



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

DATE: February 9, 2021 @ 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

The Conservation Commission's Public Hearing will be held by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

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/95274667749>

Meeting ID: 952 7466 7749

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.

Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

The meeting was called to order at 3:00 p.m. with roll call. Chair Tom Lee was present along with Vice Chair Louise R. Foster and Clerk George Gillmore. Commissioners Dennis Houle, John Abodeely, and Larry Morin were also present. Commissioner Pete Sampou was absent.

Conservation Administrator, Darcy Karle, assisted along with Conservation Agent Ed Hoopes.

3:00 PM AGENDA

I. REVISED PLANS

Project type:

Revisions:

A. Brian Koelbel & Tracy Ryan
220 Bay Street Osterville SE3-5807

Raise dwelling, 3 additions
garage, boardwalk, landscape

Elevate the dwelling to 3'

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

Issues discussed:

- A question was raised if this could have been approved with an Administrative Review.
- Is the amount they are elevating structure sufficient for the future.

A motion was made to approve the revised plan as submitted.

Seconded and voted unanimously by roll call.

II. EXTENSION REQUESTS

Project type:

Time Requested:

A.	923 Cape View, LLC SE3-5527 923 Sea View Ave., Osterville	Renovations to beach house.	3 years (1 st request)
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering & Consulting.

There were no issues raised.

A motion was made to approve the extension request.

Seconded and voted unanimously by roll call.

B.	Scott Smith SE3-5544 2 Irving Ave., Hyannisport	Install new tennis court off Marston Lane	3 years (1 st request)
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There was no representative present from BSC Group.

Issues discussed:

- First request

A motion was made to approve the extension request.

Seconded

(Commissioner Morin did not vote – lost connection)

Motion carries (5 approved)

III. ENFORCEMENT ORDERS

- A. Michael J. & Sarah M Butler AND Steve Devlin, Central Construction Company – 215 Parker Rd., West Barnstable – Map 176 Parcel 017. Alteration of riverfront, wetland resource area (wooded swamp) and its buffer by allowing eroded soil from construction site outside of wetlands jurisdiction to enter the wetland.

Exhibits

- A ARC Reader image showing 215 Parker Rd., West Barnstable
- B Site photos

There were no representatives present.

Issues discussed:

- The house at 215 Parker Rd. is undergoing a large addition. As part of the project, there is a large pile of dirt all of which is completely outside of wetlands jurisdiction.
- The dirt pile is prone to erosion after rain events. The erosion runs onto Parker Rd. and then down the shoulder of the road pooling at a low spot in the road above, and draining into, the stream and wetland resource area.
- The contractor doing the addition work placed silt fence and straw wattle within 36 hours of notification of the problem.

A motion was made to approve the enforcement order.

Seconded

Roll call

Voted unanimously.

IV. WARNING LETTERS

- A. Robert J. & Claudia A. Pelzek – 238 Riverview Lane, Centerville – Map 228 Parcel 165. Placing yard waste within Riverfront area and 50'-100' buffer to a wetland resource area – Coastal Bank (Town).

A motion was made to approve the warning letter.

Seconded

Roll call

Voted unanimously.

V. NEW AND OLD BUSINESS

- A. Donna Lawson to present the Long Pond Community Garden Committee --Annual Report & Review for 2020.

- Only organic fertilizers are allowed to be used in the gardens.
- Wildflowers grown in the wildflower garden were contributed to several businesses within the village.
- Improvements were made to clean up the edges of the garden area.

- B. Update on restoration activities for Ira F. Silverman – 85 Main St., West Barnstable – Map 111 Parcel 008.001. Alteration of the buffer to a wetland resource area – salt marsh – by cutting trees and shrubs.

- The homeowner was granted permission to use a sketch plan for planting area restoration.
- Scott's Landscaping will provide Conservation a sketch plan of the restoration area by April 5, 2021.
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- C. Update on restoration planting plan for Morris – 140 Bay Rd., Cotuit – Map 007 Parcel 019.

- The proposed planting plan for the understory in the 0'-50' buffer was approved by the Commissioners.
- The planting plan will be implemented as soon as weather conditions permit but will be completed by the end of April.
- COC request will be made after restoration planting is completed.
- There should be 3 annual reports made addressing the success of the restoration plantings. The first report will be due after the first complete growing season.

- D. Update on unauthorized trail construction and use of motor vehicle off Race Lane (West Barnstable Conservation Area)

- An unauthorized trail was blazed using a 5' wide bobcat. Trail was primarily on COMM Water District land that abuts West Barnstable Conservation Area.
- While not on Conservation lands, this does allow unauthorized motor vehicle access to the trail system on West Barnstable Conservation Area. Additionally a large increase in bicycle use of the illegal trail has been noted.
- Conservation will assist Natural Resources, COMM Water District, and New England Mountain Bike Association (NEMBA) in closing off this illegal trail.

4:30 PM AGENDA

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REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

The meeting was called to order at 4:30 p.m. with roll call. Chair Tom Lee was present along with Vice Chair Louise R. Foster and Clerk George Gillmore. Commissioners Dennis Houle, John Abodeely, Larry Morin and Pete Sampou were also present.

