



Town of Barnstable Conservation Commission

200 Main Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

MINUTES

CONSERVATION COMMISSION MEETING

DATE: JUNE 21, 2016 @ 3:00 PM

LOCATION: HEARING ROOM – 367 Main St., 2nd Floor, Hyannis, MA 02601

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 3:00 p.m. by Chairman F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle and Commissioners Peter Sampou (arrived for 4:30 agenda), Larry Morin, and Louise R. Foster. Commissioner Scott Blazis was away.

3:00 PM AGENDA

I OLD & NEW BUSINESS

A. Land Management Update – Seabury Farm and Bridge Creek.

Nicholas McKean spoke on behalf of his Eagle Scout project to install trail markers.

II REVISED PLANS

Project type:

Revision:

A.	Benedetto SE3-4203 359 Santuit Rd., Cotuit	sfd, septic, landscaping	to show as-built conditions on site
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The applicant was represented by Steve Wilson, P.E., of Baxter Nye Engineering, Inc.

Exhibits:

A – Revised plan dated 5/9/16, showing section of plan submitted.

Applicant is to install a fence along the work limit.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Taylor SE3-5334 & SE3-4836 56 Sand Pt., Osterville	timber walkway pier, ramp, float	add kayak rack, paddle board rack, storage box
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The applicant was represented by John C. O'Dea, P.E., of Sullivan Engineering and Consulting, Inc.

Exhibits:

A – Photo of kayak racks

Issues discussed:

- Would racks on bulkhead cause any issue with saltmarsh or beach grass in the vicinity?
- Racks would be better on the pier.

A motion was made to approve the project, subject to receipt of a revised plan locating kayak racks on pier.

Seconded and voted unanimously.

C. Barr SE3-4757 sfd landscaping
49 Main St., Osterville

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

Exhibits:

- A – Photo of existing Norway maple tree;
- B – Photos of Halka Honey Locust – proposed replacement tree.

Issues discussed:

- Reason why Halka Honey Locust would be a good replacement tree;
- Safety – site line. Roadside tree; tree not on Commission’s approved planting list.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Khouri SE3-4884 sfd, garage, landscaping landscaping
351 Huckins Neck Rd, Centerville

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

Exhibits:

- A – Photo of existing stairs

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Samra/Pearson SE3-5323 sfd modifications
265 Seauit Rd., Osterville

The applicant was represented by Seth Wilkinson of Wilkinson Environmental, and Bennett LaFrance.

Exhibits:

- A – Photo of tree
- B – Architects drawing of boat house

Issues discussed:

- Reason for stone terrace near boathouse.

A motion was made to approve the project, subject to receipt of a revised plan, deleting stone terrace of boathouse. (At a later date this issue may be revisited).

A motion was made to approve the revised plan.

Seconded and voted: 4 votes = Aye. There was one abstention.

F. 120 East Bay R. T. DA-15044 septic upgrade foundation plantings
120 East Bay Rd., Osterville

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III EXTENSION REQUESTS

Project type:

Time requested:

A. Wallace SE3-5089 Subdivision 1st Request; 3 years
0 High St., W. Barnstable

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

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

B. TOB/Conservation SE3-5096 Sonar treatment/fanwort 1st Request; 3 years
Gooseberry Cove, Lake Wequaquet

The applicant was represented by Darcy Karle.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. **Silvia – 71 Seventh Ave., Hyannis.** Unauthorized activity beyond the scope of the order of a determination.
Demolition of complete building.

Exhibits:

- A. Request for Determination April 13, 2015, with project description;
- B. Site Plan and Architectural drawings on record for DA-15021;
- C. Determination for second story addition. DA-15021;
- D. Assessor and Conservation Assistant photos;
- E. Letter to Mr. Silvia from Down Cape Engineering, stating they have been retained to submit an NOI, if necessary.

The property owner was represented by Mark Silvia.

