



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: December 27, 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 Dennis R. Houle, Clerk, and Commissioners John E. Abodeely, Peter Sampou, Scott Blazis (left the meeting at 7:30 p.m.), and Larry Morin. Vice-Chair Louise R. Foster was away.

Conservation Agent, Martin Wunderly, assisted.

I CONTINUANCES

Jack Lyons. Repair and maintain existing pier with improved boat lift accessory to single-family home at 261 Sandy Neck, off Trail #5, West Barnstable as shown on Assessor's Map 303 Parcel 007. **SE3-4518**

The applicant was represented by Atty. Leslie-Ann Morse.

Issues discussed:

- The project was not opened;
- The deadline for the submission of new materials to be 2/28/17;
- Discussion to continue the matter until 5/30/17 for the full presence of the Commission.

A motion was made to set a deadline for submission of new materials to 2/28/17, and to continue the project to 5/30/17.

Seconded and voted unanimously.

II REVISED PLANS

(Rescheduled from 12/6/16)

Project type:

Revision:

A.	Connolly SE3-5393 169 Salten Point Rd., Barnstable	raze/rebuild sfd	building & decks
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The applicant was represented by Bob Perry of Cape Cod Engineering.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Lynch SE3-5296 132 Fox Island Rd., Marstons Mills	sfd	shed
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The applicant was represented by John C. O'Dea, P.E. of Sullivan Engineering and Consulting, Inc.

(Revised Plans, Lynch, continued)

The applicant requested two parallel parking spaces on the upland side of the driveway and the 50-foot buffer.

A motion was made to approve the revised plan, subject to receipt of a new revised plan showing pullout parking and “no flammables” in shed.

Seconded and voted unanimously.

C. Lynch SE3-5361 boardwalk & pier path, kayak racks, etc.
132 Fox Island Rd., Marstons Mills

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Brown SE3-5170 pool location
250 Smoke Valley Rd., Marstons Mills

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

Issues discussed:

- The color and appearance of the decks from the water.

A motion was made to approve the revised plan

Seconded and voted unanimously.

E. Brown SE3-5022 guest house location
250 Smoke Valley Rd., Marstons Mills

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III REQUEST FOR DETERMINATION

Benjamin W. & Sarah H. Paharik. Raze and rebuild a single-family house in a flood zone at 15 Manor Way, Osterville as shown on Assessor’s Map 116 Parcel 026. **DA-16076**

The applicants were represented by Tom Bunker of BSS Designs and Andrew Garulay of Yarmouth Port Design Group.

Issues discussed:

- Reasons and attributes for being flood-zone compliant.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Janet H. McCoy, Tr., 800 Manatee Trust. Replace existing timber landscape retaining wall with a stone-faced concrete block landscape retaining wall at 441 Eel River Rd., Osterville as shown on Assessor’s Map 114 Parcel 021. **SE3-5438.**

(NOI's, McCoy, continued)

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

Exhibits:

A – Photos taken by Darcy Karle, Conservation Administrator.

Issues discussed:

- Enough weep holes on the designated wall to relieve groundwater pressure;
- The height of the wall, 5 – 7 feet as seen from the water; however, vegetation in the foreground will cover up to 3 – 4 feet of wall;
- Whether the spot light on the pier is permitted;
- Submission of before-and-after photos were asked to be submitted;
- Whether the path below the wall was previously approved.

A motion was made to approve the project, contingent upon approval status of the light on the pier and the path below the wall; and a special condition that a conservation protocol is to be worked out with staff prior to the start of work.

Seconded and voted unanimously.

Mark M. Christopher, Tr., 27 Winfield Lane Realty Trust. Construct timber boardwalk, pier, ramp and float at 73 Eel River Rd., Osterville as shown on Assessor's Map 116 Parcel 100. **SE3-5437**

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

Exhibits:

A – A list of compliance requirements for Commission regulations for new private docks

Issues discussed:

- The pier to the south was to be shared, but was never conditioned – only a sign requirement and project narrative;
- No outside shellfish survey required, due to non-motorized craft on pier, although the area is rated as a high shellfish habitat;
- Dock pilings being susceptible to invasive species colonization;
- Time restriction April 15 – Sept. 15, mentioned in letter from MA DMF (see correspondence, below);
- Location of path should be more specific;
- Additional time needed to review prior filing, advertising, hearing, and motion regarding shared pier issue.

Correspondence:

- Letter from Town Shellfish Biologist, Tom Marcotti, dated 12/19/16;
- Letter from MA Division of Marine Fisheries, dated 12/22/16;

A motion was made to continue the hearing to 1/24/17.

Seconded and voted unanimously.

V AMENDED ORDERS

Louis N. & Zacharie H. Vinios. Request to amend Order of Conditions **SE3-5407** to allow replacement of the foundation to the existing dwelling at 47 Sea View Ave., Osterville as shown on Assessor's Map 162 Parcel 025.

The applicant was represented by Chuck Rowland, P.E.

Issues discussed:

- The new foundation is to be in the same footprint;
- A question as to why this amendment could not have been done as a revised plan request.

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

(Amended Orders, Vinios, continued)

Seconded and approved: 5 votes = Aye; 1 vote = Nay.

[Commissioner Scott Blazis left the hearing at this time]

VI CONTINUANCES (continued)

Joanna Chodes, Tr., Wakeby Road 464 Realty Trust. Demolish/remove existing single-family house; construct/maintain proposed single-family house with attached garage, porch, deck, Title-5 sewage disposal system, driveway, utilities, drainage; all associated clearing, excavation, grading and landscaping at 464 Wakeby Rd., Marstons Mills as shown on Assessor's Map 028 Parcel 005. **SE3-5431**

The applicant was represented by Raul Lizardi-Rivera.

Issues discussed:

- Ray Bartlett, abutter, questioned the type of seed mix and the amount of sunlight reaching the bog;
- Runoff from the site addressed with four drywells from the house.

Correspondence:

- Letter from Natural Heritage and Endangered Species Program.

A motion was made to approve the project with special conditions, using plans of record: 12/16/16 Engineering Site Plan, and 12/20/16 Landscape Plan.

Seconded and voted unanimously.

VII CERTIFICATES OF COMPLIANCE

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|----|------------------|----------|------------------|--|
| A. | Lewis / Oakleigh | SE3-4997 | (coc,ez) | construct pier; reconstruct boardwalk * |
| | | | | at 510, 524, & 0 Wianno Avenue, Osterville – Phinney's Bay & Nantucket Sound |
| B. | Kelly | SE3-4908 | (partial coc,ez) | construct stairs (not done); manage invasives * |
| | | | | at 150 East Bay Road, Osterville – East Bay |

A motion was made to approve the certificates (A – B).

Seconded and voted unanimously.

VIII MINUTES FOR APPROVAL

- A. November 29, 2016 (tabled from 12/13)
- B. December 13, 2016

A motion was made to approve the minutes (A – B).

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 7:56 p.m.)