



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: MARCH 5, 2013 6:30 PM

LOCATION: HEARING ROOM

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 Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Darcy Karle, Conservation Agent, assisted along with Claudette Bookbinder, Conservation Administrative Assistant.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

I MINUTES FOR APPROVAL

A. February 12, 2013

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

B. February 19, 2013

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Desmond & Dorothy Heathwood. Construct new garage with breezeway; relocate fence and utilities; re-landscape
at 50 Windrush Ln., Osterville as shown on Assessor's Map 093 Parcel 071.**DA-13011**

The applicant was represented by Arlene Wilson, P.W.S.

Exhibits:

- The proposed plan was displayed and noted as Exhibit A.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Leo Schmid. Expand kitchen and dining area at 31 Old Shore Rd., Cotuit as shown on Assessor's Map 035 Parcel 073. **DA-13010**

The application was withdrawn.

III NOTICES OF INTENT

James O'Reilly. Paving of existing crushed stone driveway at 185 Oak St., Centerville as shown on Assessor's Map 173 Parcel 014-002. **SE3-5063**

The applicant was represented by Matthew Creighton.

Exhibits:

- The proposed site plan was displayed and noted as Exhibit A.

Issues discussed:

- The after-the-fact filing was a result of work done by the applicants. The applicants wish to finish the project.
- Water ponding in the middle of the drive.
- Installation of French drains, 2' x 2' was discussed.
- The applicants wish to finish paving the drive.
- The MA Division of Fisheries and Wildlife had a finding of no impact, and the project was exempt from MESA review.

Public comment:

- Abutters, Brian and Lisa Billiter, commented in a letter that they approve the project
- An email from Mark and Dianne Herbst was read, approving the paved driveway "as long as it is pitched."

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

Richard Guagnini. Rebuild existing unpermitted 11-foot pier and extending it approx. 22 feet, with a 10' x 6' long removable "T" float at end within waters of No Bottom Pond at 30 Oxford Dr., Cotuit as shown on Assessor's Map 021 Parcel 062. **SE3-_____**

The applicant was represented by Matthew Creighton.

The filing was the result of Ms. Karle requesting that a notice of intent (NOI) application be filed as a result of an enforcement order.

Issues discussed:

- Pier to be a total of approximately 33' long.
- Grated decking would be used
- No motor vessels would be allowed
- The seasonal float to be stored upland.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

William W. & Christina R. Staudt. Proposed phragmites removal and invasive plant management at 95 & 117 Eel River Rd., Osterville as shown on Assessor's Map 116 Parcel 121-097. **SE3-5067**

The applicant was represented by John O’Dea, P.E.

Exhibits:

- The proposed, revised plan was displayed and noted as Exhibit A.

Issues discussed:

- Phragmites removal would be by “machine cut and apply ” method.
- Trees will remain in the wetland area, per the revised plan.
- Invasives including poison ivy to be eradicated, possibly beginning this spring.
- Conditions to be included in new order of conditions:
 1. Annual reports for three years;
 2. Poison ivy removal only along path;
 3. Contractors to be identified and updated regularly;
 4. The Rowland parcel at #117 Eel River Road shall be maintained, as per SE3-2356, and the Commission to receive advance, written notice of future maintenance clearing and vista pruning;

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

Benjamin L. & Lesley A. Inker. Reconstruct and maintain beach access boardwalk; construct and/or install landscape amenities including walls, outdoor shower, lawns, shrubs and trees at 143 Inwood Ln., W. Hyannisport as shown on Assessor’s Map 225 Parcels 027-001, 027-002, and 027-003. **SE3-5069**

The applicant was represented by Arlene Wilson, P.W.S. and Annie Griffenberg.

Exhibits:

- The proposed landscape plan was displayed and noted as Exhibit A.
- A sketch plan was handed out and noted as Exhibit B.

Issues discussed:

1. A question was raised as to whether the topped trees will be replaced. Ms. Wilson said that windy, salty air does not make it practical to replant in that location
2. Vista pruning to be done via Conservation Vista Pruning Guidelines
3. The Commission was concerned with damage done by previous owners
4. The storage box will probably be rebuilt.
5. The Commission wanted the pool and pool fence to be moved out of the 50-foot buffer zone.
6. The Chair asked about the history of the bench on the beach. The Commission recommended removal and relocation of said bench.
7. Ms. Karle said that selective management of tree sprouts would be practical.

A motion was made to approve the project with standard and special conditions: a revised plan to be submitted; vista pruning following Vista Pruning Guidelines; fence to be removed from 50-foot buffer; bench to be relocated from beach; tree sprout maintenance in consultation with staff.

Seconded and approved: 5 votes = “Aye;” 1 vote = “Nay”

MA Dept. of Transportation/Highway Division. Maintain and repair state highway drainage systems on Routes 6, 6A, 28, 132, 149 and Phinney’s Ln. in Barnstable. **SE3-5068**

The applicant was represented by Tom McGuire and Andrea Coates.

Exhibits:

- A “matrix” of conservation commissions from 19 towns was handed out by the applicant and noted as Exhibit A.

Issues discussed:

- The applicant indicated that the NOI was “generic,” or without detail, as the scope of the work was to clean drains and remove any blockages, i.e., maintenance and repair of existing drainage systems.
- New drainage systems [to be constructed] would require new, specific NOI’s.
- Mr. McGuire mentioned that their procedures have been developed along with NHESP: all debris removed daily; the DEP file number posted for each project; work with NHESP, and exempt under MESA (for the most part).
- The Division of Fisheries and Wildlife would require a filing with NHESP for specific activities in priority and estimated habit of rare species and wildlife.
- The applicant requested a 5-year period to do the work, in case of extensive projects and cost constraints.

