Town of Barnstable Conservation Commission 230 South Street

Hyannis Massachusetts 02601

Office: 508-862-4093E-mail: conservation @ town.barnstable.ma.us

MINUTES – CONSERVATION COMMISSION HEARING

DATE: September 6, 2022 @ 3:00 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

The Conservation Commission's Public Hearing will be held by remote participation methods.

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://townofbarnstable-us.zoom.us/j/84498625253 Meeting ID: 844 9862 5253 US Toll-free 888 475 4499

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 <u>Darcy.Karle@town.barnstable.ma.us</u>, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

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.

REMINDER TO APPLICANTS: FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin. Commissioner Sampou was absent.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Ed Hoopes and Administrative Assistant, Kim Cavanaugh.

3:00 PM AGENDA

I.	REVISED	PLANS

A. John & Erin Spinney SE3-5949 45 Little Island Drive, Osterville

Project type:

Revisions:

Renovation/addition, pool cabana

Increase size of pool and driveway and driveway circle

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

- The only changes being made are in the 50'-100' buffer.
- There were no other questions from Commissioners.

A motion was made to approve the revised plan as submitted. Seconded and voted unanimously by roll call. Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay

B. **Patrick & Kimberly Coughlin SE3-5947** Replace foundation, 2nd floor 186 Lake Elizabeth Dr., Centerville addition, replace deck and patio, walls, parking Construct deck on posts sit-

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

- The areas where hardscape is being removed will be grass.
- There was discussion on which trees were coming out.
- The plan needs to be updated.

A motion was made to approve the revised plan subject to receipt of a second revised plan showing the trees being removed and the replacement trees.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay

C.	Yuriy Matskevich SE3-5908
	24 Flume Ave., Marstons Mills

Replace deck, add patio, spa, porch, beach stairs, landscape size, add fire pit, add path to beach Modify landscape and beach a area, stair design, reduce patio

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

- Middle Pond shoreline is heavily vegetated. There is concern about taking out so much vegetation.
- There is concern about this much work being done. It seems like a mansion type expansion. There needs to be a less invasive way of protecting the trees. This project leaves a very heavy foot print on this shoreline.
- At the moment the site looks very exposed. The landscape plan has not started to be implemented yet.
- The stonework becomes a habitat for numerous species.
- Because of what has to be done to save the trees the wall needs to be extended.
- A question was raised if there are other options to the stone wall.
- The area being enclosed around the trees on the west side of stairs and area to east both were to be sandy beach in the approved plan. Now they are being planted.
- A question was raised if they are expanding the beach to save the trees.
- The beach will be in a different location, but it will not be any bigger.
- The previously approved plan is better. A question was raised if there is another option.
- If the trees are taken out and new trees planted, the only ones that may work would be red maple. They would be unable to save the biomass of these two trees if new trees are planted.
- If the retaining wall is not done the trees will fall.
- The roots are exposed. They are at least 12" in diameter and are very mature trees.
- A question was raised again, if there are other options for the wall and stairs.
- The stonework blends into the existing wall.
- There is a tree that is missing on the revised plan. It blew over a couple of years ago and is being replanted in the lawn area.
- The planting needs to be done by this fall.
- There are paths everywhere. Is the stone necessary?
- There was discussion about the stone steps in the walkway in the lawn.

- Flagstone stepping stones have been approved in the past.
- The new wall west side will slope from 3' down to 18" exposure. It won't look bad when it is finished.
- There should be an ongoing condition if the trees do not survive they must be replanted. If replanted in an upland area the wall should be removed.

A motion was made to approve the revised plan subject to a receipt of a second revised plan showing some plantings in front of the retaining wall (section surrounding the two trees) and adding the dimensions of the retaining wall. If the existing oak trees (surrounded by the wall) die, they shall be replanted on the upland area and the section of retaining wall (around the two trees) shall be removed. Make sure the restoration planting for the site is going to be completed in the fall, because it is critical to protect the site from erosion. The tree, in the beach area (shown on prior last approved plan) shall be replaced.

Seconded and voted unanimously by roll call. Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay Hearn

II. EXTENSION REQUESTS

A. Windmill Cove Associates, LLC SE3-5678 Windmill Cove (south of Bridge Street Maintenance dredging

3 years $(1^{st} request)$

The applicant was represented by Chuck Rowland of Sullivan Engineering and Consulting.

- The work has not been performed yet.
- It may start this winter.
- It is taking a long time in to permit the project.

A motion was made to approve the extension request. Seconded and voted unanimously by roll call. Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay

III. ENFORCEMENT ORDERS

A. Bone Hill LLC – 215 Harbor Point Rd., Barnstable – Map 352 Parcel 068. Alteration of the 50' buffer to a wetland resource area – vegetated wetland – by cutting vegetation and failure to comply with on-going conditions of a Certificate of Compliance (SE3-4358) by failing to maintain split-rail fence along the work-limit line.

Exhibits

- A ARC Reader Image of 215 Harbor Point Rd., Barnstable
- B Current Site Photos
- C Certificate of Compliance On-going Conditions (SE3-4358)

Mr. William McDonald represented himself.

Issues discussed:

- The homeowner stated the split-rail fence that was installed at the work-limit line rotted several years ago and he just hadn't replaced it.
- Homeowner also stated he had contracted with a landscaping company to cut back 10' of vegetation while he was away; when he returned, the landscapers had cut much more.

A motion was made to approve the Enforcement Order as written.

