



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: MAY 31, 2016 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM, 367 Main Street 2ND 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), 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 F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle and Commissioners John E. Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise R. Foster. Commissioner Sampou left the meeting at 9:50 p.m.

Darcy Karle, Conservation Administrator, assisted.

I REVISSED PLAN

Project type

Revision

Gaudreau SE3-5111

165 Holly Point Rd., Centerville

garage, addition, etc.

expand 1st floor deck (tabled from 5/10)

A motion was made to approve the revised engineering plan and mitigation planting plan, both dated 5/23/16.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Mendu Capital LLC. Construct a 5' x 17' addition to existing garage at 54 Shirley Point Rd., Centerville as shown on Assessor's Map 213 Parcel 010. **DA-16035**

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

Issues discussed:

- Clarification that the work description should read: "Construct 5'x 14' addition to existing garage, as indicated on approved engineering site plan.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Anne B. Gingold. Maintain areas in buffer zone in present condition; hand-cut phragmites in buffer zone, establish and maintain pathways while doing no planting in, or dumping into, wetlands; no new buffer zone plantings at 469 Elliott Rd., Centerville as shown on Assessor's Map 227 Parcel 115. **DA-16036**

The applicant and her husband attended the meeting.

Exhibits:

A – Photos submitted by the Gingolds

- B – Letter from David Hirsch, abutter, dated 5/31/16;
- C – Letter from Kathleen Shea, abutter, dated 5/31/16.

Issues discussed:

- Justification for allowing path to remain. Applicant not seeking access to river at this time, re: path to “nowhere;”
- Allegations that leaf-dumping took place in area of phragmites;
- Concern with cutting phragmites or leaving them in place;
- Request to continue management of vegetation below terraced area within 50’ buffer;

Public comment:

- Mr. Hirsch concerned with leaf-dumping (see letter, exhibit B above);
- Mr. Shea also concerned with leaf-dumping (see letter, exhibit C above).

A motion was made to issue a positive determination.

The motion was seconded, but not voted on.

A motion was made to issue a negative determination with special conditions: the only area that may be maintained lies within the terraced area. There is to be no mowing, cutting, trimming or removal of vegetation, or planting below the terraced area.

Seconded and voted unanimously.

Paul Childs & Kim Catalano. Remove and manage invasive vegetation, e.g., bull briar and poison ivy, via mowing and remove dead wood in 50'-100' buffer; hand-pruning of same invasives by hand-pruning in 0'-50' buffer; keep a 4-foot path cleared to an ancient culvert; delineate the 50' buffer with cedar post/wire fence at 75 John Maki Rd., W. Barnstable as shown on Assessor’s Map 217 Parcel 020-003. **DA-16037**

The applicant was represented by Paul Childs.

Exhibits:

- A – Photos of exhibits from a previous [enforcement] hearing.

Issues discussed:

- Concern that 50-foot buffer line not delineated;
- Concern with removal of all vegetation within the 50-100-foot buffer without a vegetation management plan;
- Allowance for hand-clipping of vines tangled in trees;
- Property owner advised that improvement for agricultural purposes would require the filing of an NOI with wetlands being delineated.

A motion was made to issue a negative determination upon receipt of a revised plan, allowing the following, only: a) A four-foot-wide path to culvert, and; b) hand-clipping vines and briars from trees.

Seconded and voted unanimously.

III NOTICES OF INTENT

Anthony & Josephine Tavilla. Construct seasonal dinghy dock with fixed intertidal and upland boardwalk at 0 Long Beach Rd., Osterville as shown on Assessor’s Map 185 Parcel 050-001. **SE3-5394**

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

Exhibits:

- A – DVD of Shellfish Committee Hearing dated 5/18/16;
- B – Aerial photo

Issues discussed:

- Shellfish rating of “6;”
- Locations of access stairs;
- Size of pilings needed for graded section of decking;
- Seeking the following waivers: 4a, 4j1, 4L;
- Concern with size of structure in relation to others in the area;
- Recent approval of a pier and motorized vessel on the mainland, and how the proposed Long Beach pier relates;
- If dock were used for landing kayaks, would kayaks be dragged onto the beach?

Correspondence:

- Division of Marine Fisheries letter of 5/27/16;
- Tom Marcotti, Town Shellfish Biologist, letter of May 27, 2016;
- Letter dated 5/20/16 from the Shellfish Committee.

A motion was made to continue the hearing to June 28, 2016.

Seconded and voted unanimously.

IV CONTINUANCES

Jack Lyons. Repair and maintain existing pier with improved boat lift accessory to single-family home at 261 Sandy Neck, off Trail #5, West Barnstable as shown on Assessor’s Map 303 Parcel 007. **SE3-4518**

The applicant was represented by Matt Creighton of BSC Group.

Exhibits:

- A – Sample of cases (printout by Vice-Chair Dennis Houle) dated 5/29/16;
- B – Aerial photo dated 1980 (with arrow);
- C – Packet of information requested by Dennis Houle.

