



**Town of Barnstable  
Conservation Commission**  
200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

FAX: 508-778-2412

**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: June 5, 2018 @ 3:00 PM**

**LOCATION: Hearing Room – 367 Main St., 2<sup>nd</sup> 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](http://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 Chair F. P. (Tom) Lee. Also attending was Clerk Dennis R. Houle, and Commissioners Peter Sampou, Scott Blazis, and Larry Morin. Vice-Chair Louise R. Foster and Commissioner John E. Abodeely were away.

Conservation Administrator Darcy Karle assisted, along with Martin Wunderly, Conservation Agent, Fred Stepanis, Conservation Assistant, and Claudette Bookbinder, Administrative Assistant.

**3:00 PM AGENDA**

**I CERTIFICATES OF COMPLIANCE**

- |    |  |          |           |  |
|----|--|----------|-----------|--|
| A. | Haseotes<br>309 Long Beach Road, Centerville | SE3-1801 | (coc, ez) | construct groin & nourish beach (not done)<br>Long Beach/Nantucket Sound |
|----|--|----------|-----------|--|

A motion was made to approve the Certificate of Compliance.

Seconded and voted unanimously.

- |    |                                     |          |          |   |
|----|-------------------------------------|----------|----------|---|
| B. | Hickman<br>1000 Main Street, Cotuit | SE3-0812 | (coc, c) | create path to beach area<br>Cotuit Bay |
|----|-------------------------------------|----------|----------|---|

Ms. Sarah Hinkle, the current property owner, was represented by Wayne Tavares of WetTech Land Design, Inc.

This project was to clear a path from the back yard of a single family dwelling down a coastal bank to a beach area on Cotuit Bay. The outline of the path was approved to have a cobblestone edging.

Loam and seed were shown on the 1/14/1982 approved plan. After the order of conditions was issued, the applicant in a letter to Wayne Tavares dated March 23, 1982, with plan dated 3-21-1982 attached, requested the use of peastone. There is no record that this was presented for Conservation approval. Notwithstanding, there is peastone on the path now. It seems to be a sufficiently porous surface to allow for growth of weedy vegetation. Additional peastone will require filing a request for determination of applicability (RDA).

Staff recommends approval of the peastone, but that that it not be added to unless approved by the Commission.

On the same 3-21-1982 plan, an area was shown as “flat sand area for boat storage”. Again, there is no record that this plan was presented for Conservation approval. There is now a row of four boat-storage racks. There is also a white boat atop some boards and cinder blocks.

The Conservation Commission will need to decide how to approve the kayak racks. Vegetation seems to be growing well in the rack area.

Staff recommended that the boat be placed atop the kayak racks and that its sawhorse-like rack be removed.

A motion was made to approve the Certificate of Compliance, contingent on the following:

1. A plan showing the kayak racks shall be submitted for administrative approval.
2. Existing peastone on the path may remain, but not replenished.
3. The dinghy further up the path shall be moved to the kayak racks. The sawhorses under the dinghy shall be removed.

Seconded and voted unanimously.

## II EXTENSION REQUESTS

### Project Type:

### # Years Requested:

- |    |  |                      |                                 |
|----|--|----------------------|---------------------------------|
| A. | Mass DOT SE3-5308<br>Rte. 28 & Bearses Way | Upgrade intersection | 1 <sup>st</sup> Request; 1 year |
|----|--|----------------------|---------------------------------|

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

Seconded and voted unanimously.

## III REVISED PLANS

### Project Type:

### Revision:

- |    |   |                  |                            |
|----|---|------------------|----------------------------|
| A. | Hirsch SE3-5353<br>251 Nyes Neck Rd., Centerville | raze/rebuild sfd | add terraces; remove trees |
|----|---|------------------|----------------------------|

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

## IV ENFORCEMENT ORDERS

- |    |  |
|----|--|
| A. | Eduardo Franco – 46 Captain Lumbert Ln., Centerville – Alteration of a wetland resource buffer area; built koi pond and patio. |
|----|--|

Exhibits:

- A – Aerial photo of 2014 and 2018 conditions.
- B – SE3-0867 Order of Conditions and Certificate of Compliance for property.

