assessor's Map 207 Parcel 135. **DA-19044 \$14.16**

The applicant was represented himself.

Correspondence that were received and read into the record:  
September 30                      Email from Christopher Adams

**Issued discussed:**

- A question was posed about a revised plan. The driveway in regards to the positioning of the proposed garage needs to be represented as well as elevations.
- Due to the slope of the property, a concern arose about a retaining wall and/or the foundation designed in accordance to the elevations.
- There was a question about whether or not this project should be submitted as a Request for Determination or as a Notice of Intent due to the extent of work on the property and an engineered plan may be necessary due to the elevations of the property as well as taking into consideration the flooding and drainage issues on and around the property.
- Daniel Ojala of Down Cape Engineering, spoke on behalf of Butterick, said that a new plan could be submitted that shows the driveway, grading, and elevations. This project would not exacerbate the current drainage.

There was no public comment.

A Motion was made to approve a continuance until November 12, 2019.  
Seconded and voted unanimously.

**Michael Bass, Trustee.** Installation of property line fencing with optional planting and removal of dead trees at 33 Oyster Place, Cotuit as shown on Assessor's Map 35 Parcel 101. **DA-19045 \$14.16**

The applicant was represented by Arlene Wilson of A.M Wilson Associates, Inc.

The proposed stockade fence would be raised 6 inches above grade for wildlife clearance.

**Issues discussed:**

- There were concerns about the boundary line between the property and the abutter. An additional point was risen about a possible enforcement issue.
- A point was risen that as long as the applicant obtains a permit for the fence on the property there should be no issue with the proposed stockade fence.

**Public Comment:**

Seth Wilkinson of Wilkinson Ecological Design recognized that the Commission separates enforcement issues from permitting, but raised the issue that Wilkinson Ecological Design is currently creating a restoration design which will not be possible if the stockade fence is installed and preferred the installment of a split rail fence. There were concerns raised about shading and cramped space for plantings with the installment of a stockade fence. It was suggested that this project be submitted as a Notice of Intent instead of a Request for Determination. The point was raised that this is a Conservation concern because of a stockade fence's potential impacts for plants and wildlife near a resource area.

Sarah A. Turano-Flores of Nutter McClennen and Fish law firm informed the Commission that the abutting property has been in contact with Applicant Bass with letters sent on September 19<sup>th</sup> and 25<sup>th</sup> and with plans. The stockade fence is being proposed where cutting has previously occurred and planting restoration cannot be completed if a fence is installed.

No further public comment.

A Motion was made to approve a negative determination.

6 Aye, 1 Nay.

The Motion carries.

(Agenda taken out of order- went to amended order)

**II NOTICES OF INTENT**

**Arthur & Terrie R. Zeikel, Trustees.** To repair and/or replace three retaining walls around existing dwelling and boat house at 129 Main Street, Osterville as shown on Assessor's Map 165 Parcel 078. **SE3-5723 \$14.16**

The applicant was represented by John O'Dea P.E. of Sullivan Engineering and Consulting.

It was proposed that vinyl walls be used for construction instead of wood for the longevity of the structure and surrounding environment.

**Issues discussed:**

- There was a concern about the drain in the driveway that would need to be replaced.
- There was a question about how the project would be completed and recommended that there is a meeting prior to construction.
- A point was risen about trees will need to be replaced if any are disturbed.

There was no public comment.

A Motion was made to approve the project as submitted subject to the following special conditions, subject to pre-construction meeting with staff prior to start of work and any trees removed shall be replaced in kind within the vicinity of where they were taken out.

Seconded and voted unanimously.

**Deb Roy.** Construct elevated stairs for pond access and vista pruning at 200 Pond Street, Osterville as shown on Assessor's Map 118 Parcel 40. **SE3-5720 \$14.16**

The applicant was represented by Daniel Ojala, P.E., PLS of Down Cape Engineering.

**Issued discussed:**

- There was a concern about a pipe to the right of the stairs. The pipe would be built into the drywell to eliminate runoff.
- Two questions were risen about the scale of the vista corridor and of vegetation at the bottom near the water.
- It was requested that a revised plan was resubmitted to show the vista corridor.

There was no public comment.

A Motion was made to approve the project subject to receipt of a revised plan showing narrowed vista corridors in compliance with our general policy.

Seconded and voted unanimously.

**Margaret & Michael Kerr, Trustees.** Demolish and reconstruct a single family dwelling with all associated appurtenances and restoration/mitigation at 25 Maywood Avenue, Hyannis Port as shown on Assessor's Map 287 Parcel 156. **SE3-5719 \$18.88**

The applicant was represented by John O'Dea P.E. of Sullivan Engineering and Consulting.

Exhibit A – Elevations drawings.

**Issued discussed:**

- A question was asked about the kind of herbicide(s) that will be used and how they will be applied as well as indicating such on the plan.
- Another question was posed about whether or not the area would be seeded.
- There was a question about if the elevations had been submitted.
- There was a concern about an abutting property's project status.
- It was recommended that a monitored report about the wetlands and coastal dune restorations be submitted.
- It was recommended that the timber pathway be fixed due to safety concerns.

There was no public comment.

A Motion was made to approve the project subject to receipt of a revised plan with notation of a timber path replacement, grey out boards on path on abutting parcel with special conditions stating annual monitoring reports for 3 years, submission of a protocol for invasive removal prior to start of work.

