



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

DATE: FEBRUARY 4, 2020 6:30 PM

LOCATION: James H. Crocker Jr. Hearing Room, 367 Main Street 2<sup>nd</sup> Fl., Hyannis, MA

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The meeting was called to order at 6:30p.m. by Chair F. P. (Tom) Lee. Also attending were Vice Chair Louise R. Foster, Clerk Dennis Houle and Commissioners: Pete Sampou, George Gillmore, and Larry Morin. Commissioner John Abodeely was not in attendance.

Conservation Administrator Darcy Karle was present along with Administrative Assistant Kim Cavanaugh.

### I REQUESTS FOR DETERMINATION

**Town of Barnstable – Conservation Division.** To seek approval for restoration of a disturbed area once aeration building on Town landing is removed at 1290 Santuit-Newtown Road, Cotuit as shown on Assessor's Map 026 Parcel 038. DA-20002

The applicant was represented by Darcy Karle, Program Administrator.

#### **Issues discussed:**

- The building is being removed from Lovell's Pond boat ramp and will be used for Water District purposes.
- It will be removed by crane. Sixteen 4 foot deep sonotubes will also be removed.
- Town of Barnstable Structures & Grounds will assist with the work.
- Boulders will be installed to deter vehicles from parking at edge of the shore.

There were no questions from the Commission.

There was no public comment.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

### II NOTICES OF INTENT

**Todd Forman.** Maintain patio, shorefront retainage, in-ground stairs and drainage as-built, install vegetative mitigation, construct garage addition and modify driveway at 326 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 027. SE3-5757

The applicant was represented by Arlene Wilson of A.M. Wilson & Associates.

A comment letter from Karen Malkus of the Heath Department was read into record.

#### **Issues discussed:**

- Questions were raised about the planting plan.
- A discussion on plantings going right into the trap rock and if they will survive if planted in the rocks.

**EXHIBIT A** – Season in Review: A Year of Growing in Gravel was submitted.

- The planting pallet should be put on the plan.
- Commission would like the size of the plants bumped up from 2 to 3 gallon.
- The only place that should be mowed is the area around the corner of the house.
- Would like a River Birch planted in the birch and white pine area.
- A concern was raised for demarcation in the MB (beach) area, and how to make sure it is maintained. Some large rocks could be placed to mark the area where no sand should go. This needs to be added to the plan.
- Regardless of what the new property owner was told he should have checked to see if any permits would be required to do work. The brick patio was replaced in excess and there are run off issues creating a groove running through the beach. The drain was covered with leaves and does not appear to be effective.
- In 2008 the regulations were different. In 2011 new enhanced buffer zone regulations were adopted. These changes would not have been allowed under an RDA.
- The original owner did not finish the project that was approved in 2008. The new owner should not have made these changes under an expired permit.
- The stone patio closest to the beach is excessive. There needs to be changes in the stonework because there are erosion problems. Some of the patio should be eliminated in favor of plantings.
- The floats being stored on the beach should be moved to the patio area for the winter.
- The lower patio area around the trees should be opened up better by moving or eliminating the steps.
- While the garage addition is being built a strip drain could be put in.
- Original sketch plan shows plantings on both sides of stairway. This plan shows only on one side and stone on the other. Plantings would help slow down the water. They will look into finding some plants that will do well in the shade.
- The patio is approximately 190 square feet bigger than the 2008 sketch.
- There is an option to take out the patio stones that abut the retaining wall so there could be a planting strip.

There was no public comment.

A continuance was requested to look into the Commission's recommendations.

A motion was made to approve a continuance to 3/3/20.

Seconded and voted unanimously.

**Vahan & Rosemary Martirosian Trustees.** The project as proposed is to repair and improve the stone revetment, and to nourish the beach at 25 Sea View Avenue, Osterville as shown on Assessor's Map 162 Map 026 001. **SE3-5756**

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

**Issues discussed:**

- They would like to do this project in conjunction with projects already being done in the area. The revetment was built in the 1940's. The idea is to repair what is there and match the lines.

Comment letter from NHESP was read into record.

DMF letter was read into record.

A letter from Tom Marcotti was read into record.

Waterways letter was read into record.

Staff letter was read into record. SE3-4664 has expired and needs to be closed out.

- A concern was raised in terms of how the nourishing of the beach will be done.
- The access to the project will be done through the Wianno Club.
- A question was raised about a split rail fence at the top of the bank. Seaward of the mitigation planting there is a strip of gravel. It may be part of the project that needs to be closed out.
- This is a very easy project to carry out. There are no shellfish in the area.
- A work protocol should be submitted to staff and could come back to the Commission if necessary.

