



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: MARCH 12, 2019 @ 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 Pete Sampou (arrived at 3:18 p.m.), Larry Morin, and George Gillmore. Commissioner John E. Abodeely was away.

Ms. Paula Schnepf, Conservation Town Council liaison, attended.

Conservation Administrator, Darcy Karle, assisted, along with Conservation Agent Ed Hoopes.

3:00 PM AGENDA

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

- | | | | | |
|----|--|----------|-----------|--|
| A. | Al-Saleh | SE3-3472 | (coc, ez) | construct handicapped-accessible boardwalk * |
| | 253 Seapuit River Road, Oyster Harbors | | | Seapuit River |
| B. | Yasmine Rlty. | SE3-4626 | (coc, ez) | maintenance dredging * |
| | 253 Seapuit River Road, Oyster Harbors | | | Seapuit River |

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

Seconded and approved unanimously.

II REVISED PLANS

Project type:

Revisions:

- | | | | |
|----|-------------------------------------|---------------|---------------------------|
| A. | Gould/Marsh House Nom. Tr. SE3-5050 | sfd; addition | generator; AC units, etc. |
| | 82 Hummock Ln., Cotuit | | |
| | (continued from 2/19) | | |

The consultant requested a further continuance.

The matter was tabled by the Chair to April 9th.

E. Wetlands Restriction Orders – Follow-up information after contacting the D.E.P.

- Ms. Karle reviewed the information received from the MA DEP.
- The DEP can be the only party able to enforce a wetland restriction.
- Arlene Wilson offered her knowledge on coastal wetland restrictions.
- Information from Ms. Wilson was found to be very helpful. The information will be transcribed by staff and made available at the office for review, and a copy kept in the hearing bag to assist with future filings, should the issue come up again in the future.
- Restrictions serve as a notice to property owners. At one time, the State was willing to come out and stake the site.
- In most cases, the actual NOI (filed on a property where there may be a coastal restriction) protects the property, as we now have buffer zone regulations. There are a few cases on the north side where restrictions could overlap.

V ENFORCEMENT ORDERS

A. Arthur Perry, Jr. Tr., Perry Residence Trust 1-2013 – 35 Little River Road, Cotuit - Map 053 Parcel 003 Alteration of wetland buffer, riverfront and coastal bank buffer by cutting vegetation; topping trees.

Landscaper – Aaron Childs, Braddock W. Childs Tree Service – Warning letter

Exhibits:

- A. Correspondence and approved revised landscape plan
- B. Correspondence between Sullivan Engineering and Rob Gatewood
- C. Photos taken at time of COC request (dated 1/15/2013)
- D. Assessor’s photo dated 1/20/2011
- E. Photos of vegetation cutting taken 12/12/2018
- F. Photos taken 3/6/2019

Mr. Perry attended. Mr. Childs (landscaper) did not appear.

Issues discussed:

- Extent and timing of the cutting (42 sapling oaks were topped during the week of Dec. 9, 2018)
- Mr. Perry asked for a continuance to the May 7, 2019 meeting, in order to have his engineer present.
- The Commission agreed to allow Mr. Perry to return with representation; however, the conditions of the enforcement order, discussed and approved at the Jan. 15th meeting, would not change.
- The Commission encouraged Mr. Perry to hire a certified arborist as soon as possible, so that work could begin on the arborist’s analysis report, as stipulated in the enforcement order.
- The deadline for receipt of the arborist’s analysis was extended to May 1, 2019.

4:30 PM AGENDA

VI REQUESTS FOR DETERMINATION

Nathan & Christine Coelen. Construct 3' x 13' bump-out addition to kitchen; construct two dormers on 2nd floor; construct two bay windows on 1st floor at front of house at 469 Main St., Centerville as shown on Assessor’s Map 208 Parcel 085-002. **DA-19007**

The applicants were represented by Frank Donovan, builder.

No issues arose.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

VII NOTICES OF INTENT

David Kanyock/Barnstable Public Schools. Parking lot, grading, drainage improvements and planting; all work associated with renovation of existing baseball field located outside buffer zone at Barnstable High School, 744 West Main St., Hyannis as shown on Assessor's Map 249 Parcel 094. **SE3-5659**

Dave Kanyock attended, and was represented by John Amato of J.J.A. Sports.

Exhibits:

- A – Phase I, "Permitting Presentation"
- B – Documentation of mailings
- C – "Wetland Delineation Report"

Issues discussed:

- Ms. Karle requested that the applicant submit the actual delineation form for the office file, to go along with the report.
- Chair Lee had reviewed the stormwater report.
- A question was raised about providing access gates for maintenance.
- A question arose regarding maintenance of the banks, and whether mowing would be needed. Mr. Amato agreed to provide grading for access.
- A construction protocol should be submitted for drainage structures.
- A level spreader should be provided in overflow areas, such as a concrete berm, to lower the velocity of water flowage in the case of large rain events.
- Maintenance will be provided by the high school.
- Water quality improvements that could be made.
- The Barnstable DPW should be consulted.

A motion was made to approve the project as submitted, subject to receipt of a revised plan, indicating the following: gates for maintenance access, grading changes to facilitate the maintenance, level spreader in the emergency spillway, water quality improvements to existing catch basins by adding a vortex (PVC hood), and tying into a catch basin. Also, approval subject to the following conditions: receipt of a construction protocol to be provided for staff's review prior to construction.

Seconded and approved unanimously.

Yavuz Anahtar. Construct addition and deck to existing single-family dwelling; move septic tank; replace geese-control fence; landscape at 455 Huckin's Neck Rd., Centerville as shown on Assessor's Map 233 Parcel 048. **SE3-5660 \$27.76**

The applicant was represented by Arlene M. Wilson, P.W.S. of A. M. Wilson Associates.

Exhibit A – Color-marked plans (two sheets; no revisions)

Issues discussed:

- Type of fencing to control geese; was proposed as a permanent fence; will be kept 8" off-grade.
- Question: Would growth of mitigation in three years allow for fence removal?
- The possibility under a future filing of removing the fence in shrub-planting area, since the shrubs would limit geese from entering the lawn.
- Concern that the work-limit line is only shown on the landscape plan.
- The planting list does not contain "gallon" sizes.
- Staff recommended demarcation of the mitigation area.

A motion was made to approve the project as submitted, with a revised landscape plan indicating demarcation of the mitigation areas, in consultation with staff; geese fencing must allow passage for wildlife; provide gallon-size plants for mitigation.

Seconded and approved unanimously.

Carlton C. Sands, Jr. & Christine A. Sands. Raze and replace single-family home at 4 Bay Shore Rd., Hyannis as shown on Assessor's Map 326 Parcel 082. **SE3-5661**

The applicants were represented by Sean Riley, P.E. of Coastal Engineering and Jennifer Crawford, P.L.A. of Crawford Land Management.

Issues discussed:

- The applicant would, in addition to the above, like to request a fence for a dog.
- Ms. Karle said the fence would work nicely as a demarcation between the lawn and mitigation area.
- The consultant will provide annual monitoring reports, and gallon sizes for shrubs would be bumped-up to three-gallon size.
- No clearance is required under the fence, as it is to contain a dog.
- The fence will be chain-link, and installed on the landward side of mitigation; vinyl fencing to be placed along the sides.
- Whether the applicants should provide a cedar tree.

A motion was made to approve the project subject to receipt of a revised plan indicating the dog fence to be put along the lawn edge; change to three-gallon sizes for beach plum and Virginia rose; a special condition for yearly (mitigation) monitoring reports for three years.

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and approved unanimously.

The time was 5:33 p.m.