



**Town of Barnstable
Conservation Commission**
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MINUTES – CONSERVATION COMMISSION HEARING

DATE: MAY 28, 2019 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street 2nd 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), 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, Pete Sampou, Larry Morin, and George Gillmore.

Darcy Karle, Conservation Administrator, assisted, along with Claudette Bookbinder, Administrative Assistant.

I REQUESTS FOR DETERMINATION

Boris Perin. Create border berm from back corner of property for flood protection at 45 Silver Lane, Hyannis as shown on Assessor's Map 268, Parcel 156. **DA-19021**

The applicant attended, and was represented by Steve Leonard of Maffei Landscape.

Issues discussed:

- The cranberry bog gets flooded from a pond, affecting the applicant's house (owned for two years).
- Existing berm 60' to be extended

A motion was made to approve a negative determination.

Seconded and approved unanimously.

Paul S. & Irene G. Paresky. Permit after-the-fact existing stepping stone path, kayak rack, and vista pruning at 275 Green Dunes Drive, Centerville as shown on Assessor's Map 245, Parcel 030. **DA-19022**

The applicants were represented by Charles T. Rowland of Sullivan Engineering & Consulting, Inc.

Issues discussed:

- An enforcement order was issued previously
- Plantings were done according to the approved plan; staff is satisfied with this.
- Previously approved planting restoration plan.
- Stone steps (10) appear unstable and problematic; the Commission suggested perhaps a boardwalk, instead
- A boat was seen on the bank – was floating and unidentified

A motion was made to approve a negative determination, with a condition that the (approximately) ten stepping stones closest to the resource area be removed and, if necessary, be replaced via an RDA application.

Seconded and approved unanimously.

John M. Kayajan II. Upgrade existing soil absorption system with a new 3-bedroom pipe and stone leaching field at 40 Cap'n Samadrus Road, Cotuit as shown on Assessor's Map 038, Parcel 029. **DA-19023**

The applicant was represented by Daniel Ojala, P.E. of Down Cape Engineering, Inc.

Issues discussed:

- The rock wall holds back the bank and helps facilitate the leach field.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

II NOTICES OF INTENT

Town of Barnstable/DPW. Proposed stormwater retrofits for two locations within the Three Bays watershed consisting of a bioretention, dry swales, and proprietary water quality device designed to improve stormwater runoff capture and treatment. The goal of the project is to improve water quality of the Three Bays by reducing pollution from stormwater runoff. Projects are located in Town rights-or-way on South County Road (near #s 1800 & 1812), Osterville and Captain Isiah's Rd. & Putnam Ave. intersection, Cotuit. **SE3-5689**

Chair Tom Lee recused himself.

The applicant was represented by Michelle West and Tara Lewis of Horsley Witten Group.

Exhibit A – Photos/slides regarding catch basins

Issues discussed:

- Concern about how consultants know whether water quality will improve. According to the consultants, there should be a cumulative improvement, and the results should be evident in about two weeks.
- The Commission questioned whether they were addressing the actual cause of water pollution. They were told that 80% [of water pollution] is caused by septic systems, and that this project addresses stormwater – it does not address nitrogen-loading.
- Staff mentioned the Chapter 708 stormwater review requirement. Ms. Karle said she has already begun the process of hiring an outside consultant, as the Chair has recused himself, and cannot review it himself. As this project is grant-funded, the Town will need a cost estimate by June 30th.

A motion was made to hire a consultant to review the stormwater report by June 11, 2019.

Seconded and approved unanimously.

A motion was made to retain an outside consultant, selected by staff through the Chapter 708 process, to complete a stormwater review, to be paid for by the applicant and to complete the review prior to June 11, 2019.

Seconded and approved unanimously.

A motion was made to approve the project, as proposed, and continue this matter until June 11th, for the sole purpose of reviewing the stormwater report by the consultant.

Seconded and approved unanimously.

David L. & Lisa A. Larsen, Trs., NPT Realty Trust. Permit and maintain a seasonal freshwater pier at 58 Nyes Point Way, Centerville as shown on Assessor's Map 233, Parcel 016. **SE3-5686**

The applicants were represented by Charles T. Rowland of Sullivan Engineering & Consulting.

Issues discussed:

- The pier was recently updated
- Possible clearing of natural vegetation and the need to clean-up materials and debris in a small section of the buffer.

A motion was made to approve the project as submitted.

Seconded and approved unanimously.

305 Holly Point LLC. Demolition of existing Single Family Dwelling and construction of new SFD with patio, drainage and landscaping at 305 Holly Point Road, Centerville as shown on Assessor's Map 232, Parcel 068. **SE3-5688**

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

Exhibit A – Photos of current drainage system (rain garden) and trees needing to be removed for new drainage system

Issues discussed:

- Applicants are requesting a lot of re-grading and increased drainage
- Applicants want a 1-foot-high berm to keep people out; this will require taking out 8 trees, but 10 will be replanted
- Concern for timing of project; Commission recommended that creation of the retention area take place at the time of peak-growth of the replacement trees.

A motion was made to approve the project as submitted with a condition to submit a written protocol to staff prior to start of work describing removal of the eight trees, which ones to be flush-cut, and which ones to have root removal; and recommendation for spring construction of drainage basin.

Seconded and approved unanimously.

Bonnie McKenna. To permit the demolition of a single family home and garage, and construction of a new single family home at 25 George Street, Barnstable as shown on Assessor's Map 319, Parcel 064. **SE3-5687**

The applicant attended and was represented by her son, Alan McKenna.

Issues discussed:

- This project was missed at a prior building sign-off as not being located in the buffer zone. Therefore, it is now before the Commission for (after-the-fact) approval. No extra fees were imposed by the Commission.

A motion was made to approve the project as submitted.

Seconded and approved unanimously.

III CONTINUANCES

Windmill Cove Associates c/o Turtle Rock, LLC. Maintenance dredging (previously performed in the 2000's under SE3-4039) at Windmill Cove, south of Bridge St., including properties at 101 Carriage Rd., 8 & 20 West Bay Terr., 25, 49, 81, & 83 Oyster Way, Osterville as shown on Assessor's Map 071 Parcel 011-012; Map 072 Parcels 011-011, 012, 038-001, 039, 042, 043. **SE3-5678**

Continued for NHESP only

A letter dated 5/3/19 from Natural Heritage & Endangered Species Program was read into the record.

A motion was made to close the public hearing and have staff issue an order of conditions within 21 days.

Seconded and approved unanimously.

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

- | | | | |
|----|---|--------------------------|---|
| A. | Gerardin
23 Laurel Avenue, Centerville | SE3-5509
(coc, ez) | raise house; construct addition *
wetland to Centerville River |
| B. | Hamblin
710 & 714 River Road, Marstons Mills | SE3-5260
(coc, ez) | construct single family dwelling (not completed) *
cranberry bog |
| C. | KILO Assoc.
17 Pond Meadow Drive, Marstons Mills | SE3-0543A.1
(coc, ez) | construct single family dwelling *
unnamed pond |

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

Seconded and approved unanimously.

V OLD & NEW BUSINESS

- A. Up-date on chemical treatment of lakes and ponds, and staffing needs.

An emergency suspension of all chemical treatment of Bearse' Pond and other wetlands was recently announced by the Town Manager's office. Mechanical treatment will still be deemed acceptable.

Because the Town budget for fiscal 2020 has been finalized, it was agreed that a letter will be prepared and submitted to the Town Council before the next budget review process for 2021 (usually done in October).

VI MINUTES

- A. 5/7/19

A motion was made to approve the minutes of 5/7/19.

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and approved unanimously.

The time was 8:08 p.m.