There was no public comment.

A motion was made to approve the project as submitted with the following special conditions, before start of work a written work protocol be submitted to staff, and an onsite meeting with engineer, contractor and Conservation Agent. Prior to start of work SE3-4644 shall be closed out. The 4 conditions listed in the NHESP letter dated Feb. 4, 2020 shall be incorporated into the order of conditions.

Seconded and voted unanimously.

**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**

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

**Issues discussed:**

- In the summer of 2018 the whole bank slid like a landslide. The toe of this bank needs to be stabilized. The proposal is for a vinyl bulkhead.
- The sandbag project at #40 lasted a very long time.
- Access to this site is very limited. Getting nourishment down there is a task.
- The advantage of vinyl is that it will make it easier to get the materials to the site.
- There will be a need for an excavator however a much smaller size. No extensive stockpiling of materials will be needed. Equipment will be taken off the beach at night because of lack of beach at high tide.
- There may need to be some restoration after project is completed.
- There could be a condition added that once the toe is protected a restoration plan submitted.

Comments from TOB Shellfish Biologist, Tom Marcotti were read into record.

Comments from Waterways and Harbor Master were read into record.

- There was a cutting violation at #40 and lawn going over the edge of the bank. This is a violation of the order of conditions for the house.
- There was a prior stop work order and enforcement order issued for #50 for cutting on the coastal bank.
- There is a potential that the bank was destabilized, due to the cutting on the bank.
- At #40 the sand bag solution worked well and should possibly be continued.
- At #50 there is a big problem. There is a separate application for a complete tear down of the SFD. There may be easier access if that project is approved.
- Bulkheads sometimes wash away sand and saltmarsh. A question was raised if there are any other alternatives.
- A question was raised if property owners on either side were contacted to discuss similar problems. There are currently no bulkheads on Clamshell Point Lane. If this property puts in a bulkhead it could increase the need for other properties in the area.
- The sandbag treatment at #40 still looks good. Could they leave #40 alone and do what needs to be done at #50. If soft solution worked for 20 years maybe it should be redone instead of a vinyl bulkhead.
- There may be more of an impact if repairs need to be done more often to shellfish habitat rather than vinyl just once.
- A question was raised on when the stairs on the bank at #50 were installed. They appear to be unsafe. There is also debris on the sand.
- Commission is very hesitant to start bulk-heading along this shore line. It will have a negative impact on the shellfish habitat and salt marsh directly in front of it. The priority is the effect on the environment.

There was no public comment.

A continuance was requested to meet with Town of Barnstable Shellfish Biologist Tom Marcotti.

A motion was made to approve a continuance to 3/3/2020

Seconded and voted unanimously.

**James Herrington, Halls Creek Preservation Fund, Inc.** Interim beach nourishment from upland source with American Beach Grass planting on east side of dune at Squaw Island Barrier Spit, Hyannisport as shown on Assessor's Map 265, Parcels 001, and 019, Map 244 Parcel 001, and Map 245 Parcel 034. **SE3- \$33.90**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

**Issues discussed:**

- Starting in the 2017 storms the area started seeing very extensive erosion.
- The area is currently over washing with every moon tide. There is a potential for a breach.
- Amy Hoenig from NHESP walked the beach last week to determine what the slopes might be for an interim project. She agreed to a 10 to 1 slope on the outside and up to a 6 to 1 on the inside for the interim project only. Amy has allowed a limited amount of planting of beach grass.
- Construction protocol could include BSC Group survey and stake the high water mark, figure out where the dune crest would be, put grade stakes along dune crest and have the contractor work from the grade stake to high water mark.

Comments from Tom Colombo, Golf Course Superintendent of Hyannisport Club supporting the project were read into record. A letter from NHESP was read into record.

- A maximum of 1700 cubic yards of sand is to be placed.

There were no public comments.

A motion was made to approve the project as submitted subject to the following conditions, prior to start of work a written construction protocol will be developed by the contractor and submitted to staff for review, followed by an onsite meeting to go over the protocol with Conservation Agent, staff, the contractor and the consultant. In addition the 6 conditions on page two of the NHESP letter dated Feb. 4, 2020 will be incorporated into the special conditions.

Seconded and voted unanimously.

**John Wallace and Nancy Clay Webster, Trustees.** Proposed raze and replace single family home, sewage disposal system upgrade, invasive species removal, bank restoration and associated site improvements at 391 Sea View Avenue, Osterville as shown on Assessor's Map 138 Parcel 031. **SE3- \$33.90**

The applicant was represented by Sean Riley of Coastal Engineering and Caitrin Higgins of Wilkinson Ecological Design.

