



Town of Barnstable Conservation Commission

200 Main Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation@town.barnstable.ma.us

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION HEARING

DATE: April 14, 2020 6:30 PM

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.

Remote Participation Instructions

In accordance with the Governor's Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the April 14th public meeting of the Conservation Commission shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting

<https://zoom.us/j/330257140?pwd=Rk01WmZBYXJLVmFRc0FHQ1VNTc9lQT09>

Meeting ID: 330 257 140

Password: 010287

888 475 4499 US Toll-free

3. Applicants, their representatives and individuals required or entitled to appear before the Conservation Commission may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Darcy.Karle@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us

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 in attendance were: Vice Chair Louise R. Foster, Clerk Dennis Houle, Commissioners Larry Morin, George Gillmore, John Abodeely, and Pete Sampou.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Edwin Hoopes.

I OLD AND NEW BUSINESS

A. **David Gould.** Review of arborist's report for 139 Regency Dr., Marstons Mills.

The applicant was represented by Lynne Hamyln.

The Commission requested the restoration area be monitored for 3 years, and any dead or dying vegetation will be replaced.

A motion was made to approve the presentation on the enforcement order.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

- A. Oyster Harbors Club, Inc.** Proposed work is to remove 5 trees by the 11th hole tee box at 145 Grand Island Avenue, Osterville as shown on Assessor's Map 071 Parcel 004001. **DA-20011 Continued from 3/31/20**

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

Issues discussed:

- A question was raised about taking down 5 trees. Could they take down fewer trees and prune some rather than take them all down.
- Commission would like to see increase in diversity with the removal of trees by adding some food supply shrubs.

There was no public comment.

A motion was made to approve the project as a negative determination with the trees being replaced with appropriate shrubs approved by staff, and submitted in the form of a letter.

Roll call

Seconded and voted unanimously.

- B. Josee and George Klentak.** Remove and replace two hazardous trees; remove and eradicate turf and invasive species as well as to revegetate with native plants at 212 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 034. **DA-20012**

The applicant was represented by Michael Talbot of Environmental Landscape Consultants, LLC.

Issues discussed:

- Commission noted there are no dimensions for the paved patio or distance to resource/pond
- Compliments to the representative on a well prepared RDA application.
- Any change in consultant would require notification to Conservation staff.

There was no public comment.

A motion was made to approve a negative determination with a condition that the property owner must contact the Conservation Division in regards to any change in the consultant performing the work. A revised plan shall be submitted indicating the distance from the proposed patio to the pond.

Roll call

Seconded and voted unanimously.

III NOTICES OF INTENT

- A. Robin A. Brown.** Proposed to relocate existing shared driveway approximately 35' closer to common property line at 250 Smoke Valley Road, Marstons Mills as shown on Assessor's Map 097 Parcel 002. **SE3-5777**

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

Issues discussed:

- The proposed relocated driveway ties into the existing driveway and ends at the boathouse. The existing driveway goes to the back of the guest house.
- The property owners are in agreement on the plan. It is being proposed by the owners at 250. Owner at 236 has easement and is aware of the project.

There was no public comment.

A motion was made to approve the project as submitted.

Roll call
Seconded and voted unanimously.

- B. Benjamin S. & Linda M. Butcher.** Proposed demolition and reconstruction of an existing single family dwelling with proposed pool, patios, cabana, carriage house, and all associated appurtenances at 105 Eel River Road, Osterville as shown on Assessor's Map 116 Parcel 096. **SE3-5776**

The applicant was represented by John Odea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- The areas closest to the dock marked G L & B on the plan should be a variety of mitigation.
- Commission would like to see elevation drawings.
- The only work within the 0-50 buffer would be removal of a tree by the driveway which is half broken and one tree up by the pool where existing patios are.
- Staff raised a concern about grasses all the way down to the bulkhead. Would like to see no grasses next to bulkhead to deter mowing.
- A question was raised if there is enough room for construction near the north side corner of the pool.
- Red cedars should be along front bank.

There was no public comment.

A motion was made to approve the project subject to applicant submitting waterside elevations to staff, submission of a revised plan showing demarcation along the 50' buffer in consultation with staff, swapping plants around so that trees, shrubs and grasses are more integrated, the slope going down to the bulkhead is lined in shrubs, and submission of annual reports for three years.

Roll call.

Seconded and voted unanimously.

IV CONTINUANCES

- A. Liles Investment Partners, LLC.** To construct and maintain a bulkhead at 40 and 50 Clamshell Point Lane, Cotuit as shown on Assessor's Map 006 Parcels 005 and 006. **SE3-5758 Continued from 3/31/20**

John Abodeely joined the quorum under the Mullin Rule.

The applicant was represented by John Odea, P.E. of Sullivan Engineering and Consulting.

The homeowner at 40 Clamshell Point Lane would to install the bulk head landward of sandbags but continue to maintain sandbags until they are no longer working.

Issues discussed:

- Commissioner commented on maintaining sandbags would be difficult. The best solution to help stabilize the bank is to put in the vinyl bulkhead at #40. There are many places where saltmarsh is growing in front of a bulkhead.
- A concern was discussed about the bulkhead will not solve the problem further up the bank at number 50. It should be dealt with before installing a bulkhead
- Commissioner asked if a 5' bulkhead is high enough to stabilize the bank. From a flood perspective it takes it above the storm tides. From a structural perspective it may need 6-8 inches more.
- Having only 2 feet of the bulkhead exposed will not be overly visible and would not cause a lot of erosion to nearby properties.
- Discussion on sequencing in the upper bank with revetment work.
- Discussion on proper special conditions for the revetment work, attendance for onsite meetings to craft work protocol for upper bank and revetment work, barge landing for equipment loading and unloading, work limit, and stockpiling material.

