



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

FAX: 508-778-2412

## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: APRIL 4, 2017 @ 6:30 PM**

**LOCATION: SELECTMEN'S CONFERENCE ROOM, 367 Main Street 2<sup>ND</sup> 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](http://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 Peter Sampou, Scott Blazis, and Larry Morin. Commissioner John E. Abodeely was away.

Conservation Administrator, Darcy Karle, assisted.

### **I REQUEST FOR DETERMINATION**

**Town of Barnstable/D.P.W.** Install tight-tank at newly renovated Craigville Beach bathhouse facility at 997 Craigville Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 013. **DA-17019**

The applicant was represented by Mark Marinaccio of the DPW and Joe Longo of Horsley and Whitten Group.

Chair Tom Lee recused himself.

Issues discussed:

- Approved by BOH already
- 1x a week pumping required peak season

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Orenda Wildlife Land Trust, Inc.** Create and maintain a 37-foot-wide vista from existing house by limbing selected trees, removing vines and lowering shrubs within the 50-foot wetlands buffer zone. No trees to be removed within the 50-foot buffer zone at 192 Meadow Ln., W. Barnstable as shown on Assessor's Map 158 Parcel 005-004. **DA-17016**

The applicant was represented by Orenda Administrator Elizabeth Lewis.

Issues discussed:

- Falls in NHESP habitat. Conservation Staff concerned with request to remove all briar by pulling roots in the 37-foot vista corridor
- Commission raised some concerns with 4-foot height requested for understory
- Flexibility could be allowed, since this is a thickly vegetated area, to perhaps allow trimming understory to a certain height.

A motion was made accept the following finding: The property has a heavily vegetated buffer along 275' length and applicant only requesting 37' vista corridor; therefore, Commission could allow undulating cutting of understory to 4' high and management of bullbriar within the vista corridor.

Seconded and voted: 5 votes = Aye; 1 vote = Nay. The motion carried.

A motion was made to issue a negative determination.

Seconded and voted: 4 votes = Aye; 2 votes = Nay. The motion carried.

**Francis O'Brien.** Foundation repairs/augmentation to the front (west) side and left (north) side of the dwelling at 90 Bay Shore Rd., Hyannis as shown on Assessor's Map 325 Parcel 076. **DA-17017**

The applicant was represented by Alexander Trakimas

Issues discussed:

- Erosion controls should be maintained during rain
- Check with structural engineer

A motion was made to issue a negative determination stating erosion controls must be provided, and must be reviewed by a structural engineer.

Seconded and voted unanimously.

**Bill Picardi, Picardi Construction.** Expand existing three-season room onto existing deck with higher roof and new supports; remove 2,200 sf of pavement; expand deck 152 sf and install lawn at 960 Main St., Cotuit as shown on Assessor's Map 035 Parcel 095. **DA-17018**

The applicant was represented by Thomas Bunker.

Issues discussed:

- Review of project using revised plan 3/30/17
- Containment drainage

A motion was made to approve a negative determination.

Seconded and voted unanimously.

## **II NOTICES OF INTENT**

**James Howard Dow Davis, Tr., James Howard Dow Davis GST Exempt Trust & Katharine Vining Davis Cote GST Exempt Trust.** Proposed thinning, pruning and removal of trees and invasive vines from previously disturbed buffer zone to restore and promote health of woodland area; maintain and enhance existing vista corridors at 50 Fox Island Rd., Marstons Mills as shown on Assessor's Map 096 Parcel 001. **SE3-5462**

The applicants were represented by John C. O'Dea, P.E. and Peter Hansen.

Issues discussed:

- No vista pruning proposed in 50' buffer at this time.
- John O'Dea revised vista corridors after staff comments
- Copies of the revised vista plan were not submitted to the Commission at hearing
- Concern with forest management in 50' buffer, especially outside of vista areas. Concern with number of trees being requested to be removed including dead and dying trees. Dead trees offer wildlife habitat.
- Trees with active pine borers could be supported for removal, but trees that are currently dead can be used by cavity borers.
- Trees with pest issues should have been identified as part of the application.
- Management of vines and limbing to allow light could be approved.
- Project compare with Fox Island project where commission approved management of trees, and the area now appears to be wide open.

- 3-5 yr. management of invasives requested in proposal

A motion was made to approve the project subject to receipt of a revised plan showing vista corridors. And subject to special conditions including the following:

1. Outside of view corridors, no tree removal or pruning is permitted at this time.
2. Cutting, removal and treatment of invasives including vines is allowed.
3. Applicant may return to the Commission at later date to offer update and have requests reviewed again.

