



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: July 24, 2018 @ 6:30 PM**

**LOCATION: Hearing Room, 367 Main Street 2<sup>nd</sup> 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](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 6:30 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners John E. Abodeely, Peter Sampou, Larry Morin, and George Gillmore.

Darcy Karle, Conservation Administrator, assisted.

### I REQUESTS FOR DETERMINATION

**Richard E. Schott, Tr.** Proposed septic system upgrade at 527 Craigville Beach Rd., Centerville as shown on Assessor's Map 246 Parcel 155. **DA-18037**

The applicant was represented by Michael Pimental of JC Engineering.

Issues discussed:

- Received BOH approval already

A motion was made to approve a negative determination.

Seconded and approved unanimously.

**Richard Avery.** Install 3.5' x 6' exit platform deck with 3–4 steps to ground level on each side of platform over existing stones at 170 Horseshoe Ln., Centerville as shown on Assessor's Map 207 Parcel 130. **DA-18038**

Mr. Avery attended, representing the property owner.

Exhibit A – 2009 photo from assessors to compare to the 2016 photo

Issues discussed:

- Darcy listed some concerns regarding choice of application and abutter and legal ad notification.
- A building application was submitted for conservation for review. It mentioned the proposed 3 season room being changed to 4 season room. It also mentioned the 3 1/2' by 6' step.
- During review of the building permit application it was discovered, by looking at parcel detail photos from the assessor's data base, that a large patio was constructed in 2014, with associated retaining wall. This improvement, with other items being requested, could bump it to a NOI application.
- As Administrator Ms. Karle did not understand all components of project when reviewing the legal ad for publication. The abutter letter failed to list 3 season room to become a 4 season, and the request to seek approval for the patio/retaining wall.
- Commission recommends withdrawal of RDA application and an after the fact NOI be filed based on the substantial change.

- Mr. Avery agreed to withdraw determination

**Alan Green.** Cut/remove dead, fallen tree posing safety risk from lake; tree to be cut by chainsaw and placed in woods on same lot at 99 Center Ln., Centerville as shown on Assessor's Map 251 Parcel 016. **DA-18039**

Mr. Green attended.

Issues discussed:

- Commission acknowledges the fallen tree interferes with existing dock
- Question raised on how much of the tree would the property owner like to cut back

A motion was made to approve a negative determination with conditions, leaving 3' of trunk and root ball in place. Cut branches are to be taken out of 50' buffer; heavier pieces of wood may be placed in 50' buffer.

Seconded and approved unanimously.

## **II NOTICES OF INTENT**

**John J. & Dorothy A. Remondi.** Construct bank-access stairs, boardwalk with kayak racks and dinghy dock at 150 East Bay Rd., Osterville as shown on Assessor's Map 140 Parcel 166. **SE3-5591**

The applicant was represented by Arlene Wilson.

Issues discussed

- For non-motorize vessel
- Is a variance required under J4
- Pier will use helical piles; will be used so supports will remain in place all winter, and superstructure will be stored up near kayak racks.
- The Chair stated mucky substrate. Not conducive habitat for shellfish.

Correspondence: Tom Marcotti email July 6, 2018; Waterways email received 7/27/18; Div. Marine Fisheries email July 13, 2018.

A motion was made to make a finding that this is not a "thru water way", so no J4 waiver is required. Based on this finding, a motion to approve the project, as submitted.

Seconded and approved unanimously.

**Catherine Laurent/Town of Mashpee/DPW.** Replace existing culvert and associated retaining walls with new open-bottom structure to restore stream continuity and improve fish passage; roadway improvements to address pavement condition and implement stormwater management system to improve infrastructure at 213-299 Sampsons Mill Rd. (Santuit River), Mashpee. **Road drainage improvements on Barnstable side, Old King's Road. SE3-5589**

Request for continuance to 8/7/18

Correspondence: email dated 7/16/18 requesting a continuance to 8/7/18.

A motion was made to approve the continuance to 8/7/18

Seconded and approved unanimously.

**Perry Vieth.** Proposed construction of rock revetment and beach-access stairs at 97, 105, 107 & 125 Harbor Bluffs Rd., Hyannis as shown on Assessor's Map 325 Parcels 122, 169, 121 & 120. **SE3-\_\_\_\_\_**

The applicant was represented by Lynne Hamlyn of Hamlyn Consulting.

Exhibit A – updated construction protocol July 24, 2018

Issues discussed:

- Question raised on flow of water around the end and the possible effect on abutter property. This is why the wall return comes back in before the property line to keep any effects from effecting abutter property. The wall fades back following the contour.
- Beach nourishment is incorporated into this project.

Correspondence read: Division of Marine Fisheries letter 7/23/18

Public Comment - Cecelia Stone, 75 Harbor Bluff, direct abutter, raised question on how project might affect her property.

A motion was made to approve project with the special condition requiring sand replenishment as an ongoing requirement, and preconstruction site visit with Conservation Agent, contractor, engineer and shellfish biologist.

Seconded and approved unanimously.

