



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: October 4, 2016 @ 6:30 PM

LOCATION: Town Hall Hearing Room, 367 Main Street 2ND Fl., 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 Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners John E. Abodeely (arrived at 6:39 p.m.), Peter Sampou, and Scott Blazis. Commissioner Larry Morin was away.

Conservation Administrator, Darcy Karle, assisted.

I REQUESTS FOR DETERMINATION

Jeffrey & Candace Dobro. Construct entry porch and enclosure of existing breezeway on landward side of house; relocate existing rinse station; drainage improvements; vista pruning & hand-clipping of vines at 309 Bay Ln., Centerville as shown on Assessor's Map 186 Parcel 014. **DA-16062**

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

Exhibits:

A – Revised plan dated 10/4/16, with photos

Issues discussed:

- The packet of information, submitted by Mr. O'Dea, addressed issues that Conservation staff had brought up after a site visit.
- Hand-clipping of vines should be limited to vista areas. Other areas will require consultation with staff and/or a Notice of Intent filing.

A motion was made to issue a negative determination with special conditions: a) addition of 100 – 160 sq. ft. of mitigation plantings; b) file a Notice of Intent within 60 days for roll-out boardwalk or remove it; c) add native plantings in bare area north of patio; d) clipping of vines to be limited to vista areas.

Seconded and voted unanimously. [Commissioner Abodeely, arriving late, was not included in the vote]

II NOTICES OF INTENT

Robert Tobin. Request approval to maintain existing unpermitted seasonal aluminum dock at 35 Hidden Ln., Osterville as shown on Assessor's Map 139 Parcel 018. **SE3-5416**

The applicant was represented by Stephen Wilson, P.E. of Baxter Nye Engineering.

Issues discussed:

- History of steps leading to pier
- The area eroding near dock to be replanted, per Plan Note #5, in consultation with staff.

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

Seconded and voted unanimously.

David & Allison Price Doherty. Construct 175 sq. ft. addition and patio/walkway at 281 Scudder Rd., Osterville as shown on Assessor's Map 139 Parcel 012. **SE3-5417**

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

Exhibits:

- A – Photo of rinse station, paver walkway, and additional gravel area
- B – Aerial photos, 2001, 2014, and 2015

Issues discussed:

- Ms. Karle apprised the Commission of the unpermitted rinse station on a concrete pad, the paver walkway, and additional gravel area observed during her site visit
- The project falls in NHESP habitat
- Unpermitted hardscape totaling 500 sq. ft. will require mitigation planting
- Request for change in planting schedule to add woody plants that offer more vertical complexity, e. g., two trees or large woody shrubs
- Meadow strip may remain, but edge of wildflower meadow area should be demarcated on the plan and in the field.

A motion was made to approve the project with special conditions, subject to comments by NHESP, the receipt of a revised plan showing added rinse station, walkway, gravel area, and mitigation area to compensate for the additional 500 sq. ft.; the demarcation of mitigation of planting area, in consultation with staff.

Seconded and voted unanimously.

Robin Periello & Margarita Garriga. Construct porch and 4-ft. living room expansion within existing footprint; deck expansion; re-build front step and add roof over at 166 Bay Shore Rd, Hyannis as shown on Assessor's Map 325 Parcel 083. **SE3-5418**

The applicant, Margarita Garriga, attended and was represented by Daniel Ojala, P.E. and Andrew Garulay.

Exhibits:

- A – Revised plan 9/30/16, requested by staff
- B – Packet of four photos of the property

Issues discussed:

- Planting plan, and whether it was designed to improve the habitat or for aesthetics;
- Request to have boulders in mitigation area.

A motion was made to approve the project with special conditions using approved revised plan dated 9/30/16 and mitigation plan 9/8/16,

Seconded and approved: 4 votes = Aye; 1 vote = Nay; with one abstention.

Karen M. Birmingham & Kenneth J. Novack, Trs., Eel River Realty Trust. Extend existing stone revetment return; construct timber bulkhead extension at 333 Eel river Rd., Osterville as shown on Assessor's Map 115 Parcel 002. **SE3-5419**

[This project and the one that follows (Smail) were opened simultaneously]

Peter J. & Maria G. Smail. Construct timber bulkhead and groin; beach nourishment at 339 Eel River Rd., Osterville as shown on Assessor's Map 115 Parcel 030. **SE3-_____**

The applicants, Birmingham/Novack and Smail, were represented by John C. O'Dea, P.E.

Issues discussed:

- Trees should not have to be removed during work at #333;
- Any vegetation disturbed or removed will be replaced in area of tie-backs;
- Logic for proposed 9-foot groin. First proposed when #333; to capture material coming down, to improve beach in front of #339;
- The Commission still had some issues with the proposed groin;
- The applicant was willing to commit to sand nourishment also;
- The Commission encouraged Mr. O'Dea to see if applicant would be willing to continue sloped rock revetment which would deflect wave action better than flat-faced timber bulkhead.

Correspondence: Waterway comments, email dated 9/27/16 regarding Smail project.

A motion was made to continue the hearings to October 18th.

Seconded and voted unanimously.

III REQUEST FOR AMENDED ORDER

Thomas & Helene Lauer. Second amended order request for **SE3-5367** to modify and expand allowed patio 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. and Fred Anderson of Anderson Landscape.

Exhibits:

A – Landscape plan dated 9/17/16

Issues discussed:

- Allowing paved driveway – reduced in size;
- The Commission was pleased with mitigation plans

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

Seconded and voted unanimously.

IV CONTINUANCES

Edward B. & Elizabeth H. Baldini. Demolish existing single-family dwelling and reconstruct new dwelling with pool, patio and all associated appurtenances at 18 Garrison Ln., Osterville as shown on Assessor's Map 114 Parcel 011. **SE3-5411**

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

Exhibits:

A – Confirmation of Evidentiary Review from Tom Lee
B – Revised site plan dated 10/3/16
C – Planting plan dated 10/4/16

Issues discussed:

- Tom Lee submitted the form (Exhibit A) enabling him to participate in the hearing
- Mr. O'Dea presented the proposed changes (Exhibits B and C) regarding restoration of bank and elimination of part of patio area;

- Commission’s concern for tree-removal for view from pool;
- Waiver of performance standards under Ch. 704-4 discussed;
- Commission’s policy giving credit for hardscape removal;
- Possibility of moving house out of 50-foot buffer;
- Question of whether proposed bank restoration and moving house back 35 feet sufficient for granting waiver;
- Other options – reduce patio area, provide 5-foot vegetation strip at top of bank.

A motion was made to continue the hearing to October 18th.

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|--------|---|----------|--|
| A. | White | SE3-5313 | (coc,ez) | construct pool and patio * |
| | | at 577 Sea View Avenue, Osterville – Nantucket Sound | | |
| B. | Gordon | SE3-5317 | (coc,ez) | relocate (move) existing approved pier * |
| | | at 62 Point of Pines Avenue, Centerville – Wequaquet Lake | | |
| C. | Pheeny | SE3-4295 | (coc,ez) | construct shard boardwalk * |
| | | at 41 Sand Point, Osterville – Cotuit Bay | | |

A motion was made to approve the certificates.

Seconded and voted unanimously.

VI MINUTES FOR APPROVAL

- A. September 13, 2016
- B. September 20, 2016

A motion was made to approve the minutes (A – B), both as amended.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:24 p.m.

UP-COMING MEETINGS:

Month	6:30 P. M.	3:00 PM
October	18	11
November	1, 15, 29	8
December	13, 27	6