Seconded and voted unanimously.

**Richard Avery.** Remove, replace, and extend retaining wall. Install black manufactured Allan Blocks to provide a level soil surface on the stairs side of the house at 45 Meridian Way, Barnstable as shown on Assessor's Map 319 Parcel 10. **\$18.88**

The applicant was represented by Daniel Ojala, P.E., PLS of Down Cape Engineering.

Exhibit A – Photographs submitted by applicant.

**Issues discussed:**

- A revised plan with spot elevation on top of the retaining wall would need to be submitted.
- The dimensions of the slope drop off were questioned.
- It was questioned if a narrative was submitted.

There was no public comment.

A Motion was made to approve the project as submitted subject to receipt of a revised plan showing spot elevations at top of wall.

Seconded and voted unanimously.

**Ellen Coggeshall.** Repair of driveway section utilizing 2' of dense graded crushed stone; repair of culvert using slip line piping and trap rock; 6" burial of cable within driveway at 49 Rendezvous Lane, Barnstable as shown on Assessor's Map 279 Parcel 024. **SE3-5724 \$18.88**

The applicant was represented by Daniel Ojala, P.E., PLS of Down Cape Engineering.

Exhibit A- Construction Protocol.

Comment letters that were received and read into the record:

September 24 Letter from the Division of Marine Fisheries.

There were no comments from the Commission.

There was no public comment.

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

**Paula King.** Proposed raze and replace single family dwelling and associated site improvements at 156 Point of Pines Avenue, Centerville as shown on Assessor's Map 230 Parcel 067. **SE3-5718 \$14.16**

The applicant was represented by Sean Riley, P.E. of Coastal Engineering and Nick Crawford from Crawford Land Management

**Issues discussed:**

- A concern was raised about a restoration plan and if it could be in the narrative in the plan for invasive species management.
- There were concerns about the raising of the house, such as: what could be done for mitigation and if something could be done to improve the buffer.
- There was a question about if the plan fits the original plan and if so than no mitigation should be required.
- A question was raised about new foundations.
- There were concerns made about trees on the property flagged for removal, but nothing has been flagged for removal.

There was no public comment.

A Motion was made to approve the project as submitted.  
6 Aye, 1 Nay.  
The Motion carries.

**Andrew White/Simon Property Group.** Proposed upgrades to Entry 1 of Cape Cod Mall including constructing a new pathway connecting parking areas to the expanded plaza as well as grading, vegetation clearing, invasive species management, and installing mitigation plantings at 793 Iyannough Road, Barnstable as shown on Assessor's Map 293 Parcel 024. **SE3-5721 \$28.32**

The applicant was represented by Timothy Fox of Simon Property Group, Kenneth S. Staffier, P.E. of Vanasse Hangen Brustlin, Inc. and Kristin Mulkey of BHM Architects.

**Issues discussed:**

- It was requested that a larger scale plan be submitted.
- It was questioned if the drainage near the retention pond would be improved to runoff.
- There was concern about the implementation of trash management to clean up windblown trash.
- A safety concern was expressed about the retaining wall, fence, and overall design surrounding the retention pond.
- A question about the location of snow piles in the winter. It was suggested that the snow piles are not placed near the pond to prevent potential runoff.
- There was a question about whether or not irrigation would be necessary for the mitigation plantings..
- A soil verification was recommended in regards to percolation tests.
- The memorandum needs to be signed and stamped.
- There was a question about the characterization of the project as either a new development or redevelopment project.

There was no public comment.

Motion to approve the project as submitted with two special conditions, the applicant shall submit a stamped storm water report and applicant shall submit a statement saying they are responsible to come up with the language for signage, in consultation with staff, and not staff coming up with language.  
Seconded and approved unanimously.

**III AMENDED ORDERS**

**Marie Souza.** Proposed new sewage disposal system with tight tank and gray water system and associated site improvements at 168 Long Beach Road, Centerville as shown on Assessor's Map 205 Parcel 008. **SE3- 5616 \$18.88**

Amended Orders were taken out of order and were before Notices of Intent.

The applicant was represented by John Schnaible, R.S. of Coastal Engineering.  
Exhibit A – revised plan dated: 9/30/2019 showing proposed sewage disposal system upgrade.

**Issued discussed:**

- There was a concern about whether or not a revised plan had been submitted.
- The map number on the application was wrong and should be corrected from 206 to 205.
- A concern was risen about a straight pipe

There was no public comment.

A Motion was made to approve the amended order based on revised plan dated 9/30/19 and the applicant shall submit corrected pages indicating the correct map number on application for the file.  
Seconded and voted unanimously.

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

A.	Packard	SE3-5523	(coc, ez)	partially raze & raise single family dwelling *
	204 Long Beach Road, Centerville		-	Centerville River
B.	Bayside	SE3-4846	(coc, ez)	Construct single family dwelling (not done)
	210 Elliott Road, Centerville		-	Centerville River
C.	Dunhill	SE3-5112	(coc, ez)	raze & construct single family dwelling *
	160 Peppercorn Lane, Cotuit		-	Pinquickset Cove

Motion to approve A-C.  
Seconded and voted unanimously.

**V MINUTES**

- A. September 3, 2019
- B. September 10, 2019

A Motion was made to approve minutes A and B.  
Seconded and approved unanimously.

A motion was made to adjourn.  
Seconded and voted unanimously.

**TIME ADJOURNED: 8:41PM**