



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: SEPTEMBER 18, 2018 @ 6:30 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 6:30 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, and George Gillmore. Larry Morin was not in attendance.

Conservation Administrator Darcy Karle and Kim Cavanaugh assisted.

I NOTICES OF INTENT

Arthur & Terrie R. Zeikel, Trs./The Terrie Zeikel Trust. Remove and replace existing boardwalk, pier, ramp and float with new boardwalk, pier, ramp and float, extending approx. 6' further into river with 8' x 25' float L to west side at 129 Main St., Osterville as shown on Assessor's Map 165 Parcel 078. **SE3-5609**

Correspondence: A request for continuance was made via email received on September 18, 2018 from Chuck Rowland of Sullivan Engineering.

No testimony was taken.

A motion was made to continue the project to October 2, 2018.

Seconded and voted unanimously.

Stephen W. Kidder, Tr. & Mark B. Elefante, Tr./225 Ocean Avenue Realty Trust u/d/t. Relocation of one tie-off pile and installation of boatlift on southwest side of end platform of existing pier at 225 Ocean View Ave., Cotuit as shown on Assessor's Map 033 Parcel 041. **SE3-5610**

Arlene Wilson represented the applicant.

Correspondence:

- Email from Tom Marcotti, Town Shellfish Biologist dated September 18, 2018.
- Email from Brian Taylor, Assistant Harbor Master dated September 17, 2018.
- Email from Pooja Potti, DMF dated September 13, 2018.

Discussion:

- The pier on the easterly side for the kayak lift has a Certificate of Compliance.
- The lift is necessary for handicap accessibility. Medical need qualifies under Chapter 703-4 Q (2) (a).
- Discussion of other types of lifts such as a swivel chair from piling or other types of lifts.

- Piling being relocated is moving toward pier. No piling moving further southwest addresses the Harbor Masters concern.
- Commission reviewed how the proposal meets the requirements listed in Q (3) a-d.
- Further discussion on (d). There is currently bottom paint on the boat.

A motion was made to approve a finding that the application qualifies under 703-4 Q (2) (a): there is a demonstrated medical need.

Seconded and voted unanimously.

Motion to approve the project as submitted with two special conditions:

1. When there is no longer a demonstrated medical need, or when the property is transferred or sold, the boat lift, elevator or davits must be removed and the Conservation Division notified.
2. When it is time to repaint the bottom of the vessel, the bottom of the vessel will not be repainted, or will be repainted with non-toxic bottom paint.

Seconded and voted unanimously.

II CONTINUANCES

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. **SE3-5593**
(NHESP only)

Correspondence – NHESP Letter dated September 14, 2018 with conditions.

- Project was continued for the review of the NHESP letter.
- Conditions of the NHESP letter were read into the record.

A motion was made to approve the project and include the three requirements listed in the September 14, 2018 NHESP letter, close the public hearing, and issue the order in 21 days.

Seconded and voted unanimously.

John T. Yunits, Commissioner, Barnstable County. Interim stormwater management improvements at Barnstable County Fire and Rescue Training Academy located at 155 South Flint Rock Rd., Barnstable as shown on Assessor's Map 313 Parcel 007. **SE3-5606**
(NHESP only)

Exhibit A – confirmation of evidential review submitted by Commissioner Houle.

- Project was continued for the review of the NHESP letter. The letter has not arrived.
- Quorum – Everyone except Commissioner Houle.
- Commissioner Houle is signing in under Mullin rule (confirmation of evidential review) to join quorum.

Correspondence – Email from Laura Krause dated September 18, 2018 requesting continuance to October 2, 2018.

Motion to continue the hearing for NHESP review only.

Seconded and voted unanimously.

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

- A. Doherty SE3-5417 (coc, ez) construct 2nd floor addition; patio; porch; etc. *
281 Scudder Road, Osterville Neck Pond
- B. Roberts Realty SE3-1571 (coc, ez) construct single-family dwelling *
47 Fox Hollow Lane, Osterville bordering vegetated wetland

A motion was made to approve A-B.

Seconded and voted unanimously.

IV MINUTES

- A. 8/21/2018 A motion was made to approve. Seconded and voted unanimously.
- B. 9/4/2018 A motion was made to approve as amended. Seconded and voted unanimously.

**A motion was made to adjourn.
Seconded and voted unanimously.
The time was 6:58 PM.**