The Commission recommended waiving the “after the fact” portion of the fee for a Notice of Intent. A Notice of Intent should be submitted within 60 days (August 20, 2016). Mr. Silvia can continue to close-off the building to prevent damage to the structure that has already been built.

A motion was made to approve the enforcement order, with amendments.

Seconded and voted unanimously.

[Commissioner Peter Sampou arrived at this time, 4:23 p.m.]

B. Gluck – 51 A Hawes Ave., Hyannis Adding landscape material to the 100 ft. buffer zone of a resource area (barrier beach and coastal bank)

No one attended the meeting.

Exhibits:

- A. 2015 Aerial GIS photo showing previous extent of beach grass and shell drive;
- B. August 2015 photo of beach grass in front of fence.;
- C. Site plan from SE3-5347 showing 20' depth of beach grass in front of fence;
- D. April 2016 photo of shell drive extended to within 2' of fence;
- E. April 2016 photo of shell drive covering beach grass;
- F. June 8, 2016 photo of beach grass restored.

The Commission was satisfied by the removal of shell and replanting of beach grass in the affected area.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

C. Redden – 172 Ralyn Rd., Cotuit Alteration of a resource area, and alteration of the 50' undisturbed buffer from a wetland, No Bottom Pond, by removing vegetation.

Exhibits:

- A. 2014 Aerial GIS showing path location;
- B. 5/4/2016 photos of cleared path, cutting, brush pile, and planted trees.

The matter was tabled to 7/19.

D. Ashur – 487 Scudder Ave., Hyannis Alteration of the 100' buffer from a wetland, wooded swamp and Schoolhouse Pond, by removing vegetation and clearing groundcover.

Exhibits:

- A. 2014 Aerial GIS with 100 ft. buffer line, wetland, area of concern, and pipe material;
- B. 5/2016 Photos of cleared and loamed area, pipe material, damaged tree, and pond;
- C. 8/2009 Amended Enforcement order for clearing area in 100 ft. wetland buffer.

The matter was tabled to 7/19.

E. Shea – 483 Elliott Rd., Centerville Alteration of a resource area, and alteration of the 50' undisturbed buffer from a wetland, Centerville River salt marsh, by removing trees and shrubs and grinding stumps below ground.

The property owner was represented by Andrew Garulay and Peter Shea.

Exhibits:

- A. Photos of stump grinding in buffer zone;
- B. 2014 and 2015 Aerial GIS images of trees and cleared area;
- C. 10/2014 and 3/2008 Assessor photos

The Commission amended the enforcement order to include an enforcement order response plan and fee. The plan shall be submitted to the Commission at the 8/16/2016 hearing under enforcement business. Any other issues related to erosion control should be brought to the Conservation Division for guidance with filing the proper

application. The restoration plan should include understory vegetation to cover the ground, prevent erosion, and provide a vertically complex habitat.

A motion was made to approve the enforcement order, with amendments.

Seconded and voted unanimously.

4:30 PM AGENDA

REMINDER TO APPLICANTS: FEES FOR LEGAL ADS ARE DUE AT HEARING; YOUR FEE IS LISTED BELOW

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.

V REQUESTS FOR DETERMINATION

Three Bays Preservation, Inc. Research to evaluate restoration of Mill Pond in Marstons Mills, including fish habitat assessments, water quality monitoring, sediment sampling and testing of various pilot projects designed to demonstrate how innovative techniques can be used to improve pond water quality. Pond located at intersections of Routes 149 and 28 in village of Marstons Mills, as shown on Assessor's Maps/Parcels (various). **DA-16039**

The applicant was represented by Lindsey Counsell, Executive Director of Three Bays Preservation, Inc.

Issues discussed:

- Mr. Counsell requested that staff assistance seek a safe area to launch the skiff.

A motion was made to issue a negative determination, with the conditions that the project be done in consultation with Conservation staff, and the Commission be informed on all testing results.

