



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: April 28, 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.

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 28th 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/534546925>

Meeting ID: 534 546 925

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

Roll call

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 George Gillmore, John Abodeely, and Pete Sampou. Larry Morin joined later in the meeting.

Conservation Administrator, Darcy Karle was also present.

I NOTICES OF INTENT

Town of Barnstable Conservation Program. Proposed implementation of an aquatic management program that includes treatment of aquatic invasives with Sonar at Long Pond, Centerville. SE3-5778

MN042820

The applicant was represented by Paul Conte of Solitude Lake Management.

Issues discussed:

- A question was raised as to who determines the best method for treatment. A survey will be done and decision will be made in consultation with Conservation staff.
- There was a discussion about the barriers being biodegradable or would they be removed.
- Concern was expressed about using chemicals and discussion of going to cyclical treatments and mechanical means.

COMMENTS:

A letter from Karen Malkus was read into record requesting limited treatment when there is a bloom of cyano bacteria.

A letter MA DMF regarding time of year restriction was read into record.

NHESP comments have not come in.

Further discussion on treatments being done early in the season, however funding issues do not allow for treatment before July 1st.

There was no public comment.

A motion was made to approve the project as submitted with time of year restriction from 4/1 to 6/15 and continue to 5/26 for the sole purpose of NHESP comments. And add special condition to limit treatment if cyano bacteria present.

Seconded

Roll call

Voted unanimously.

Perry and Sheila Vieth. Proposed raze and rebuild of a single-family dwelling with appurtenances at 97 Harbor Bluffs Road, Barnstable as shown on Assessor's Map 325 Parcels 122 & 169. SE3-5779

The applicant was represented by Lynn Hamlyn of Hamlyn Consulting and Dan Ojala of Down Cape Engineering.

This property had a previous enforcement order on it which has been resolved completely.

Commissioner Larry Morin joined the meeting.

Issues discussed:

- Commission questioned the proposed porch being closer to the bank than the existing building.
- A concern was raised regarding vegetation strip being part of the earlier filing. Would like a modification to the earlier mitigation.
- There was a discussion of the half-moon area of the patio being moved to the side.

There was no public comment.

A motion was made to approve the project as submitted subject to receipt of a revised plan that shows additional mitigation and taking half-moon extension off water side portion of the patio and moving it to the northeast side of the patio.

Seconded

Roll call

Voted unanimously.

Fabricio Vieira. Construct one bedroom dwelling, deck and subsurface with Title Five septic at 251 Mitchell's Way, Hyannis as shown on Assessor's Map 290 Parcel 048

The applicant was represented by Dan Ojala of Down Cape Engineering.

Issues discussed:

- A question was raised about the section in the project narrative relative to work within the 50' buffer being revegetated with grass. It was explained this is just while under construction. A planting plan should have been submitted with the NOI.
- Will need to incorporate some control over bull briar. A letter needs to be submitted for invasive treatment.
- DEP has not submitted comments or issued a number for this project.

There was no public comment

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

Seconded

Roll Call

Voted unanimously.

William F. and Anne M. Leblanc, Trustees. To remove existing tennis court and construct a new guest house in its footprint with all associated appurtenances with proposed patio and driveway configuration, and to replace existing driveway at existing dwelling at 276 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 029 003. SE3-5780

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

Issues discussed:

- Part of patio will be in 50' buffer but is in the current footprint. Commission would like to see everything out of the 50' buffer.
- There was discussion about the history of the wire fence next to the BVW.
- A question was raised about the semi-circle wall on the plan at the end of the driveway. Commission would like elevation at top of the existing wall.

Public comment:

Lawrence Roche 266 Holly Point Road, Centerville (abutter to east)
and son Lawrence Dennis Roche

Mr. Roche expressed concern that the project seems to be very close to his property line and the proposed guest house is larger than the existing residence.

Mr. Roche asked if it is a 2 story structure. He is concerned about sunlight, air flow, drainage, etc.

John O'Dea advised there a second floor. The side line set backs have been met and the roof runoff/drainage issues have been incorporated in the plan.

Commission noted the elevations should be submitted to staff.

Lawrence Roche asked about the foundation size and location of the septic tank. It is 40 X 20 near the street and 24 X 36 running into property. It is connected to the existing septic system.

A motion was made to approve the project as submitted subject to receipt of a revised plan shifting the patio to the west, outside the 50' buffer, adding the appropriate storm water containments to the landward side of the building, showing elevation of the top of the wall, and submit water side elevation to staff.

Seconded

Roll call

6 aye, 1 nay, motion carries.

II AMENDED ORDERS

BW Residential LLC. To amend the Order of Conditions to permit beach access steps and a Land Management and Vegetation Restoration Plan of coastal bank area at 23 Atlantic Avenue and 25 Squaw Island Road, Hyannis Port as shown on Assessor's Map 286 Parcels 001 & 033. **SE3-5679**

The applicant was represented by John O'Dea of Sullivan Engineering and Seth Wilkinson of Wilkinson Ecological Design.

Issues discussed:

- A question was raised about how close the steps are to the high water line? It is approximately 25’
- A suggestion was made to have the steps removable in the off season.
- Staff noted there should be special conditions that any change in contractor would have to be approved and submission of three years of monitoring reports.
- The comments from NHESP have not come in.

A motion was made to approve an amended order subject to special conditions, any change in the contractor for restoration planting work must be approved by Conservation staff, and annual monitoring reports for 3 years submitted to staff, with a continuance to May 12th for the sole purpose to review and include comments submitted by NHESP.

Seconded

Roll call

Voted unanimous.

III. CONTINUANCES

- A. 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 4/7/20**

John Abodeely joined the quorum under the Mullin Rule.

The applicant was represented by Arlene Wilson of Wilson Associates and John O’Dea, P.E. of Sullivan Engineering. Attorney Mike Ford represented the Burmingham Family – Abutter

Issues discussed:

- The issue of whether this is a local bank has not been settled.
- Memo from Dan Ojala also provided several maps and drawings. Memo states it is his opinion that there is a local coastal bank.
- Abutters are requesting the project not be approved as submitted. The dwelling should be approved at the location in the original filing.
- Permitting history- 2014 and 15 permitting for house and pier was approved.
- The house is larger and substantially seaward of the original approval.
- Staff and Commission would like more time to review. Information was received today.
- The revised plan is an improvement however the determination of there being a Town coastal bank needs to be addressed.
- The Commission requested John O’Dea’s comments in writing.
- The landscape plan shows 3 pitch pines being removed in the 0-50’ buffer, there are two that will be saved.
- Full size hard copies of the maps, drawings and plans submitted by Dan Ojala need to be submitted.
- Discussion on datum used to make determination of flood zone.

There was no public comment.

A motion was made to continue to May 26, 2020.

Seconded

Roll call

Voted unanimous.

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

A. Knowlton SE3-0030 (coc, ez) construct pier, ramp, & float *
561 Santuit Road, Cotuit - Shoestring Bay

A motion was made to approve A.
Seconded
Roll call
Voted unanimous.

V MINUTES

A. April 7, 2020

A motion was made to approve A.
Second
Roll call
Voted unanimous.

A motion was made to adjourn.
Seconded
Roll call
Voted unanimous.
The time was 8:56 pm.