Mr. Franco was present, and was represented by John O’Dea, P.E.

The Commission suggested that the owner could try to seek approval for the items by submitting a notice of intent application.

A motion was made to approve the enforcement order as written.

Seconded and voted unanimously.

- |           |   |
|-----------|---|
| <b>B.</b> | <b>John J. Finn Tr – 254 Long Pond Rd., Marstons Mills</b> - Alteration of a resource area, Long Pond Marstons Mills, by maintaining unpermitted stairs and dock. |
|-----------|---|

Exhibit A – 2017 and 2018 GIS aerial images

Arlene Wilson, P.W.S. represented the property owners.

The Commission asked whether the stairs matched the guidelines for approvable structures. Ms. Wilson suggested that they would, and that the last section of stairs and landing are not in the water at normal water levels.

A motion was made to approve the order as written.

Seconded and voted unanimously.

- C. **Paul and Carol Embree – 624 Poponessett Rd., Cotuit** - Alteration of a wetland resource area buffer, maintaining non-compliant vegetation buffer.

Exhibits:

- A – 2017 photos of shoreline
- B – Vista pruning permit and protocol for DA-05065
- C – Draft buffer restoration plan

Raul Lizardi-Rivera represented the owner.

The Commission asked whether the prior owner could be cited for the violation that Mr. Embree inherited. The Commission also commented on the need for a larger restoration area and [larger] plant sizes.

A motion was made to approve an amended enforcement order to include a revised restoration plan showing a larger buffer planting area, 3 – 5 gallon-size shrubs, 3 years of monitoring reports, and to allow temporary irrigation.

- D. **Blue Sapphire Family LP – 405 Sea View Ave., Osterville** - Alteration of coastal dune buffer area on Nantucket Sound - installation of light pole and storage bin. Failure to obtain Certificate of Compliance for permit # SE3-3843.

Exhibits:

- A – Photos of light pole and storage bin in coastal dune area
- B – Order of Conditions for SE3-3843
- C – Photos of fill in wetland and mulch pile in driveway

The Commission commented that the owner should be invited to an onsite meeting to review the violations. A separate notice of intent will be needed to complete the restoration of the marsh that was required under the expired permit. The landscaper that committed the violations should be identified.

A motion was made to approve an amended enforcement order to include:

1. the removal of fill-dirt and the replanting of wetland plants along the beach path;
2. the owners to meet with Conservation staff on site, and
3. the landscaper to be instructed to contact Conservation before conducting any more work.

Seconded and voted unanimously.

## **V OLD & NEW BUSINESS**

- A. Seth Wilkinson update on the horticultural practice “coppicing” at two locations.

[This item was taken up first on the agenda]

Exhibit A – Presentation

- Seth Wilkinson updated the Commission with regard to two experimental coppicing sites, 305 Baxter Neck, Cotuit and 159 Main Street, Osterville
- Coppicing was described as re-cutting a tree down to the stump and maintaining the multi-stemmed tree at a certain height. The tree is re-cut at the bottom rather than cut at the top
- Holly trees respond well to coppicing.
- Two sites at Baxter Neck were used as examples. Four trees were allowed to be managed via coppicing. One tree did not re-sprout.
- Question was raised about the possible increased chance of fungus taking hold.
- At #159 Main Street, there is good growth.
- Mr. Wilkinson also gave an overview of “pollarding.” Trunks, he said, expand under this type of management. More bio-mass is taken when the top of the tree is cut but, in also managing the tree, there is a reduced potential of storm damage such as results from wind blowing the tree over.
- Pollarding could limit the growth below the cut area.
- The Commission was not ready to adopt either of these methods for approval at other sites at this time.

B. Robin Schwartz – 240 Baxters Neck Road, Marstons Mills – Review restoration planting sketch and plant list for supplemental tree planting in area of violation. (Continued from 5/8/18)

Exhibit A – Photos of tree growth in spring, 2018.

Matthew Eddy of Baxter Nye Engineering, and Peter Childs of Childs’ Arborists represented the owners. Dr. Lehman, property owner, attended and suggested that the site has been managed in the same fashion for decades.

