



**Town of Barnstable
Conservation Commission**
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Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: NOVEMBER 8, 2016 @ 3:00 PM

LOCATION: HEARING ROOM – 367 Main St., 2nd Floor, Hyannis, MA 02601

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 3:00 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioner Larry Morin. Commissioners John E. Abodeely, Peter Sampou, and Scott Blazis were away.

Conservation Administrator Darcy Karle, assisted, along with Conservation Agent Martin Wunderly and Conservation Assistant Fred Stepanis.

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

(coc = Certificate of compliance) (d = deviations, staff recommends denial) (* = on-going conditions)

- A. Trade Winds Inn SE3-4385 (coc,d) raze motel; construct condominiums *
780 Craigville Beach Road, Centerville – Lake Elizabeth & Red Lily Creek

The applicant was represented by Brad Malo of Coastal Engineering and Atty. Bernie Kilroy. John Howe was also in attendance.

Exhibits:

- A – Affidavit of Kim Hopkins
- B – Affidavit of John Howe
- C – Notes from Darcy Karle's review of 4/1/14 hearing video

Brad Malo said the shed, wood pile, and chair have been removed.

A motion was made to deny the Certificate of Compliance. Staff was instructed to send the applicant a notice of the denial. The applicant is to submit a landscape plan at the December 6th, 2016 hearing addressing: 1) the area of the restored buffer and the use of mulch and wood chips; 2) the stairs that traverse the retaining wall; and, 3) the buffer below the retaining wall.

Seconded and voted: 3 votes = Aye; 1 vote = Nay. The Certificate of Compliance was denied.

II REVISED PLANS

Project type:

Revision:

- A. Vidal SE3-5139 pool, pool patio landscaping & mitigation
220 East Bay Rd., Osterville – East Bay

The applicant was represented by Chris Joyce of Joyce Landscaping.

(Rev. Plans, Vidal, cont'd.)

Exhibits:

A & B – Before and after photos of planted beach grass, submitted by Chris Joyce

Issues discussed:

- The section of pool fence to be relocated and the excess lawn to be removed within 30 days;
- 198 sq. ft. of additional mitigation to be planted by May 1st, 2017, at which time a certificate of compliance re-visit request will be made.

A motion was made to approve the revised plan dated 9/15/16 by Baxter Nye Engineering & Surveying.

Seconded and voted unanimously.

B. Drew SE3-4927 sfd porch; mitigation
1190 Route 6A, W. Barnstable

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

No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III VIOLATION WARNINGS

A. **Kinsella and Shoreline Pools, Inc. – 791 Old Post Rd., Cotuit**, Failure to follow ongoing condition. Draining pool over lawn near coastal bank.

Exhibits:

A. Photos by a Natural Resources Officer

Rich Montague, property manager, and Justin Butler of Shoreline Pools, Inc. were present. The Commission expressed the importance of the Order of Conditions for the swimming pool and the proper drawdown method.

Noted

IV ENFORCEMENT ORDERS

A. **Vandemoer – 49 Lakeside Dr. East, Centerville**, Alteration of the 30' undisturbed buffer from a wetland, Wequaquet Lake, by removing shrubs and other vegetation and converting designated undisturbed buffer area to lawn.

Mr. Nicholas Vandemoer was present.

Exhibits:

- A. Order of Conditions SE3-0260
- B. Certificate of Compliance SE3-0260
- C. 2014 GIS aerial image
- D. Vista Pruning data sheet and 2002 photos DA-02020
- E. April 2016 photos from the Conservation Assistant
- F. September, 2016 photo by the Conservation Agent

Issues discussed:

- The Commission discussed the importance of the vegetated buffer, and questioned the acknowledgement of the Orders of Conditions associated with the property upon construction and sale.

A motion was made to approve the enforcement order.

(Enforcement, Vandemoer, cont'd)
Seconded and voted unanimously.

- B. **Carbonneau, 174 Bayshore Rd., Hyannis**, Alteration of the 50' buffer from a wetland resource area, coastal beach on Lewis Bay, by constructing a concrete pad and installing downspout drain from house to beach, in violation of certificate of compliance and plan of record.

Exhibits:

- A. October 2016 Conservation Agent photos.
- B. Certificate of Compliance SE3-4326
- C. Vegetation plan and site plan of record SE3-4326.

No one attended.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

V OLD & NEW BUSINESS

- A. Sandy Neck annual report

Nina Coleman presented her annual report, a requirement of the Orders of Condition SE3-4712 and SE3-4713.

4:30 PM AGENDA

VI NOTICES OF INTENT

Stephen T. B. Miller, Trustee, Breezy Bluff Trust. Replace existing pier and outhaul with a new pier, ramp and float at 145 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 035. **SE3-5425**

The applicant was represented by John C. O'Dea, P.E. of Sullivan Engineering & Consulting, Inc.

Exhibits:

- Mr. O'Dea spoke of his follow-up with Harbormaster Dan Horn regarding comments to reconfigure and position the float perpendicular to shore;
- Tom Marcotti, Shellfish Biologist, was hesitant to change the shellfish classification at this location which is a "6" (high);
- The waiver request was for 14-inches for the boat proposed to be berthed at the inside of the float;
- The applicant had concerns with possible navigation issues with the channel current, if the float were perpendicular to the shore;

Correspondence:

- Emails from Harbormaster's office dated 11/4/16 and 11/8/16;
- Letter from MA Division of Fisheries & Wildlife dated 11/8/16;
- Revised/corrected email from Tom Marcotti dated 11/8/16.

A motion was made to approve the project, finding that the location is a high-value shellfish habitat, based on the Shellfish Biologist's report; 30-inch Rule is in effect; project approved as submitted, with the special condition that the Regulator is approved for berthing on the outside of the float, and any vessel to be berthed on the inside of the float must comply with the 30" Rule. Boat specs, demonstrating compliance with the 30-inch Rule, must be given to staff prior to placing a vessel on the inside berth.

Seconded and voted unanimously.

A motion was made to adjourn.
Seconded and voted unanimously.
The time was 4:55 p.m.