



**Town of Barnstable
Conservation Commission**
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MINUTES – CONSERVATION COMMISSION HEARING

DATE: April 7, 2020 @ 3:00 PM

This meeting of the Barnstable Conservation Commission is being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.

Remote Participation Instructions

In accordance with the Governor’s Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the April 7th public meeting of the Conservation Commission shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting
<https://zoom.us/j/545608792>

Meeting ID: 545 608 792
888 475 4499 US Toll-free

3. Applicants, their representatives and individuals required or entitled to appear before the Conservation Commission may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Darcy.Karle@town.barnstable.ma.us , so that they may be displayed for remote public access viewing.

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk Dennis Houle, Commissioners Larry Morin, George Gillmore, John Abodeely, and Pete Sampou.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Edwin Hoopes.

3:00 PM AGENDA

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

- A. Birmingham SE3-5419 (coc, ez) extend revetment * **Tabled from 3/17/20**
333 Eel River Road, Osterville - Eel River

A motion was made to approve A.
The motion was seconded and voted unanimously.

II REVISED PLANS

- A. Mugar SE3-5740
114 Peppercorn Lane, Cotuit

Project type:

Boardwalk, Pier, Ramp
& Float

Revisions:

To rotate proposed float 90
degrees

The applicant was represented by John Odea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- A question was raised if this changes the conditions for the boats. The two boats still meet the draft requirements. No changes to the sign or original order of conditions are needed.
- This was done for prevailing winds and ease of docking boats.

A motion was made to approve the revised plan as requested.
Seconded and voted unanimously.

B. Thompson SE3-5421 448 Starboard Lane, Osterville	Pier and Path	Reducing size of the float with addition of a YAKport. 5' separation to salt marsh
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The applicant was represented by John Odea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- There was a discussion on this being a unique situation as this is for handicap access and is a special exception, and if it should be allowed under normal circumstances.
- There may be some light shading affects underneath the YAKport. It is the same size as the original float size so there would be no additional shading. It is just a materials change.
- If the property is sold or handicap access is no longer necessary it should be removed and the float restored to its original dimensions.
- A question was raised if the YAKport could be stored on the float during the off season. It is too heavy and cumbersome to take in and out.
- There is no net change in the size as the float is being reduced to allow for the YAKport.
- The Commission will need to have further discussion on weather this should be something they would generally approve if the size of the original float is reduced or if it should be limited to handicap use. Commission would like it brought up at a future meeting under old and new business.

A motion was made for a finding that given the physical limitations of the applicant we are allowing a waiver to our float requirements.
Seconded and voted unanimously.

A motion was made to approve the revised plan request so long as there is a demonstrated need or until such a time that the property is sold or transferred. If it is sold or transferred of if the need goes away the float can return to its original size as permitted.
Seconded and voted unanimously.

III EXTENSION REQUESTS

Project type:

Time Requested:

A. Oyster Harbor Golf Course SE3-4869 145 Grand Island Dr., Osterville	Vegetation/algae management in ponds	3 (3 rd request)
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Mike Didier from Solitude Lake Management represented the applicant.

Issues discussed:

- Commission would like to receive annual reports on this project.
- The State has extended the orders so this has not expired.
- Mass. State registered herbicides and algacides are being used currently for management.
- Where this is a 3rd request for an extension Commission should look into whether these herbicides and algacides are still viewed as proper treatments.
- MSDS form should be submitted to Conservation Division for the file.

A motion was made to approve the extension request.
Seconded and voted unanimously.

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| B. Kristen Williams Haeotes Trust SE3-5450
981 Main Street, Osterville | Proposed construction of 2 single
family dwellings | 3 |
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The applicant was represented by John Odea P.E. of Sullivan Engineering.

There were no questions from Commissioners.
A motion was made to approve the extension request.
Seconded and voted unanimously.

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| C. Damon and Gabriela Collins SE3-5461
120 Starboard Lane, Osterville | To complete the pool, landscaping,
and restoration planting | 3 |
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The applicant was represented by John Odea of Sullivan Engineering.

This is a 3rd request. Work is nearly complete.

There were no questions from Commissioners.

A motion was made to approve the extension request.
Seconded and voted unanimously.

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| D. Kariotis Family GST Irrevocable Trust SE3-5189
67 Pirates Cove, Osterville | Maintenance Dredging | 3 (2 nd request) |
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The applicant was represented by John Odea, P.E. of Sullivan Engineering.

A question was raised if the studies for depth ranges have been received.
Post dredge surveys to assure compliance were done.

A motion was made to approve the extension request with the condition that a copy of the dredge report is in the office file.
Seconded and voted unanimously.

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| E. Indian Point Family Partnership, LLC SE3-5169
8, 10, & 14 Indian Trail, Osterville | Maintenance Dredging | 3 (2 nd request) |
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The applicant was represented by John Odea, P.E. of Sullivan Engineering.

The projects are completed. The extension request is to do maintenance within the system.

A motion was made to approve the extension request with the condition that the survey is in the office file.
Seconded and voted unanimously.

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| F. Wianno Club SE3-5477
107 Sea View Avenue, Osterville | Additional nourishment
and/or repairs | 3 |
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The applicant was represented by John Odea, P.E. of Sullivan Engineering and Consulting.

There were no questions from Commissioners.

A motion was made to approve the extension request.
Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

- A. David A. Plante & Sally J. Pelosi - 81 Bay Lane, Centerville – Map 186 Parcel 070. Alteration of resource areas - salt marsh, BVW and riverfront - by installing and maintaining an unpermitted dock.