Seconded and voted unanimously.

**Damon & Gabriela Collins.** Proposed addition and deck with associated mitigation and bank restoration at 120 Starboard Ln., Osterville as shown on Assessor's Map 186 Parcel 001-001. **SE3-5461**

The applicants were represented by John O'Dea and Theresa Sprague BlueFlax Design LLC

Issues discussed:

- Violation brought up that will be followed-up by staff
- Annual report-monitoring reports
- The Commission liked the project

A motion was made to approve the project as submitted.

Seconded and voted unanimously.

**David A. & Lisa M. Antonelli.** Modify existing house (small changes to footprint); reconfigure patios, walkways, retaining walls and decks; modify landscaping at 128 Great Bay Rd., Little Island, Osterville as shown on Assessor's Map 072 Parcel 032-003. **SE3-5466**

The applicants were represented by Steve Wilson, P.E. and Dana Schock of Landscape Design.

Issues discussed:

- Concern with Bocce court, hardscape in 50'
- Bocce court will be dry-laid
- Location of leaching pit for the pool and roof run-off containment should be identified

A motion was made to approve the project subject to receipt of a revised plan removing the bocce ball court. A second revised plan to be received to identify location of pool drawdown pit and identify drainage for roof run off.

Seconded and voted unanimously.

**Theodore G. & Stacey L. Sheehan.** Construct and maintain an addition to existing single-family dwelling with associated clearing, grading, utilities, and mitigation plantings at 61 Cedar Tree Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 015. **SE3-\_\_\_\_\_**

A request for a continuance to 4/18 was made via email.

A motion was made to continue the project to 4/18/17.

Seconded and voted unanimously.

No testimony was taken.

**Richard & Margaret Bernard.** Proposed restoration plantings and vista corridor layout at 172 Millway, Barnstable Village as shown on Assessor's Map 300 Parcel 034. **SE3-\_\_\_\_\_**

The applicants were represented by Andrew Garulay, RLA of Yarmouth Port Design Group.

Mr. Garulay gave an overview of the revised plan of 3/27/17.

Issues discussed:

- There was still some concern with the request to maintain vegetation at certain heights
- Mr. Garulay stated that brushed areas actually have small trees, such as hollies, that will be allow to grow back
- Mr. Houle clarified that the Commission asked the applicant to come back with a proposal to allow the brushed area to be restored, but would work with them on vistas.
- Ms. Karle reminded the Commission that a prior filing indicated an area to be brushed, but the last time, it was cut too short by the prior owner when preparing the property for a listing. The Commission was open to allow for regrowth without requiring a substantial replanting plan.
- The 50' buffer is measured from a coastal bank not a BVW, which allows for a little more leniency when the Commission is considering maintenance of the understory vegetation.

A motion was made to approve the project based on the revised plan of 3/27/17.

Seconded and voted: 5 votes = Aye; 1 vote = Nay. The motion carried.

**Joshua & Alexis Kouri.** Raze/rebuild a portion of existing dwelling. Remove one existing shed and relocate one existing shed; remove two pine trees and two oak trees; construct two foundations with associated clearing, grading, utilities and landscaping at 45 Hornbeam Lane, Centerville as shown on Assessor's Map 206 Parcel 066. **SE3-5463**

A request for a continuance to 4/18 was made via mail.

A motion was made to approve a continuance to 4/18/17.

No testimony taken

**Bruce Evans/Cape Beach House LLC.** Construct perched beach using coconut fiber rolls; construct seasonal boardwalk; plant with American Beach Grass at 27 Marchant Ave., Hyannisport as shown on Assessor's Map 286 Parcel 025. **SE3-\_\_\_\_\_**

The applicant was represented by Arlene Wilson, PWS.

Exhibits:

A – May 1935 plan

Issues discussed:

- Arlene addressed concern raised by abutter's consultant in which they would like to be assured of an ongoing condition requiring beach nourishment to continue under prior groin project and this application.
- Mean high water calculation
- Concern with boardwalk being requested
- Single application of fertilizer for beach pea being planted in dune restoration
- Public access.

A motion was made to approve the project with special conditions subject to receipt of a revised plan removing boardwalk and single application of fertilizer for beach pea approved. Additional conditions to include:

1. Tie-down cables to be inspected at least once per month and tightened as necessary.
2. Inspect and tighten cables within 48 hours of any storm with winds from the southwest, south or southeast and seas anticipated at 2' or more above normal.
3. Any displaced rolls should be reset as soon as practical.
4. Compatible sand fill shall be placed to restore dune form and volume after major storm events.
5. The dune face and perched beach vegetation shall be replaced as soon as the season allows when storm damage occurs.
6. The project shall be implemented by Joyce Landscaping. If another contractor is sought by the applicant, the contractor must first be approved by the Agent on the basis of his/her qualifications, expertise, and documented experience in such projects. The Commission reserves the right to interview the prospective contractor prior to making their determination. These conditions (1-6) shall be on-going conditions.

