



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 MEETING

DATE: MAY 3, 2016 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM – 367 Main Street, 2nd Floor, Hyannis, MA

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, additional resources are available to you: video-on-demand (free on the Town website at town.barnstable.ma.us), and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:30 p. m. by Chairman F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle, and Commissioners John E. Abodeely, Peter Sampou, Larry Morin. Commissioners Scott Blazis and Louise R. Foster were away.

Darcy Karle, Conservation Administrator, assisted.

I CONTINUANCES

Christopher Outwin. Modifications to existing licensed pier to include lengthening ramp by 10', relocating existing 4' x 12' float and replacing 4' x 6' float with a 16' x 5' float at 19 Ladd Rd., Centerville as shown on Assessor's Map 186 Parcel 053. **SE3-5381**

The applicant was represented by Daniel Ojala, P.E. of Down Cape Engineering, Inc.

Exhibits:

A – Photo

Issues discussed:

- A quorum was present – all except Commissioner Abodeely
- Harbormaster still had concerns, despite recommendation from Waterways Committee. He would not like to see anything larger than what was originally approved;
- Waterways had no objections as long as a condition was added: maximum 4-foot beam; vessel on outside of float;
- The Commission was agreeable to a 6-foot-wide float.

Correspondence:

- Waterways comments in Email from Derek Lawson, dated 4/27/16;
- Email dated 5/3/16 with two attachments from Derek Lawson.

A motion was made to approve the project with standard and special conditions, using revised plan dated 4/6/16.

An amended motion was made to allow one non-motorized vessel with a maximum beam of 4-feet wide as to berth at float.

Seconded and voted: 3 votes = Aye; 1 vote = Nay. The motion carried.

540 Main LLC. Construct and maintain boardwalk, pier, ramp and float; rebuild or repair existing stairs and walkways at 803 South Main St., Centerville as shown on Assessor's Map 185 Parcel 016. **SE3-5386**

The applicant was represented by John C. O’Dea, P.E. of Sullivan Engineering, Inc., and Attorney David Lawler.

Exhibits:

A – Agent Detail with photos report

All Commissioners were present to form the quorum.

Issues discussed:

- Waterways had recommended the proposed pier to be shortened by 5 feet;
- Revised plan dated 4/28/16 by Sullivan Engineering, submitted to address Waterways comments;
- Waivers being requested: J2, J4, and L;
- A 34-foot Regulator was requested.

Correspondence:

- Waterways comments (Email) from Derek Lawson, dated 4/27/16.

A motion was made to approve the project with standard and special conditions using revised plan of 4/28/16, granting waivers J2, J4, and L.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Steven & Caroline Ayres. Remove 9 non-native plants and 25’ x 20’ grassed area on slope leading to Shallow Pond; mulch removal area and populate with native plants at 208 Huckins Neck Rd., Centerville as shown on Assessor’s Map 252 Parcel 140. **DA-16029**

The applicant, Steven Ayres, attended.

Issues discussed:

- Use of ground cover instead of mulch, in consultation with staff;
- Project falls in Natural Heritage and Endangered Species (NHESP) habitat.

A motion was made to issue a negative determination, conditioned for applicant to consult with staff on ground cover and plantings or seed mix to use in place of mulch, and; any conditions set forth by NHESP to be met.

Seconded and voted unanimously.

Wianno Club. Remove approx. 15 trees from buffer zone to Parkers Pond at 9th hole for safety concerns, playability, and impact on health of hole’s green; also propose mitigation of approx. 18,000 sq. ft. of meadow restoration along pond at 379 Parker Rd., Osterville as shown on Assessor’s Map 115 Parcel 022. **DA-16024**

The applicant was represented by Chuck Rowland, E.I.T., of Sullivan Engineering.

Exhibits:

A – One page of photos

Issues discussed:

- Concern with request to remove a 30" oak tree;
- Possibility of including trees as mitigation;
- Enhance meadow with meadow seed mix for areas that might not revert to meadow;
- Mowing of meadow once per year.

A motion was made to issue a negative determination, subject to the submission of a revised sketch plan showing removal of 11 trees, minus the 30" oak and two other trees; once-per-year mowing of meadow area; and, use of meadow seed mix to enhance areas, if needed.

Seconded and voted: 4 votes = Aye; 1 vote = Nay. The motion carried.

Jill F. G. Mitchell. Restore and maintain recently disturbed landscaped areas at 345 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 007-001. **DA-16026**

The applicant was represented by Chuck Rowland, E.I.T.

Issues discussed:

- After-the-fact filing
- Three arborvitae waiting to be planted will be planted north of the house.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Cotuit Bay Shores Association, Inc. Perform beach nourishment maintenance at 88 Point Isabella Rd., Cotuit as shown on Assessor's Map 074 Parcel 020. **DA-16025**

The applicant was represented by was represented by John C. O'Dea, P.E.

Exhibits:

A – Packet submitted by John C. O'Dea, P.E, containing revised plan showing proposed nourishment area; photo, and aerial photo showing proposed nourishment area.