[Chairman Lee turned the project over to Vice-Chairman Houle to preside over]

Issues discussed:

- Quorum of all Commissioners present;
- This was the third continuance held;
- The Vice-Chair gave a brief history of prior hearings on this matter and, in addition, the seven items which Ms. Karle had requested from BSC and Atty. Morse in an Email dated 10/6/15;
- The claim that, at one time, the Commission would not allow two or more orders of condition to be open concurrently;
- Key question: Does the project qualify for the amnesty program; the need to prove that the newly designed pier existed prior to 1/1/1984, was maintained, and not abandoned;
- Clarity of a 1980 aerial photo; difficult to see boat and pier;

Correspondence:

- Letter from Nina Coleman, Sandy Neck Director, dated 8/4/2015;
- Email from Jillian Buck dated 5/31/2016;
- Letter from Anne Canedy dated 5/31/2016;
- Letter from Department of the Army, 3/28/16.

A motion was made to continue the hearing to August 9, 2016.

Seconded and voted unanimously.

[Commissioner Sampou left the meeting]

William & Barbara Walsh. After-the-fact filing for dock maintenance work in Long Pond, at 111 Pond View Dr., Centerville as shown on Assessor's Map 229 Parcel 026. **SE3-5387**

A continuance had been requested.

Ms. Karle explained that the reason for the continuance was the need for the applicant to submit an original, stamped engineering plan to accompany the application.

A motion was made to continue the hearing to July 12, 2016. No testimony was taken.

Seconded and voted unanimously.

Charles & Nicole King. Construct a walkover structure and pier with seasonal ramp and float into waters of Mystic Lake at 273 Regency Dr., Marstons Mills as shown on Assessor's Map 064 Parcel 041. **SE3-5391**

The applicant was represented by Matt Creighton.

Issues discussed:

- Old existing deck/platform was removed;
- Existing wooden revetment must remain so that access stairs required under Chapter 91 will have a place to rest;
- Erosion on steep bank.

Correspondence:

- Letter from Division of Marine Fisheries dated 5/27/16.

A motion was made to approve the project with standard and special conditions: a) pre-existing wooden revetment at base of slope to be maintained over time; b) applicant to work with staff to try to prevent further erosion of the slope, e.g., installing netting with plantings.

Seconded and voted unanimously.

Rod Sroczenski. To permit existing float system within waters of Lake Wequaquet, at 14 Johnson Ln., Centerville as shown on Assessor's Map 193 Parcel 077. **SE3-5392**

The applicant attended, and was represented by Matt Creighton.

Issues discussed:

- A quorum was present of all Commissioners;
- Handicap access request;
- Original dock 168 sq. ft.; requesting additional 164 sq. ft. floats to be permitted for stabilization of pontoon boat with easy bow access.

Correspondence:

- Letter dated 3/11/16 from Brian Jansson in support of the project;
- Letter dated 3/28/16 from Sheldon Stewart in support of the project.

A motion was made for a finding to grant a waiver, allowing the end of the float to be greater than 96 sq. ft. for family handicap access improvement. Project approved with special conditions, as requested, for as long as there is a demonstrated need for handicap use. Once the need no longer exists, or the property is sold or transferred, the dock shall revert back to 168 sq. ft., as previously permitted.

Seconded and voted unanimously.

Paul Carney. Vista pruning following Commission Guidelines at 291 Scudder Rd., Osterville as shown on Assessor's Map 139 Parcel 011. **DA-16034**

The applicant was represented by Peter Hanson of Hanson Design.

Issues discussed:

- Plan of record dated 5/12/16;
- Mr. Hanson submitted a letter from the property owner, granting permission for vista pruning to take place on her property;
- Width of view corridor.

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

Seconded and voted unanimously.

Brian D. & Nicole Connolly. Remove existing single-family dwelling; construct new single-family dwelling with decks and pool, related landscape & mitigation at 169 Salten Point Rd., Barnstable as shown on Assessor's Map 301 Parcel 003. **SE3-5393**

The applicant was represented by was represented by Bob Perry of Cape Cod Engineering, Inc., and Chris Horiuchi of Horiuchi Solien, Inc.

Exhibits:

A – Landscape plan dated 5/31/16, submitted at hearing.

Issues discussed:

- Quorum present (except for Commissioner John Abodeely who was not part of original quorum). [Commissioner Abodeely left the meeting]
- Pool fence is integrated into deck;
- Mitigation area will need to be maintained and demarcated;
- Square footage calculation still needs to be noted on plan along with leaching drawdown pits for pool.

A motion was made to approve the project with special conditions: a) Submission of a revised plan showing ongoing conditions in certificate of compliance, stating that mitigation area to be maintained in perpetuity; b) calculations for pool drawdown pits and demarcation of mitigation area to be shown on revised plan.

Seconded and voted unanimously.

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

A. Christopher SE3-5000 (coc,ez) patio; landscaping; retaining wall *
at 861 Sea View Avenue, Osterville – Nantucket Sound

B. Taylor SE3-5382 (coc,ez) permit existing pier *
at 50 Circle Drive, Hyannis – Simmons Pond

A motion was made to approve the certificates (A & B). [Commissioners Abodeely, Sampou and Morin were absent for the vote]

Seconded and voted unanimously.

[Commissioner Morin returned]

VI MINUTES FOR APPROVAL

A. May 10, 2016

B. May 17, 2016

A motion was made to approve the minutes (A & B). [Commissioners Abodeely and Sampou were absent for the vote]

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:32 p.m.