A motion was made to approve the project with standard and special conditions: a standard three-years to complete the project, subject to NHESP and MA Division of Fisheries and Wildlife, and DEP concerns.

Seconded and voted unanimously.

R. Robert Popeo. Regrade and revegetate former phragmites plot landward of salt marsh at 120 Carriage Rd., Oyster Harbors as shown on Assessor’s Map 071 Parcel 015-002. **SE3-_____**

The applicant was represented by Arlene Wilson, P.W.S. and Rob DeMelo.

Issues discussed:

- Despite a recent negative determination, the area in question requires repeated applications of herbicide Roundout®.
- Within the 50-foot buffer exists a back beach meadow; a 4-foot, graded path splits these areas, and woody shrubs to demarcate the two areas.
- In consultation with staff, fill for lowland area would allow for wetland meadow (not fescue); area not to be mowed.
- Staff agrees that filling would ensure that wetlands remain as wetlands, and that phragmites will not out-compete other vegetation.
- The area has been designated by an expert (LEC) as “wetlands.”

A motion was made to approve the project with standard and special conditions: a revised plan required for the 50-foot buffer; expansion of wet meadow; plant species and cobbles to be determined in consultation with staff .

Seconded and voted unanimously.

IV CONTINUANCES

Christopher Stavros, Tr./21 Wianno Head Road Realty Trust. Raze and rebuild single-family dwelling with appurtenances within the 100-foot buffer zone to coastal bank and land subject to coastal storm flowage at 21 Wianno Head Rd., Osterville as shown on Assessor’s Map 091 Parcel 005-001. **SE3-5066**

The applicant was represented by Brian Madden and Don Bracken.

Exhibits:

- The proposed revised plan was displayed and noted as Exhibit A.

Issues discussed:

- The location of surviving trees should be shown on proposed site plan (no trees removed within the 50-foot buffer except the diseased cherry, as stated before).
- Within the 50 – 100-foot buffer the majority of trees would be removed for hardscape.

- FEMA requested a change in grade for south retaining wall.
- The Commission thought that the planting plan should specify the kind of trees to be removed, and a rationale/justification for doing so.
- With only a 15.9 setback (house size being increased), the applicant wishes to take down all trees in the 50 – 100-foot buffer.

Public comment:

- An abutter said an elevation drop exists to the east without any mitigation of surface water. Significant roof runoff would require a catch basin (calculations should be made).

A motion was made to continue the hearing to April 2nd.

Seconded and voted unanimously.

Wolfram Vedder/WVDV/Island Ave. R.T. Convert existing cottage to one bedroom; construct guest house, new septic, and landscaping at 119 & 129 Island Ave., Squaw Island, Hyannisport as shown on Assessor’s Map 265
Parcels 018-001 & 018-002. **SE3-5059**

The applicant was represented by Steve Wilson, P.E., Rick Lamb, and Attorney Ted Schilling.

Exhibits:

- A revised plan was submitted and noted as Exhibit A.
- An elevation plan was submitted and noted as Exhibit B.

Issues discussed:

- The revised site plan shows removed beach grass and added pavement on stone dust, the idea being to connect the two properties.
- The applicant would consider removing the brick walk; stairs for existing cottage would remain, but stairs to beach would be rebuilt.
- The trees would be 2 – 3-inch caliper – not 23-inch (an error on plan).
- The Chair remarked that the planting plan shows new steps connecting the boat house and the cottage, and that this is not shown on the plan of record.

The Chair said there needs to be a better plan showing all structures. Commissioners remarked that the reinforced grass (for vehicles) is too extensive from the 50-foot buffer.

Mr. Lamb calculated that the subject properties together total 3,749 square feet.

The Chair asked whether this should be considered a mitigation-constrained site. He read aloud the definition of a “mitigation-constrained site” from Chapter 704. In effect, he said, there needs to be an effort at mitigation.

Public comment:

- Lynne Hamlyn, representing abutter Seymour D. Reich, stated that changes to the existing cottage need to include elevations. She questioned the height of a dormer, stairs design, and general lack of information and clarity of the plan.

The Chair stated that there was a deficit of almost 4,000 square feet for this project. It was suggested that a continuance be requested for a new plan to reduce the deficit, and to produce a plan of reference.

A motion was made to continue the hearing to April 2nd.

Seconded and voted unanimously.

V AMENDED ORDER

Niraj & Jill Shah. Amend Order of Conditions **SE3-5011** (raze existing house, construct new house, landscaping and mitigation planting) to reflect new location and footprint of proposed house, revised location of driveway, revised landscaping and mitigation planting at 110 East Bay Rd., Osterville as shown on Assessor's Map 141 Parcel 123-001.

The applicant was represented by Steve Wilson, P.E.

Exhibits:

- The revised plan was displayed and noted as Exhibit A.

Issues discussed:

- The proposed mitigation of 4:1 is similar to what was originally permitted in SE3-5011..
- The path which had been contentious was no longer being proposed.
- The Chair's finding was that the proposed project does not interfere with the function of the Town coastal bank.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

VI CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|---------|----------|----------|--|
| A. | Johnson | SE3-4938 | (coc,ez) | construct addition to single-family dwelling * |
| B. | Hooker | SE3-4823 | (coc,ez) | replace patio and steps to water * |

A motion was made to approve all certificates (A – B).

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

Proposed further revision of the Shooting Range Regulations, Chapter 702, of the Town of Barnstable Code. The proposed revision includes a prohibition on incendiary munitions and exploding target use at the town shooting range. Public comment is welcome.

Insurance liability requires this revision to Chapter 702 regarding prohibition of “incendiary munitions and exploding targets...”

There was no public comment.

A motion was made to prohibit incendiary munitions and exploding target use at the town shooting range. Chapter 702- 2.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:34 p.m.