Issues discussed:

- Clarification of the proposed nourishment; 30-50 cubic yards of sand.

A motion was made to issue a negative determination, using aerial plan dated 4/29/16, and approval of 30-50 yards of sand.

Seconded and voted unanimously.

Jeanne Walker. Standard vista pruning and removal of invasive species and vines per Conservation Vista Pruning Guidelines; tree pruning and removal of small growth under guidance of licensed arborist at 0 Olde Homestead Dr., Marstons Mills as shown on Assessor's Map 043 Parcel 001-002. **DA-16027**

The applicant attended.

Exhibits:

A – Letter from the Homestead Resident Association dated 5/2/16.

Issues discussed:

- No vista pruning required within first 50 feet (vegetation is over the bank);
- Ms. Karle clarified what is allowable in the 50' – 100' buffer: limbing of trees and trimming of understory permitted in that area does not actually require an RDA filing.

A motion was made to issue a negative determination as follows: no vista pruning in first 50-feet of buffer; limbing of trees and some understory trimming permitted in the 50-100 foot buffer, following vista pruning guidelines; must abide by any conditions set forth by NHESP.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Michael Barry. Build 2nd story addition to existing home located within the 50-foot buffer zone at 18 Briarcliff Ln., Centerville as shown on Assessor's Map 208-106. **DA-16028**

The applicant was represented by Dan Flynn of Leeds Architects.

Issues discussed:

- The project is a second-story addition; however, a couple of footings are required;
- No change of foundation.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Michael & Elyse Spaulding. Request to do vista pruning at 30 Lewis Ln., Osterville as shown on Assessor's Map 139 Parcel 094. **DA-16030**

The applicant was represented by Peter Hansen of Hansen Landscape Designs.

Exhibits:

A – Revised plan submitted by Mr. Hansen dated 4/29, 16.

A motion was made to issue a negative determination as follows: vista pruning approved using revised plan dated 4/29/16, following standard vista pruning guidelines; and, any conditions set forth by NHESP.

Seconded and voted unanimously.

Vera Arcieri. Request to do vista pruning at 291 Scudder Rd., Osterville as shown on Assessor's Map 139 Parcel 011. **DA-16031**

The applicant was represented by Peter Hansen of Hansen Landscape Designs.

Exhibits:

A – Revised plan submitted by Mr. Hansen dated 4/29/16.

A motion was made to issue a negative determination as follows: vista pruning approved using revised plan dated 4/29/16, following standard vista pruning guidelines; and, any conditions set forth by NHESP.

Seconded and voted unanimously.

III NOTICES OF INTENT

William & Barbara Walsh. After-the-fact filing for dock maintenance work in Long Pond, at 111 Pond View Dr., Centerville as shown on Assessor's Map 229 Parcel 026. **SE3-5387**

The applicant was represented by was represented by Mark Burgess.

Issues discussed:

- After-the-fact filing;
- Amended enforcement order reviewed by Vice-Chairman Houle;
- Current structure does not conform to fresh water dock guidelines;
- Concerns with permitting a non-compliant dock with an after-the-fact filing;

- Possible request for continuance for time to check other docks in area to determine why a waiver is needed for this property.

Correspondence:

- Waterways comments in Email dated 4/27/16 from Derek Lawson;
- MA Department of Marine Fisheries letter dated 4/22/16.

A motion was made to continue the hearing to May 31, 2016.

Seconded and voted unanimously.

David Henderson. To permit an existing pier at 75 Freezer Rd., Barnstable as shown on Assessor's Map 300 Parcel 017. **SE3-5388**

The applicant was represented by Mark Burgess of Shorefront Consulting.

Issues discussed:

- Structure to be used for fishing & kayaking;
- Meets Commission's definition of a dock;
- In ACEC (area of critical ecological concern), therefore, cannot file for Chapter 91 license;
- No motorized vessels will be allowed at this structure.

Correspondence:

- Waterways comments in Email dated 4/27/16 from Derek Lawson;
- Division of Marine Fisheries letter dated 4/27/16.

A motion was made for a finding: to allow the documented, long-standing structure to remain in ACEC for launching non-motorized vessels, and for fishing.

Seconded and voted unanimously.

A motion was made to approve the current structure for fishing and launching of non-motorized vessels only.

Seconded and voted unanimously.

Peter S. & Fiona Atkinson. Replace existing failed retaining walls, stairs and decking; permit existing floating pier at 25 Heath Row, Marstons Mills as shown on Assessor's Map 063 Parcel 076. **SE3-_____**

The applicant was present, and was represented by Chuck Rowland, E.I.T.

Issues discussed:

- Material to be used in upper walls and the number of walls still in question;
- Vinyl walls to be used in lower section;
- Confirmed platform near water's edge is permitted to be 18' by 5' under SE3-1983 with 1" deck spacing;
- Concern for construction access – steep slope, potential for erosion;
- Four discharge pipes need to be tied into drywells;
- Invasives in proposed access area;
- Construction protocol needed; possible use of “dingo” walk behind machine instead of Bobcat.

