



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

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AGENDA – CONSERVATION COMMISSION HEARING

DATE: SEPTEMBER 11, 2018 @ 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 Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, Commissioners John E. Abodeely, Peter Sampou (arrived at 3:30 p.m.), Larry Morin, and George Gillmore.

Conservation Administrator Darcy Karle assisted, along with Martin Wunderly, Conservation Agent, and Fred Stepanis, Conservation Assistant. Paula Schnepf, Town Councilor and Conservation liaison, also attended (arrived at 3:49 p.m.).

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

(coc = Certificate of compliance) (ez = no deviations, staff recommends approval)
(d = deviations, staff recommends denial) (* = on-going conditions)

- A. Hurwitz SE3-5412 (coc, d) construct timber bulkhead with nourishment*
95 Short Beach Road, Centerville Centerville River

Mr. Hurwitz and John C. O'Dea, P. E. of Sullivan Engineering & Consulting attended.

Issues discussed:

- Items not shown on approved plan: Paths, sitting area, and solar lights.
- Mr. Hurwitz confirmed that solar lights have already been removed.
- Boat rack location different than shown on approved plan
- Two-foot path wider than shown on approved plan.

A motion was made to approve the certificate, subject to staff approval of a revised plan showing:

1. Four-foot-wide paths
2. Elimination of former two-foot-wide path
3. Sandy sitting area, with note that there will be no hardscaping
4. New boat rack location.

Seconded and approved unanimously.

- B. Kouri SE3-5463 (coc, ez) partial tear-down/rebuild; relocate shed *
45 Hornbeam Lane, Centerville Centerville River

A motion was made to approve the certificate.

Seconded and approved unanimously.

II EXTENSION REQUESTS

Project Type:

Time Requested:

- A. **TOB/DPW SE3-5325**
Huckins Neck Rd., Centerville

Road improvements

1st Request; 3 years

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

Seconded and approved unanimously.

- B. Garik Gevorgyan SE3-5299
36 Old Colony Rd., Hyannis

Raze restaurant/rebuild as sfd

1st Request 3 years.

This matter was tabled to Oct 9th by the Chair, as no extension request paperwork could be located.

III ENFORCEMENT ORDERS

- A. **Claudia Sussdorf – 16 Cove Lane, Barnstable** - Alteration of a wetland resource area buffer, cutting of vegetation next to pond. Violation of a determination (DA-86005)

No one attended.

Exhibits:

- A. Prior determinations from the Commission. DA-86005 and DA-94073
- B. Photo and aerial images

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- B. **Charles Mitchell – 345 Baxter’s Neck Rd., Marstons Mills** - Alteration of a resource area buffer, Marstons Mills River and coastal bank, removing two pine trees.

John O’Dea, P.E. represented the Mitchells.

Exhibits:

- A. Email from Conservation and photo
- B. Tree health report from landscaper

The landscapers submitted a tree health report for the pines that were taken down. A Commissioner questioned whether more replacement trees were necessary, and other Commissioners noted that the site was not suitable for more canopy species. The Commission amended the order to require the planting of two three-inch diameter replacement trees for the pines that were removed.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

IV OLD & NEW BUSINESS

- A. **Conservation area property use regulations** – Discussion of conservation area regulations, Ch. 701 Town of Barnstable Codes, and proper notification of trail conditions or requests, versus non-sanctioned trail blazing.

Exhibits:

- A. Signage for regulations and illegal trails

The Commission commented that illegal trails had been created over the years in different Conservation areas and these trails cut across large sections of undisturbed natural areas. They noted it is difficult to monitor and prevent illegal trail blazing and use without additional help. It was noted there is a proper process for discussing trail improvements and seeking approval through a public hearing with the Commission.

B. Otis Atwood Conservation Area, West Barnstable – Proposed equestrian by-pass trails for safe access.

Exhibits:

- A. Photos of trails and map of proposed bypass trails
- B. Letter from horse riders

Richard Marchand presented a letter to the Commission and spoke on behalf of the horse riding community that uses the trail.

A motion was made to approve the changes in the trail loop at Otis Atwood to accommodate horse riding activity. The old section of dangerous trail will need to be blocked off.