Seconded and voted unanimously.

**James C. & Kathleen C. Henry.** Construct addition to single-family residence; raze and rebuild detached garage in same location; rebuild and expand deck behind existing two-bedroom dwelling; remove and replace 1,500 gal. septic tank; planting mitigation, at 15 Piney Point Dr., Centerville as shown on Assessor's Map 228 Parcel 155. **SE3-5464**

The applicants were represented by Michael Pimentel, EIT.

Issues discussed:

- Construction protocol for garage work
- Location chosen for mitigation, does it benefit the pond?
- Southerly area is vegetated, so could offer mitigation along pond shore
- Two erosion control lines are needed, one around garage and wattles near pond edge for planting area.

A motion was made to approve the project subject to a revised plan showing two hay bale lines and mitigation relocated along pond edge, and subject to plantings being maintained in perpetuity.

Seconded and voted unanimously.

### **III CONTINUANCES**

**Timothy Ball.** Remove damaged & hazardous trees near house; seek approval for vista pruning; re-establish timber landscape features, including small sitting area near lake; pruning of shrubs and trees; mitigation planting at 379 Lakeside Drive West, Centerville as shown on Assessor's Map 232 Parcel 048. **SE3-5451**

A quorum of six Commissioners was present.

The applicant attended, and was represented by Michael Ball of Marsh Matters Environmental.

Issues discussed:

- Commission Clerk Dennis Houle gave an overview of the project
- Michael Ball reviewed the revised plan dated 2/24/17 indicating vista corridors and tree removal, along with a revised landscaping plan dated 3/31/17
- Understory vegetation in vistas would be cut undulating 6' minimum – 8' maximum in height.
- Concern with proposed plan still having 75-foot vista, as "sitting area" already has low-growth vegetation, and acts like a vista corridor.
- Possibility of relocating seating area in an approved vista corridor.
- Possibility of adding trees to the upper area shown on planting plan.
- Possibility to shift large east vista corridor to west to include seating area, and place minor corridor to the east.

Correspondence: Letter from NHESP

A motion was made to continue the project to 4/18.

Seconded and voted unanimously.

**David Drake & Jacqueline Linas.** Construct new pier, ramp and float on the Centerville River at 1112 Craigville Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 136. **SE3-5453**

A request for a continuance to 5/30 was made via email.

A motion was made to continue the project to 5/30/17.

No testimony was taken.

**IV EXTENSION REQUEST**

**Project type:**

**Time requested:**

E. Griffin/New Rushy Marsh Tr. SE3-5179 pier, ramp, float  
1524 Main St., Cotuit

1<sup>st</sup> Request; 3 years

**TABLED FROM 3/14**

The applicant was represented by Atty. Michael Ford.

A motion was made to approve the three-year extension.

Seconded and voted unanimously, with one abstention.

**V CERTIFICATES OF COMPLIANCE**

(ez = no deviations, staff recommends approval; \* = on-going conditions)

- A. Folk SE3-4811 (coc,ez) renovate single family dwelling (not done)  
at 67 Caillouet Lane, Osterville; East Bay
- B. Slifka SE3-5136 (coc,ez) construct boardwalk, pier, ramp, & float \*  
at 67 Caillouet Lane, Osterville; East Bay
- C. Staniar SE3-4350 (coc,ez) Raze & construct single family dwelling (not done);  
Construct garage, pool, & barn \*  
at 236 Smoke Valley Road, Osterville; Marstons Mills River
- D. O’Connell SE3-5138 (coc,ez) construct pool & additions; vista pruning \*  
at 390 North Bay Road, Osterville; Cotuit Bay
- E. O’Connell SE3-5106 (coc,ez) construct boardwalk, pier, ramp, & float \*  
at 390 North Bay Road, Osterville; Cotuit Bay
- F. Bentas SE3-5146 (coc,ez) renovate pool & patio \*  
at 203 Green Dunes Drive , Centerville; East Bay

A motion was made to approve all the certificates.

Seconded and voted unanimously.

**VI MINUTES FOR APPROVAL**

A. March 21, 2017

A motion was made to approve the minutes.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:38 p.m.**