**Issues discussed:**

- The existing main house, driveway, and patio encroach significantly into the 50' buffer. Leaving house in same location and trying to elevate it would require putting it up on piles which would create a much taller structure.
- Although no mitigation is required for this project, they are proposing invasive and lawn removal which would be replaced with 13,000 sq. ft. of native plantings.
- The septic system will be completely outside the 100' buffer.

There were no public comments.

A motion was made to approve the project as submitted with a special condition for annual monitoring reports for 3 years.

Seconded and voted unanimously.

### **III CONTINUANCES**

**Town of Barnstable DPW / Griffin Beaudoin.** The Town of Barnstable is proposing one stormwater retrofit at one location within the Three Bays watershed. The proposed project is a series of dry swales and infiltration chambers at River Road/ Rosa Lane, Marstons Mills and no map and parcel numbers for Rows. **SE3-5743 Continued for the sole purpose of reviewing stormwater report by an outside consultant.**

Tom Lee recused himself.

Ed Pesce of Pesce Engineering and Associates reviewed and commented on the Storm Water Report as follows:

- Page 2 lists 5 bullets that are the highlights of the project.

- Overall there is a lot of good detail.
- A few items that were minor and technical in nature were discussed with Michelle West, Horsley Witten project manager. Michelle has no issues with the final changes.
- There are no major comments other than it will be a tremendous improvement. It involves some relief for work being done into the 50 – 100’ buffer but will represent a net improvement.
- Design calls for concrete curbs. Crushed stone should be changed to concrete.

A motion was made to incorporate Mr. Pesce’s recommendations on page 3, paragraph 2, letters a-f, of the storm water review letter dated January 27, 2020.

Seconded and voted unanimously.

**Jon and Nicole Campanelli, Trustees.** To construct a pool and cabana with all associated appurtenances at 323 Sea View Avenue, Osterville as shown on Assessor’s Map 138 Parcel 022. **SE3-5748**

Applicant was represented by John O’Dea of Sullivan Engineering.

A revised plan was submitted to the Commissioners.

- The pool and fence have been moved outside of buffer.
- The cabana is outside the 100’ buffer.

**Issues discussed:**

- A question was raised about the end of the path. To the bottom east of the path there are some buried rocks. The plan is to get sand back over rocks. Plantings will help with the run-off.

There was no public comment.

A motion was made to approve the project based on the revised plan dated 1/31/2020.  
Seconded and voted unanimously.

**James Herrington, Halls Creek Preservation Fund, Inc.** Proposed maintenance and improvement dredging, for navigation purposes, sections of Halls Creek, beach nourishment of Squaw Island Spit and Green Dunes Beach, and repairing two existing jetties at 0 Beach Street, 0 Island Avenue, 149 Island Avenue, 251 Green Dunes Drive, 3 Beach Street, and 5 Beach Street, Hyannis Port as shown on Assessor’s Map 245, Parcels 034, 033, 035, 137, Map 244 Parcel 001, Map 265 Parcels 001, and 019. **SE3-5755**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

NHESP has not submitted their response on this project.  
A continuance was requested.

A motion was made to approve a continuance to 2/18/2020  
Seconded and voted unanimously.

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

- |    |                                       |          |           |                                      |
|----|---------------------------------------|----------|-----------|--------------------------------------|
| A. | Quinn                                 | SE3-5735 | (coc, ez) | permit existing retaining wall *     |
|    | 108 Bay Road, Cotuit                  |          | -         | Shoestring Bay                       |
| B. | Evans                                 | SE3-0530 | (coc, ez) | construct swimming pool (not done) * |
|    | 35 Hollidge Hill Lane, Marstons Mills |          | -         | Hamblin Pond                         |
| C. | Pinho                                 | SE3-5576 | (coc, ez) | construct additions to sfd *         |

65 Short Beach Road, Centerville - Centerville River

D. Pinho SE3-5636 (coc, ez) replace bulkhead \*

65 Short Beach Road, Centerville - Centerville River

A motion was made to approve A-D.  
Seconded and voted unanimously.

## **V MINUTES**

A. January 14, 2020

A motion was made to approve January 14<sup>th</sup> minutes as submitted.  
Seconded and voted unanimously.

B. January 21, 2020

A motion was made to approve January 21<sup>st</sup> minutes as submitted.  
4 Aye, 2 abstain.  
Motion carries.

A motion was made to adjourn.  
The time was 8:53 PM