



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: September 17, 2019 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street 2nd Fl., Hyannis, MA

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.

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 Abodelly, Pete Sampou, Larry Morin, and George Gillmore.

Darcy Karle, Conservation Administrator, assisted along with Kim Cavanaugh, Administrative Assistant.

I EXTENSION REQUESTS

Project type:

Time Requested:

A. Drago BCC-195 90 Bay View Road, Barnstable	Raze & replace SFD & shed garage, patio	2 years
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The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering.

Issues discussed:

- There is a new owner of the property, Anthony Tam. The property is for sale.
- Drywells are in and down the spouts are going on. Just need to do mitigation plantings.
- Email from Conservation Agent Ed Hoopes read into record.
- The swale is to carry water from front to back. It is shallower than what was on the original plan. The Commission would like to see the project a year from now rather than wait 2 or 3 years to see if swale works well.
- Submit revised plan with spot grades.
- Water in basement issues were addressed by raising the grade. Sump pump has not been running and should not be needed in the future. A question was raised if the problem seems to be solved because of lack of rain.

A motion was made to grant a one year extension subject to receipt of a revised plan with spot grades shown in the now shallower swale and the Commission will be revisiting this in one years' time.
Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Vivian Cress c/o Douglas Cress. Proposed septic system upgrade at 326 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 027. **DA-19040**

The applicant was represented by Peter McEntee, of Engineering Works.

Issues discussed:

- There were no questions from the Commission about the project.
- A concern was raised regarding future enforcement dealing with unpermitted construction on the water side.

- Staff would like pictures submitted for proposed septic work.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Timothy & Italia Luff. Construct a guest cottage and all associated appurtenances at 0 Rushy Marsh Road, Cotuit as shown on Assessor's Map 018 Parcel 027. **SE3-5716**

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering.

Commissioner George Gillmore stated he is not a direct abutter but lives close, approximately 110 feet away.

Issues discussed:

- It is an undeveloped site.
- Cottage is within the 100' buffer.
- A question was raised regarding if it will be a paved driveway. It will be a paved driveway with drainage.

There was no public comment.

A motion was made to approve the project as submitted subject to receipt of a revised plan noting what the driveway surface is to be and if it is to be a hard surface, indicate associated drainage.

Seconded and voted unanimously.

Assembly Required, LLC & Barnstable Land Trust. Proposed restoration for Little Parker's Pond to include returning the normal salt pond function, water quality and habitat. The proposed project includes restoring the pond to its historic depth, improving the tidal connection, restoration of banks and establishment of native plant communities at 617 Main Street and 8, 106, 110, 120, 50, and 100 East Bay Road, Osterville as shown on Assessor's Map 141 Parcel 104001, Map 141 Parcels 105, 104004, 123001, 106, 107, and Map 140 Parcel 163. **SE3-5717**

The applicant was represented by Attorney Sarah Turano-Flores and members of the project team, Janet Milkman Executive Director of Barnstable Land Trust, Tray Ruthven from Applied Coastal, John Odea of Sullivan Engineering, Seth Wilkinson of Wilkinson Ecological Design, and Matt Coughman, project manager for the contractor, CBC building.

The project was first presented to the Commission two years ago as informational meeting before going through state and local permitting processes.

Exhibit A - A slide presentation was given which included a review of the project, history of the pond, water quality issues, project development process and review of all required permits received.

Issues discussed:

- An extensive work protocol narrative has been submitted.
- Commission requested the four access points be addressed.
- There is only a three inch tide range currently in pond. There will be a 2 ½ to 3 foot tide change when the project is complete.
- There are no fin fish or shellfish currently in pond.
- Water quality is horrific.
- Sediment will be removed using a hydraulic dredge.
- There will be three dewatering areas. A belt press is planned to be used and sediment can be brought off site.
- During construction the causeway will be closed for approximately two months. Other possibilities for access.
- Culvert will not require any substantial maintenance. It is designed to maintain its natural bottom.
- A question was raised of where the cakes are going to be stored. It will be removed from the site on a daily basis using a truck. Any materials being re-used will be going to the contractors' yard and brought in during restoration process.
- Dredging should take 60 working days. Depending on weather.
- There should be a specific condition stating no dredging is to be done outside of culvert. Work area should be shown on plan.

- Bank restoration - a three year maintenance plan is estimated for the bank. Complete restoration should take approximately four years.
- During construction the culvert will be closed completely.
- Concern that the culvert is at about the 2 foot level. If a major storm comes in what would happen if the salt water got in. The plan has a revision to remove the boards to let the salt water back out. The owner will be responsible for adjusting the board. Board maintenance plan is included.
- A special condition should be included stating the project will be implemented by Wilkinson. Any change in contract should consult with staff.
- Forms A&B will be submitted by KBC Builders.
- All permits for the project are included in the NOI filing.

Comment letters from Antonia Blanca, Sue and Frederic Merrick, Rich and Blythe Evans, Zenas Crocker of Barnstable Clean Water Coalition, Joseph Hawley, President Barnstable Land Trust and Eileen Feeney from Division of Marine Fisheries were read into record.