Seconded. Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Morin Nay – none

B. Lisa R. & Michael D. Falkson – 128 Lakeview Dr., Centerville – Map 214 Parcel 044.T00. Alteration of the 50' buffer to a wetland resource area(s) – Lake Wequaquet and Inland Bank – by installing an unpermitted chain-link fence.

<u>Exhibits</u>

- A ARC Reader Image of 128 Lakeview Drive., Centerville
- B Site Photos

Mr. Michael Falkson represented himself.

Issues discussed:

- The homeowner believed the fence installation was done more than 50' from the waterline. It ws explained to him the water level (and hence the boundary of the resource area Lake Wequaquet) is established by elevation (32.963 ft).
- Once the as-built plan is completed, the distance of the fence and any other hardscape will be able to be determined. Those distances will determine the type of filing that will have to be submitted.

A motion was made to approve the Enforcement Order as written. Seconded. Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Morin Nay – none

C. Eva Maria T. Janerus – 3009 Main St./Rte 6A, Barnstable – Map 279 Parcel 050.001. Failure to comply with an Enforcement Order. Continued from July 12, 2022.

Tabled to October 4, 2022.

IV. WARNING LETTERS

- A. Wayne Nablo 130 Nyes Neck Rd., Centerville Map 233 Parcel 022.001. Cutting trees within the 50' buffer to a vegetated wetland without permit.
 - Noted
- B. Kevin Mc Shea 116 Bay Rd., Cotuit Map 007 Parcel 021. Alteration of the 50' buffer to a wetland resource area – Coastal Bank (Town) by failing to comply with an Order of Conditions (SE3-5805) – work-limit line in incorrect location.
 - Noted

V. NON CRIMINAL CITATIONS

- A. Wayne Nablo Alt. 50' buffer to a wetland res. Area by cutting trees without permit \$200.00
 130 Nyes Neck Rd., Centerville
 - Noted

VI. CERTIFICATES OF COMPLIANCE -

(ez = no deviations, staff recommends approval)

(* = on-going conditions)

А.	Todd Forman RETAINAGE/STAIRS MODIFICATION.		(COC, ez) /EG. MITIGAT nt Rd, Centervill	[ON/GA]	D/SHOREFRONT RAGE ADDITION/DRIVEWAY Lake Waquaquet
В.	Barnstable Lands Tru 1540 Main St, West Ba		703 (COC,	, ez)	Viewing Platform & Boardwalks Pond / BVW
C.	Mystic Lake Hills Civ Drainage Improvement		SE3-0825 vmill Rd, Marsto	(COC, ons Mills	,
D.	Andree Phillips Tr. REVETMENT	SE3-5812 12 Bay Shore I	(COC, ez) Road, Hyannis	REPA	IR AND REBUILD EXISTING STONE Salt Marsh / Beach / Coastal Bank
Е.	EBB TIDE LLC. 28 Bay Shore Road, Hy A motion was made to Seconded and voted un	approve A E.	(COC, ez)		uct and Maintain Stone Revetment arsh / Beach / Coastal Bank

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay

4:30 PM AGENDA

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.

REMINDER TO APPLICANTS: FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

The meeting was called to order at 4:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin. Commissioner Sampou was absent.

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

VII. NOTICES OF INTENT

A. Mark A. & Scott E. Crosby, Trustees – 30 Crosby Circle Realty Trust. To demolish and rebuild the existing single family dwelling with all associated appurtenances at 30 Crosby Circle, Osterville as shown on Assessor's Map 116 Parcel 022. SE3-6027

The applicant was represented by Chuck Rowland, P.E., of Sullivan Engineering and Consulting.

- Once the project is complete it will be outside Conservation jurisdiction.
- An innovative alternative septic system is not required but should be considered by the applicant.
- The representative will let the applicant know of the possible alternatives.

There was no public comment.

A motion was made to approve the project as submitted. Seconded and voted unanimously by roll call. Aye – Abodeely, Gillmore, Hearn, Lee, Morin Nay

VIII. AMENDED ORDERS

A. Mark Landry. Request to amend Order of Conditions SE3-5927 to include a boardwalk with kayak racks and non-motorized pier at 494 Elliott Road, Centerville as shown on Map 226 Parcel 192. SE3-5927

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

Comment letter from DMF dated August 30, 2022 was acknowledged and read into record. Comment letter from Water Ways Committee dated August 25, 2022 was acknowledged. They were in approval of the project.

There were no comments from Marine and Environmental Affairs.

- The representative was commended on the design of the stairs at the end of the pier.
- There is a water service that comes down to the path. A plan revision will be submitted.
- Approximately 80 percent of the project is complete.
- They have decided not to do the fire pit and patio.
- The kayak racks are not in the marsh.
- The distance from the edge of water to the kayak rack looks like it may be very long. The racks could be built off the platform itself. It is very shallow in that location. Army Corp approval would be needed.
- The entire boardwalk is over saltmarsh.
- A question was raised if it could be made a little longer
- Construction protocol was reviewed.
- A written construction protocol should be submitted.
- There was discussion on if a time of year restriction should be included. It is not necessary.

A motion was made to approve the project subject to receipt of a revised plan showing the tree replanting locations and a written construction protocol to be prepared by the contractor. Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay

IX. MINUTES

A. August 16, 2022

_A motion was made to approve the minutes as submitted. Seconded and voted unanimously by roll call. Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay

A motion was made to adjourn. Seconded and voted unanimously by roll call. Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin Nay

The time was 5:00 p.m.