Seconded and approved unanimously.

C. George P. Haseotes – 773 South Main St., Centerville – Alteration of wetland resource area buffer, Centerville River, by cutting vegetation. Vegetation restoration planting plan.

Exhibits:

- A. Tree report and draft restoration plan
- B. Letter requesting extension from Haseotes' representation

Barry Weiner represented the Crain's, and suggested that they are ready to plant a restoration area.

Atty. Mark Boudreau represented the Haseotes' and asked for an extension for the restoration plan. He questioned the work proposed not being in the area that was damaged.

The Commission agreed with the planting area, but also required the damaged area to be left undisturbed for re-growth and maintained only to allow access through the easement for other neighbors. The planting plan was approved, with revisions, and the plant installation deadline is 10/31/2018.

A motion was made to approve the planting plan with revisions, and a plant installation deadline of 10/31/18.

Seconded and approved unanimously.

D. Town Councilor Schnepf passed out copies of the current town strategic plan. The Council will be attending a workshop to adopt a new strategic plan.

Issues discussed:

- Councilor Schnepf requested comments from Commissioners via email.
- Commissioners gave some input.

4:30 PM AGENDA

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 NOTICE OF INTENT

Darcy Karle/Town of Barnstable Conservation. Aquatic Management Program at Bearse Pond, Centerville to control nuisance and non-native plant growth utilizing treatment with USEPA/MA State registered aquatic herbicides, algaecides, and diver-assisted suction harvesting. **SE3-5604**

The applicant was represented by Keith Gazaille of Solitude Lake Management.

Issues discussed:

- Requested treatment for invasive fanwort, Sonar® aka fluridone treatment in Bearse Pond
- Not first request, treatment done previously
- Survey in July led to discovery of increased density of fanwort in three locations, approximately within 15-20 acres.
- Diver-assisted suction harvesting (DASH) method of removal is not as effective when reaching densities of this magnitude. Pulling can cause plant fragmentation.
- Target dose concentration would be approximately 10-15 ppm
- Use of pellet herbicide releases active ingredient slowly overtime
- NHESP letter states there is no issue or “no take.”
- Division of Marine Fisheries states a time-of-year (TOY) restriction should be maintained on fluridone application March 15 through June 30th to protect winter flounder and alewives. Work may occur between limno-curtains within the TOY range. Currents must be installed prior to March 15th. Shoreline around pond to be closed during treatment.
- Mr. Gazaille recommends that treatment should be done at the time of early growth of plants. Less herbicide would be needed. Best to treat when less plant biomass. Plant die-off can lead to low dissolved oxygen levels. If treated later with higher water temperatures, it would increase turbidity, due to microscopic algae growth because of release of the nutrients into the photic zone. Decaying plant material fuels algae growth. The goal is to apply the initial application in early May, and monitor fluridone concentrations as well as perform lower-dose applications thereafter to keep concentrations within 10-15 ppm. Limno-curtains would be used.
- Ms. Karle explained the complex issue of funding, and preferred treatment timeline. She will try to secure an appropriation (early funding) for the project.
- Darcy requests that this approval not be limited to one treatment.
- Yearly reports would allow for the opportunity to decide when treatment is not needed and we fall back to DASH.
- Effective fanwort densities are being maintained in Wequaquet Lake (proper) by DASH method, at this time.

Correspondence: MA Division of Fisheries and Wildlife (NHESP) letter dated 8/24/18; MA Division of Marine Fisheries letter dated Sept. 11, 2018.

Public Comment :

- Bob Shanker of 168 Holly Point Road, asked about algae in his area. Supports early treatment, but concerned with increase of algae blooms if treatment occurs after July 1st;
- Paul Vancura of 49 Nyes Point Way, was concerned with the death of lily pads. Mr. Gazaille stated that concentrations used should not affect lily pads. He only sees these plants affected when annual treatments are done, such as to Long Pond in Centerville.

A motion was made to approve the project with special conditions as requested by staff: 1) Annual reports and approval; not limited to one treatment; and, 2) Time-of-year (TOY) to be noted.

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and approved unanimously.

Time adjourned: 4:57pm