Correspondence:

- Letter from R. & M. Gravina, abutter, dated 5/3/16, supporting the project;

A motion was made to approve the project with standard and special conditions as follows: a) Use of current plan of record submitted in the NOI; b) Submission of information to staff final material selection on upper level wall; c) Redirect gutters and other discharge pipes into drywells; d) A construction protocol required; e) Erosion control required for access area; d) All disturbances to be re-vegetated; e) Existing dock not allowed to be rebuilt under Form M; until Order of Conditions has expired, a revised plan may be submitted to approve dock reconstruction – if project becomes closed out, a new NOI will be required, showing all float dimensions.

Bruce Daniel/501 Eel River Road, LLC. Demolish/remove existing dwelling; construct & maintain single-family house with attached garage; renovate existing detached garage; driveway reconfig.; Title 5 septic; inground swimming pool; pool patio; fencing mitigation buffer plantings; utilities; clearing; excavation; grading, landscaping at 501 Eel River Rd., Centerville as shown on Assessor’s Map 114 Parcel 017. **SE3-_____**

The applicant was represented by Raul Lizardi-Rivera, P.E. of Holmes & McGrath, and Maria Hickey, of Maria Hickey & Associates.

Exhibits:

A – Engineering plan highlighting different resources with different colors for clarification.

Issues discussed:

- Replacement trees will be tupolos

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

IV REQUEST FOR RECONSIDERATION

Paul S. & Julie P. Brandes. Request for re-consideration of Notice of Intent (SE3-5379) to allow additional float, size of 8’ x 16’ in lieu of approved 8’ x 12’ float at 49 Oyster Way, Osterville as shown on Assessor’s Map 072 Parcel 039. **SE3-5379**

The applicant was represented by John C. O’Dea, P.E.

Issues discussed:

- A majority quorum was present – everyone except John Abodeely;
- A question was raised as to the reason for the reconsideration;
- The applicant wanted to store kayaks on the float, but thought the approved float was not large enough;
- Concern arose about increasing the float size when kayak racks might be installed.

A motion was made to reconsider and re-open the application.

Seconded and voted: 3 votes = Aye; 1 vote = Nay. The hearing was re-opened.

A motion was made to keep the 8’ x 12’ non-motorized float, as originally approved, subject to the submission of a revised plan showing addition of kayak racks, cantilevered off end on piles.

Seconded and voted: 3 votes = Aye; 1 vote = Nay.

V AMENDED ORDERS

Malcolm & Pamela Montgomery. Request to amend Order of Conditions **SE3-5371** to permit the razing of existing dwelling and deck (keeping foundation), rather than to construct additions (as permitted in Order); minor modification to patio; construct new 2-bedroom house on existing foundation at 94 Holly Point Rd., Centerville as shown on Assessor’s Map 232 Parcel 042.

The applicant was represented by Daniel Ojala, P.E.

Issues discussed:

- All Commissions were present for a quorum;
- There was to be a reduction of hardscape under the revised plan;
- Commission believes this request is a de minimis change, qualifying as an amended order;

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

Thomas & Helene Lauer. Request to amend Order of Conditions **SE3-5367** to allow replacement of existing foundation and a 2-degree rotation and reduction in length of approved dwelling at 183 Bay St., Osterville as shown on Assessor’s Map 117 Parcel 152.

The applicant was represented by John C. O’Dea, P.E.

Issues discussed:

- A quorum of all Commissioners was present;
- Foundation only needs to be shifted by inches in the 50-foot buffer;

A motion was made for a finding that at this location, on this lot with its configuration, this proposed change in footprint is de minimis.

Seconded and voted unanimously.

A motion was made to approve the amended order as requested.

Seconded and voted unanimously.

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

- | | | | | |
|----|------------|----------|----------|--|
| A. | Haley | SE3-4645 | (coc,ez) | raze & construct house, pool, & retaining wall *
at 233 Seapuit River Road, Osterville – Seapuit River |
| B. | TOB/DPW | SE3-5002 | (coc,ez) | reconstruct concrete boat ramp *
at 40 Hayward Road, Centerville – Centerville River |
| C. | Wellington | SE3-5049 | (coc,ez) | construct addition to single family dwelling; accessory structure *
at 275 Seapuit Road, Osterville – Middle Pond/North Bay |
| D. | Wellington | SE3-5166 | (coc,ez) | construct boardwalk, pier, ramp, & float; treat phragmites *
at 275 Seapuit Road, Osterville – Middle Pond/North Bay |

A motion was made to approve all the certificates of compliance (A – D).

Seconded and voted unanimously.

VII MINUTES FOR APPROVAL

- A. April 5, 2016 (Tabled from 4/19/16)

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously. Commissioner Abodeely abstained.

- B. April 12, 2016

A motion was made to approve the minutes.

Seconded and voted unanimously. Commissioner Abodeely abstained.

C. April 19, 2016

A motion was made to approve the minutes.

Seconded and voted unanimously. Commissioner Abodeely abstained.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:20 p.m.