**Louis N. & Zacharie H. Vinios.** Repair or replace existing stone revetment and groin, and nourish beach at 47 Sea View Ave., Osterville as shown on Assessor's Map 162 Parcel 025. **SE3-\_\_\_\_\_**

[Tabled taken out of order. Taken up after Pinho, Stone and Rudolph NOI]

Issues discussed:

- NHESP habitat
- Question raised on need for beach nourishment
- Concern with not being able to see revetment under vegetation, to assess the damage of existing revetment. Can evidence be provided?
- The groins predated the wetland protection act, so does not require the condition of sand replenishment up to entrapment

A motion was made to approve project but will need to be continued to August 7<sup>th</sup> for review of the NHESP letter. To approve with the following Conditions:

1. Onsite visit with staff prior to work to determine the extent of needed repair. Once determined, it would be submit as a revised plan for staff review to be placed into the file.
2. Special conditions from 11-18, read into the record from SE3-5477 (a similar project)
3. Beach nourishment to entrapment

A motion was made to amend the motion to state beach nourishment "up to entrapment."

Seconded and approved unanimously.

Correspondence read: Div. Marine Fisheries July 13, 2018.

### **III REQUEST FOR AMENDED ORDER**

[Taken out of order after RDA]

**Town of Barnstable/D.P.W.** Amend Order of Conditions **SE3-5574** by removing #2 Little River Road site (Map 053 Parcel 011) from the project scope for stormwater retrofits within the Three Bays watershed. **\$21.36**

The applicant was represented by April Wobst of APCC.

Tom Lee Chair recused himself.

Issues discussed:

- Commission stated the proposed project, as originally submitted would have been an environmental benefit and that it is a shame they have to back burner this section of the project. Hopefully they will accommodate the public opposition and move forward.

Correspondence – letter from Paul Graves.

A motion was made to approve amended order subject to receipt of a revised plan removing all plan sheets dealing with Little River.

Seconded and approved unanimously

#### **IV CONTINUANCES**

**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 8/7/18

Letter noted requesting a continuance.

A motion was made to approve continuance to 8/7/18 (no testimony), but applicant must be notified that this is last continuance.

Seconded and approved unanimously.

**Oliver Berrett & Lisa Rudolph.** Permit existing freshwater dock and boardwalk and repairs to structure; implement wetland buffer zone land management and restoration plan, at 521 Bumps River Rd., Osterville as shown on Assessor's Map 143 Parcel 039. **SE3-\_\_\_\_\_**

Applicants were represented by Mike Ball, Horsley Whitten, Andrew McGee and Seth Wilkinson of Wilkinson Ecological.

Issues discussed:

- Email was received that Town Surveyor has reviewed and approved the revised plan dated 5/18/2018
- Question raised on permitting of existing shed. This was permitted under SE3-2900
- SE3-5580 was issued by DEP
- Question was raised on what was the nature of the mitigation being proposed, was it part of the enforcement order
- Existing boardwalk is a permanent structure, which would be a waiver under freshwater guidelines. Some additional work would need to be done. Boards should be attached.
- Shrubs in buffer need to be from native list.
- Plan would offer some environmental benefits that could outweigh the request to keep section of lawn
- Can some of the upper mitigation be brought down closer to BVW
- There is an easement that needs to be recognized and plantings shouldn't be placed there.

A motion was made to approve the project subject to revised landscape plan, spreading the 440 sf of plants at the bottom of existing retaining wall or closer to resource area. When it is time to be for pier to be rebuilt, which will require a filing, it will need to be brought into compliance with freshwater guidelines. Three-year monitoring reports shall be submitted.

Seconded and voted: 5 votes = Aye; 2 votes = Nay

The motion carried.

**Joseph R. Jenkins, Tr., South Bluff Realty Trust of 1997.** Continued bank management to include existing pollarding with proposed coppicing, leader management and native plantings for increased density and height diversification at 195 Seapuit River Rd., Osterville as shown on Assessor's Map 070 Parcel 015. **SE3-5570**

The applicant was represented by Mike Eagan and John O'Dea, P.E., and Attorney Valery Moore.

Exhibit A – list of trees and proposed management and revised plan 7/24/18 (two sheets)

Issues discussed:

- Quorum of everyone except George Gillmore
- Question raised on why they are requesting management of trees still outside of vistas
- Concern with lack of time to review revised plan and list
- Arborist should attend the next continuance hearing. It was also mentioned, there is no reason leader management couldn't take place on a tree here or there in the vista corridors.
- Question raised on the need for number of vistas proposed.

A motion was made to approve a continuance to August 7, 2018

Seconded and approved unanimously.

**Hilary M. Stone, Tr., Malpass Trust.** Reconfigure/relocate existing fence; maintain short path to pond; remove selective shade trees for garden at 75 & 94 Indian Trail, Barnstable as shown on Assessor's Map 336 Parcels 002 & 015. **DA-18030**

Request for continuance to 8/21/18

Letter requesting continuance read into the record.

A motion was made to continue the project to August 21, 2018

Seconded and approved unanimously.

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

- |    |                                      |          |           |                                          |
|----|--------------------------------------|----------|-----------|------------------------------------------|
| A. | Furman                               | SE3-0105 | (coc, ez) | construct single family dwelling *       |
|    | 221 Riverview Lane, Centerville      | -        |           | Centerville River                        |
| B. | Stetson                              | SE3-5284 | (coc, ez) | construct seasonal pier, ramp, & float * |
|    | 211 Lake Shore Drive, Marstons Mills | -        |           | Long Pond                                |

A motion was made to approve the certificates (A & B).

Seconded and approved unanimously.

**VI MINUTES**

- A. 6/26/2018
- B. 7/10/2018

A motion was made to approve the minutes (A & B).

Seconded and approved unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:10 p.m.**