The Commission does not accept the proposal to conduct pollarding of the trees at this time. A vista pruning permit would be needed in the future.

A motion was made to approve the restoration tree-planting plan.

## VI MINUTES

A. 5/29/2018

A motion was made to approve the minutes.

Seconded and voted unanimously.

## 4:30 PM AGENDA

VII EXECUTIVE SESSION [This was taken up last on the agenda – see below, Pg. 6]

## VIII REQUEST FOR DETERMINATION

**Colonial Gas Company d/b/a National Grid.** Install approx. 2.2-miles of 20-inch diameter underground natural gas main in towns of Barnstable and Sandwich. Approx. 1.7 miles of the route will be constructed within the Town of Barnstable. The project will be installed within the existing roadway layout along Service Road, either beneath pavement or within 10 feet of the edge of pavement. **DA-18024**

The applicant was represented by Jack Vaccaro of Epsilon.

Issues discussed:

- The project to expand gas service from Sagamore to Orleans was exempt from State wetlands (isolated wetlands) along the route.
- They would like to start the work next year on west-bound lanes.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

## **IX NOTICES OF INTENT**

**James Pinho.** Construct additions to a single-family home, including new garage, link, decks, and relocation of existing rinse station; existing structures and impervious surfaces are to be removed at 65 Short Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 105. **SE3-5576**  
Request for continuance to 6/12/18

A request for a continuance to 7/24/18 was received from BSC Group via an email dated 6/12/18.

A motion was made to continue the project to 7/24/18.

Seconded and voted unanimously.

**Virginia & Ryan McCourt.** Stabilizing and repairing existing stone seawall at 206 Long Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 001. **SE3-5578**

The applicant was represented by Matthew Creighton, P.W.S. of BSC Group.

Issues discussed:

- An unpermitted fire pit fell within the 50-foot buffer
- The question was how to proceed.
- Wall stones pop-out within a 40-foot stretch of the (approximately) 240-foot wall, and there are two large holes.
- It was suggested that the applicant file a revised plan.
- The applicant may later file an amended order of conditions for the fire pit (within 60 days).

A motion was made to approve the order of conditions, subject to the receipt of a revised plan indicating that the 40-foot section needs immediate repair, and a special condition to state that an amended order shall be filed for the unpermitted fire pit within 60 days of the issuance of the OOC.

Seconded and voted unanimously.

**Philip E. Meany.** Construct deck at 114 Wild Goose Way, Centerville as shown on Assessor's Map 167 Parcel 047. **SE3-5577**

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

Issues discussed:

- The sloped area is (and was originally) in the flood zone
- The Town bank stretches 50+ into the property
- The deck is seaward of the lawn (within the 50-foot buffer)
- Mitigation lawn south of the deck is to be replanted
- Question of whether the deck is within 50 feet of the BVW; John O'Dea thought it was
- Staff recommended that they either do fewer, but larger, plants, (e.g. 5-gal.) or fewer shrubs and add hollies (trees).

A motion was made to approve the project with special conditions, subject to receipt of a revised plan showing fewer, but larger, shrubs; add two holly trees, in consultation with Conservation staff.

Seconded and voted unanimously.

**Deborah A. Ireland, Tr., Deborah A. Ireland Trust.** Demolish existing dwelling; construct new with driveway, patio, septic and all associated appurtenances at 52 Bridge St., Osterville as shown on Assessor's Map 116 Parcel 004. **SE3-5579**

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

Issues discussed:

- Project was in the flood zone, only

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

Seconded and voted unanimously.

[The following matter was moved from beginning of the 4:30 p.m. agenda, and heard last]

**EXECUTIVE SESSION** –The Barnstable Conservation Commission may vote to go into Executive Session under G.L. c. 30A §21(a) discuss pending litigation in the matter of Crane v. Barnstable Conservation Commission Barnstable Superior Court Docket No. 1772CV00609, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Commission.

A motion was made to enter executive session to discuss pending litigation.

Seconded and voted by roll call:

Lee	-Aye
Houle	-Aye
Sampou	-Aye
Blazis	-Aye
Morin	-Aye

The Chair informed the public that the Commission was not to be expected back in public session.

**The time was 5:49 p.m.**