Conservation Administrator, Darcy Karle, assisted.

VI. NEW AND OLD BUSINESS

- A. Scudder Lane projects.** Discussion on need for temporary erosion control measures to address current multiple runoff sources prior to action under approved revised plans.

Present for this discussion was Nate Jones of Coastal Engineering and Michael Lundsted of SUMCO

Issues discussed:

- Photos taken during Chair Lee and Commissioner Gillmore's site visit 2/5/21 were reviewed.
- Consultant will conduct site visits after significant rain storms. Will provide photos after site visits to Administrator.
- Construction schedule for permanent measures was provided to Chair and Administrator before hearing.
- Nate Jones anticipated March 29th for start work addressing permanent corrections, followed by seeding in mid-April.
- Temporary measures in the meantime, 6" deep, 2' wide trench in lawn with stone to divert water to the west. Start next week (2/15/21)
- Gap near large stone is increasing, stone has potential to fall, should be addressed as soon as possible.
- Two pipes running toward the bank will be addressed. The 4" will be capped, the 1" will be directed into the temporary trench and then directed into drywell.
- Two other pipes are not an issue at this time
- Nate will draft a narrative on what was agreed upon and submit to Administrator.

VII. REQUESTS FOR DETERMINATION

- A. Robert J. & Rita M. Davis.** To allow public access under reconstructed westerly pier at 986 Sea View Avenue, Osterville as shown on Assessor's Map 091 Parcel 002. DA- 21008

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

There were no issues discussed.

A motion was made to approve a negative determination.

Seconded and voted unanimously by roll call.

VIII. NOTICES OF INTENT

- A. 51 Sunset Point, LLC.** Proposed driveway improvements including a new entranceway and to relocate electric lines underground at 51 Sunset Point, Osterville as shown on Assessor's Map 051 Parcel 008. **SE3-5842**

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

Issues discussed:

- Question raised on whether paving was anticipated for the smaller 245 sq. ft. drive. It should be labeled on the plan.

- Entrance way will definitely be paved.
- Hay bales and silt fence should be used where grading occurs.
- Cart path drive would include grass strips.

A motion was made to approve the project subject to receipt of a revised plan indicating asphalt drive for cart path and addition of hay bale line to be included with siltation fence.

Seconded and voted unanimously by roll call.

- B. TMT Realty Trust.** Proposed removal of existing single family home and reconstruction of a single family dwelling and associated site improvements at 979 Sea View Avenue, Osterville as shown on Assessor's Map 090 Parcel 008. **SE3-5843**

The applicant was represented by Attorney Sarah Turano-Flores along with Sean Riley of Coastal Engineering, Kris Horiuchi, and Seth Wilkinson of Wilkinson Ecological Design.

Issues discussed:

- Clarification that 50' buffer is taken from landward edge of secondary dune (flagged dune line).
- Request to have it labeled on the plan, "landward edge of the secondary dune".
- Color markup plan shall be submitted for the record that Sean Riley shared.
- Request to clarify which structures will be removed.
- Currently they do not have an undisturbed 50' so they are offering 19,374 sq. ft. of mitigation, in addition invasive removal between primary and secondary dune.
- There is a slight incursion of the pool house into the 50' buffer.
- There will be an auto cover over the pool, in addition to a pool fence.
- A question was raised if the work limit line could be pulled landward. Possibly up to grading limits.
- There will only be a small section of the building that will require a basement.
- Administrator requested demarcation along the edge of mitigation.
- Mitigation and restoration should be completed by Wilkinson Ecological and if there is a change Conservation Division should be notified in writing.
- Monitoring reports for 3 years for mitigation and restoration.
- Request for architectural elevation drawings for the file.

A motion was made to approve the project subject to receipt of a revised plan showing revised hay bale line, label landward edge of secondary dune, plan note indicating cabana is to remain, and special conditions to include, submit architectural elevation drawings for the record, annual monitoring reports for three years, demarcation of mitigation edge, Wilkinson Ecological will be the ecological consultant for this project and any change will require written notification to the Conservation Division. Color mark-up shall be submitted for the record.

Seconded and voted unanimously by roll call.

- C. Raymond Ferretti. Reconsideration to correct motion to remove one special condition.** Proposed construction of a pier and dock, along with the replacement of an existing stairway leading from lawn at the top of the slope to the shore of Mystic Lake at the base of the slope at 52 Halletts Lane, Marstons Mills as shown on Assessor's Map 064 Parcel 016. **SE3-5837 From 2/2/21 hearing.**

A motion was made to reconsider the application.
Seconded and voted unanimously by roll call.

A motion was made to remove the special condition requiring annual monitoring reports for this application.

Seconded and voted unanimously by roll call.

VIII. MINUTES

A. January 12, 2021

Issue discussed:

- Page 5, under heading Christian Camp Meeting Association warning letter. It should say a motion was made to approve the warning letter, seconded, and voted unanimously by roll call.

A motion was made to approve the January 12, 2021 minutes with the amendment.
Seconded and voted unanimously by roll call.

A motion was made to adjourn.
Seconded and voted unanimously by roll call.

The time was 5:27 p.m.