- Antonia Blanca's letter involves the method of bringing in large machines and damage to her property. Equipment will be brought in one time and stay on site. They will meet with her to repair and replace if any damage occurs.

Public comment:

Denise Tripp, 41 South Street, Osterville

Denise is in favor of the project. She asked questions on the dewatering process, and who to contact if odors become a problem. She has a concern about four access points for the project. Feels access route four should be eliminated. Route four will only be used for plant storage, not dredging access. Belt press will be used for dewatering. Dredging material will be removed from property every day which will considerably reduce the odors.

Dave Brajczewski, 99 East Bay Road, Osterville

Mr. Brajczewski stated he has not been available for the neighborhood meetings. His property is directly across from the dewatering area. There are three fulltime residences on the street. Since 2008 it has been an industrial war zone of construction and has gotten unbearable. Requesting no dewatering allowed in Barnstable Land Trust area. All work should be done through the Shah's property. He feels the culvert should be accessed through 617 Main Street.

Mary Gaines Standish, 73 East Bay Road

The noise and discomfort has been going on for years. She feels they have not been polite and have not talked to neighbors. Her husband gave the property to Barnstable Land Trust. He would not have approved of them using this property for dumping.

Janet Milkman from Barnstable Land Trust spoke to address concerns.

Barnstable Land Trust supports the project, however the intention is not to use Barnstable Land Trust property for dewatering. They would have to come back to commission if that changes. The property looks different because neighbors have paid for an incredible amount of invasive removal. It looks bare because invasives are gone. In four years it will be healthy and look beautiful.

A motion was made to approve the project as submitted with the following special conditions, the applicant shall provide a Stormwater Pollution Prevention plan prior to start of work for staff to review and approve. The Commission is specifically approving the use of the belt press option for dewatering. If that option proves unsuccessful and the applicant needs to use a different method then they shall submit the reasons why to the Commission through a revised plan process. The project is to be supervised by Wilkinson Ecological and if for any reason the applicant desires to change the ecological consultant, they would need to submit to Conservation staff the name of the retained Certified Ecological Restoration Practitioner (CERP).

Seconded and voted 6 Aye, 1 Nay.

Motion carries

Christopher Heckscher. Construction of a single family dwelling, on-site sewage disposal system and associated site amenities at 144 Peppercorn Lane, Cotuit as shown on Assessor's Map 004 Parcel 010. **SE3-5715**

The applicant was represented by Sean Riley of Coastal Engineering.

Issues discussed:

- An Order of Conditions was issued in 2015. An abutter appealed the decision to DEP who issued a superseding order. They have tried to work things out with the neighbor and have come up with this new NOI application. Previous application would be closed and dismissed if this new OOC is issued.
- NHESP has revised map and this property is no longer in NHESP jurisdiction.
- They have moved the house approximately 45' to the south.

There were no questions from the Commission.
There were no public comments.

A motion was made to approve the project as submitted.
Seconded and voted unanimously.

IV CONTINUANCES

Carlton C. & Christine A. Sands, Jr. Construct dock system to include a 100-foot-long pier to a ramp at 16' leading onto a 6' x 16' floating dock; ramp and float will be seasonal, at 4 Bay Shore Rd., Hyannis as shown on Assessor's Map 326 Parcel 082. **SE3-5676 Request for continuance to 10/15**

This matter opened on 8/6 with six Commissioners. Commissioner Sampou has done mulling in. There are now seven for the quorum. A new plan has been submitted and a new shellfish survey needs to be done. The abutters should be re-notified.

A motion was made to approve the continuance request to 10/15/19 with no testimony taken.
Seconded and voted unanimously.

V REQUESTS FOR AMENDED ORDER

Paul Roiff. Amend Order of Conditions to modify the location of the approved driveway to extend onto the abutting property to the south, which the applicant also owns at 160 and 166 Peppercorn Lane, Cotuit as shown on Assessor's Map 004 Parcel 011 and Parcel 013. **SE3-5685**

The applicant was represented by Mike Ball, P.E. of Baxter Nye Engineering.

Issues discussed:

- An Order of Conditions was issued in May.
- The applicant would like both properties listed in the order.
- Order of Conditions for SE3-5112 needs a Certificate of Compliance before an amended order is issued.

There was no public comment.

A motion was made to approve the amended order request with one special condition that no work under amended order may be carried out until the certificate of compliance for SE3-5112 is issued.
Seconded and voted unanimously.

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

A.	Ruggiero	SE3-5038	(coc, ez)	raze & construct single family dwelling *
	93 Circuit Avenue, Hyannis		-	area of Snows Creek
B.	Bernard	SE3-5447	(coc, ez)	raze & construct addition to sfd; landscaping *
	172 Millway, Barnstable		-	Maraspin Creek

A motion was made to approve A and B.
Seconded and voted unanimously.

A motion was made to adjourn.
The time was 8:43 PM.