There was no public comment.

A motion was made to approve the project as submitted subject to the following special conditions, 4 weeks prior to the start of any work, 2 pre-construction meetings to establish a work protocol on site MUST take place, one dealing with the bulkhead at which time the people attending shall be the engineer, contractor, representative from the Conservation staff, representative from Natural Resources, as well as two Commissioners, George Gillmore and Tom Lee. The second meeting, 4 weeks prior to establish a protocol for the stabilization for the bank, the principal people attending shall be the engineer, contractor, representative from Conservation, along with George Gillmore and Tom Lee. In addition access to the area will be provided according to the description found in the email from John O'Dea dated April 13, 2020. Barge is permitted to load and unload and then provide a 12" clearance above the substrate.

Roll call

Seconded and voted unanimously.

B. Paul Rioff. Proposed single family house construction with on-site sewage disposal system, pool, driveway, and utilities at 172 Peppercorn Lane, Cotuit as shown on Assessor's Map 004 Parcel 013001. **SE3-5769 Continued from 3/17/20**

John Abodeely joined the quorum under the Mullin Rule.

The applicant was represented by Michael Ball from Baxter Nye Engineering.

A letter dated April 9, 2020 was submitted from Matthew Eddy of Baxter Nye Engineering addressing questions and concerns raised at the March 17th hearing.

A plan with revision dated March 11, 2020 was submitted.

The representative advised the Commission that the applicant does not want to combine the driveways.

Arlene Wilson of Wilson & Associates spoke on behalf of abutter Lallie Lloyd, 340 Vineyard Road relative to the driveway being a significant intrusion into the buffer zone. Driveways should be relocated outside the buffer zone whenever possible. No mitigation has been provided for the intrusion. There is no hardship reason for the relocation of the driveway.

Issues discussed:

- Mitigation measures have been put into the plan however there is no opportunity for vegetative mitigation. Waterline for utilities would be within the driveway.
- A questions was raised if it is possible to have a common driveway beyond the 50' buffer.
- Commission does not have authority to order a joint driveway when it would be on an adjacent parcel.
- There has been nothing provided by the applicant to show that there is no alternative for the location of the driveway.
- Commissioners inquired if there is a hardship reasoning for the relocation of the driveway.

A motion was made to approve a continuance to May 12, 2020.

Roll call

Seconded and voted unanimously.

C. Frank Raspante, Cotuit Cranberry Farm. Continuation of Cranberry farming in a wetland resource area on a farm that dates back pre 1870 at 131, 0, and 129 Brittany Drive, Cotuit as shown on Assessor's Map 026 Parcels 017, 004, and 006. **SE3-5771 Continued from 3/10/2020.**

John Abodeely joined the quorum under the Mullin Rule.

A request was made to continue the matter.

A motion was made to approve a continuance to May 26, 2020 with no testimony.

Roll call

Seconded and voted unanimously.

D. Hard-A-Lee, LLC. Site preparation, construction of single family dwelling, attached garage, utilities, pool, and landscape amenities including mitigation plantings at 299 Eel River Road, Osterville as shown on Assessor's Map 115 Parcel 003. **SE3-5766 Continued from 3/3//20.**

A request was made to continue the matter.

A motion was made to approve a continuance to April 28, 2020 without testimony.

Roll call

Seconded and voted unanimously.

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

- | | | | | |
|----|--|----------|-----------|--|
| A. | Camillieri | SE3-0630 | (coc, ez) | construct pier, ramp, & float * |
| | 50 Bay Shore Road, Hyannis | | - | Hyannis Inner Harbor |
| B. | Callahan | SE3-5119 | (coc, ez) | repair revetment (not done) & dune maintenance * |
| | 81 & 79 Sand Point, Oyster Harbors | | - | North Bay & Cotuit Bay |
| C. | Christian Camp Meeting Association | SE3-4801 | (coc, ez) | vista pruning; invasive plant management * |
| | Craigville Beach Road & Prospect Avenue, Centerville | | - | herring run between Lake Elizabeth and Centerville River |
| D. | Barnstable Little League | SE3-5409 | (coc, ez) | construct baseball field * |
| | 165 Bearse's Way, Hyannis | | - | Crooked Pond |
| E. | Rehnert | SE3-5163 | (coc, ez) | construct boardwalk; phragmites control * |
| | 285 Seapuit Road, Osterville | | - | Dam Pond |
| F. | CB Enterprises LLC | SE3-5439 | (coc, ez) | manage invasive plants * |
| | 315 Main Street, Osterville | | - | Centerville River |
| G. | Woollard | SE3-0651 | (coc, ez) | improve bog service road (not done) |
| | Falcon Road, West Barnstable | | - | No Bottom Pond & Spruce Pond |
| H. | Sullivan | SE3-5086 | (coc, ez) | construct addition to single family dwelling (not done) |
| | 448 Starboard Lane, Osterville Bumps River | | - | Hyannis Inner Harbor |
| I. | Martirosian | SE3-4664 | (coc, ez) | repair revetment (not done) |
| | 25 Sea View Avenue, Osterville | | - | Nantucket Sound |
| J. | Gould | SE3-4822 | (coc, ez) | construct boatshed * |
| | 139 Regency Drive, Marstons Mills | | - | Mystic Lake |

A motion was made to approve A-J.

Roll call

Seconded and voted unanimously.

A motion was made to adjourn.

Roll call.

Seconded and voted unanimously.
The time was 8:41 pm.