Seconded and voted unanimously.

VI NOTICES OF INTENT

Richard Zelman. Construct small addition to garage; modify existing landscaping on street side of house; set additional fencing along harbor side of house at 133 Sunset Ln., Barnstable as shown on Assessor's Map 319 Parcel 022. No work proposed within Barnstable Harbor ACEC. **SE3-5398**

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

Exhibits:

- A – Photo submitted by Steve Wilson;
- B – Photos from Yvonne Coursey, abutter.

Issues discussed:

- Location of proposed path is not indicated on site plan;
- Mitigation to make up for path area;
- Plan appears to show a space between existing beach grass and proposed beach grass mitigation area.

Public Comment:

- Abutter Yvonne Coursey was concerned about the existing fence in disrepair on the side of the property which would be connected to the new one being proposed.

A motion was made to approve the project with special conditions: submission of an as-built plan once the project is completed, showing: path location, mitigation area increased for path, and existing beach grass adjacent to newly planted grass.

Seconded and voted unanimously.

Town of Barnstable/D.P.W. Maintenance dredging of sediment of up to $\pm 3,714$ c. y from within existing/authorized marina basin limits using either mechanical or hydraulic methods with offshore disposal at Cape Cod Bay Disposal Site or at upland site(s). Vessel use at the marina is currently compromised/restricted due to shoaling; maintenance dredging is required to restore basin to authorized depths of -6.0 feet and -9.0 feet Mean Low Water (MLW). Project location: Gateway Marina, 135 South St., Hyannis as shown on Assessor's Map 326 Parcel 061. **SE3-5399**

The applicant was represented by Christine Player, of CLE Engineering and Roger Parsons, P. E., Town Engineer.

Exhibits:

A – Letter from Captain's Quarters Condominium Trust, dated June 21, 2016

Issues discussed:

- Testing is currently going on to determine if dredge spoils using mechanical option for disposal at Cape Cod Bay Disposal site is best. If not, a second option would need to be utilized: hydraulic dredge and mechanical belt press operation to dewater dredge sediments, and move to an upland site;
- Roger Parsons answered Mr. Spillane's questions regarding what actions the Town has taken, or status of the drainage pipe next to the proposed dredge area, and the Town's future goals.

Public comment:

- Matthew Spillane, representing Captain's Quarters Condominium Trust would like to see the footprint of proposed dredge area extended northeast. He was concerned with sediments from the drainage pipe (see letter, Exhibit A, above).

Correspondence:

- Letter received from the MA Division of Marine Fisheries, dated 6/17/16.

A motion was made to approve the project with special conditions: Conservation staff to be informed after consulting with CLE and Army Corps of Engineers on the final method chosen and the disposal site.

Seconded and voted unanimously.

VII AMENDED ORDERS

Town of Barnstable/D.P.W. Seeks amended order to existing Order of Condition issued under DEP #SE3-4582 to authorize the maintenance dredging of the Mid-Entrance Channel within Barnstable Harbor using mechanical methods and unconfined offshore disposal of approx. $\pm 3,492$ c.y. of dredge sediments at Cape Cod Bay disposal Site, rather than at Blish Point Dredge Sediment Containment Basin, as the latter site is no longer a viable disposal site due to erosion impacts sustained over the past several years. Project location: Barnstable Harbor/Blish Point in Village of Barnstable.

The applicant was represented by Christine Player of C.L.E.

Issues discussed:

- Last dredged in 2009;
- Material clean, but cannot be placed on a beach; amendment to dispose at Cape Cod Bay disposal site.

Correspondence: Letter from MA Division of Marine Fisheries, dated 6/17/16.

A motion was made to approve the project with special conditions: 1) no in-water silt producing work to be conducted from Feb. 1 – June 30, and; 2) no dredge barge or power vessel to operate outside channel area in water with less than two feet separation between motor skag and substrate.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 5:41 p.m.