Exhibit:

- A. GIS map showing the residence and right of way.
- B. Aerial photos from Google Earth.
- C. Photos of current site.

The Enforcement Order asks that the dock be removed by April 20, 2020 or seek permitting by the submission of a Notice of Intent by June 30, 2020.

Issues discussed:

- There was a discussion on who did the work and if a contractor was hired.
- Commission inquired why Conservation was not consulted on permitting. Mr. Plant advised the Commission he did not believe he needed to get a permit because the dock was existing and there were no substantial changes being made.
- Mr. Plant was advised he should seek consultation with an experienced environmental engineer if he chooses to seek permitting.

A motion was made to approve the enforcement order.

Roll call

Seconded and voted unanimously.

- C. Dennis & Vicki R. Marchant, TRS - 31 Paine Avenue, Hyannis – Map 289 Parcel 119.001. Alteration of buffer to a BVW by clearing vegetation.

Exhibits:

- A. GIS map showing the overview of the area.
- B. Site photos showing the area cleared of invasive material along the top of the bank.

The Enforcement Order asks that they stabilize the bank and file and After the Fact RDA.

Issues discussed:

- The Commission was advised there were no filings on record for work being done at this location.
- There was a discussion if the Enforcement Order should address removing the mulch.
- The Commission asked if there was evidence that the 0-50' buffer area was invasive removal. The violation was reported by a neighbor. The clearing was taking place when the Enforcement Agent arrived to investigate.
- There will be new growth of the invasives that were removed.

A motion was made to approve the Enforcement Order.

Roll call

Seconded and voted unanimously.

V OLD AND NEW BUSINESS

- A. Conservation Restriction - Orenda Wildlife Land Trust, Inc. (Grantor) -Town of Barnstable (Grantee)- 0 Great Marsh Road, Centerville

Jack Thibodeau presented the details of the project.

A motion was made to approve the conservation restriction authorizing the recommendation to the Town Council.

Seconded and voted unanimously.

- B. Donna Lawson, Annual Report for Long Pond Community Garden.

There will be some gravelly work done to control the shaded areas to clear a path behind the garden area and limb some trees.

Two trail cams will be installed to deter theft from the gardens.

A recommendation from the legal department was made to formalize a lease for the Community Garden. A question was raised about the garden being posted for trespassing.

C. Authorization vote for signature on Orders of Conditions and Determinations due to COVID-19.

Taken out of order. This item was heard first on the agenda.

There were no questions from Commissioners.

All Commissioners authorized Darcy Karle to sign Orders of Conditions and Determinations on their behalf.

D. Review of the proposed special conditions for revetment related work. **Tabled from 3/17/20**

Issues discussed:

- Add if salt marsh **is damaged**, not just destroyed it should it be repaired.
- If someone is not available for the site visit the project does not go forward. Required attendees should be included in the motion at the meeting.
- Stockpiling of materials.

Chairman will revise the conditions and submit to Commissioners for approval. **Tabled to May 5, 2020.**

E. Discussion – possible requirement under mitigation, as built plan for Certificate of Compliance. **Tabled from 3/17/20**

Tabled to May 5, 2020.

4:30 PM AGENDA

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VI REQUESTS FOR DETERMINATION

A. **Mark Coppola.** Proposed installation of driveway, landscape, and the clearing of trees at 25 Vineyard Road, Cotuit as shown on Assessor's Map 016 Parcel 023. **DA-20013**

Applicant was represented by George Collins, P.E. of Collins Civil Engineering Group.

There were no questions from the Commission.

Staff requested clarification if it will be a paved driveway.

There were no public comments.

A motion was made to approve a negative determination subject to the applicant notifying the office if the driveway will be paved or impervious.

Seconded and voted unanimously.

VII NOTICES OF INTENT

A. **Michael and Catherine Kemether.** Construct decks, expand deck, construct porches, rinse station at 265 Fifth Avenue, West Hyannisport as shown on Assessor's Map 245 Parcel 037. \$41.20 **SE3-5773**

Continued from 3/17/20

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

Issues discussed:

- Commission would like to see some vertical diversity in the mitigation.
- The area at the front edge showing two gallon plantings should have demarcation or be changed to five gallon plants.

There was no public comment.

A motion was made to approve the project as submitted subject to receipt of a revised plan showing the location of two eastern red cedars plus demarcation along the shrub line.
Seconded and voted unanimously.

- B. **Joseph R. Jenkins Trustee.** Proposed beach nourishment at 195 Seapuit Road, Osterville as shown on Assessor's Map 070 Parcel 015. **SE3-5775**

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

Comment letter from Tom Marcotti was read into record.

Issues discussed:

- Staff would like the mean high water staked out before the beach nourishment occurs.
- They are proposing beach nourishment below the mean high water line.
- Today's mean high water line is different from when the project was approved in 1999.
- Staff would like a revised plan or condition to show staked area.

There was no public comment.

A motion was made to approve the project as submitted requiring the limit of nourishment be staked in the field at the approved nourishment line from 1999.
Seconded and voted unanimously.

- C. **Joseph R. Jenkins Trustee.** Proposed repairs to beach cabana by replacing a portion of the cement block foundation supports with concrete sonotubes at 195 Seapuit Road, Osterville as shown on Assessor's Map 070 Parcel 015. **SE3-5774**

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

There were no questions from Commissioners or staff.
There was no public comment.

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

VIII MINUTES

- A. March 3, 2020
- B. March 10, 2020

A motion was made to approve A. and B. as submitted
Seconded and voted unanimously with one abstention.

A motion was made to adjourn.
Seconded and voted unanimously.
The time was 5:10 pm.