



# 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: SEPTEMBER 19, 2017 @ 6:30 PM

LOCATION: TOWN HALL HEARING 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 John E. Abodeely, Peter Sampou, Scott Blazis, and Larry Morin.

Conservation Administrator, Darcy Karle, assisted.

### I REQUESTS FOR DETERMINATION

**Louis N. & Zacharie H. Vinios.** Reconstruct existing stairs and landing in existing footprint at 47 Sea View Ave., Osterville as shown on Assessor's Map 162 Parcel 025. **DA-17055**

The applicants were represented by Charles Rowland, P.E. of Sullivan Engineering & Consulting, Inc.

Issues discussed:

- The marking of a large cypress tree

A motion was made to to approve a negative determination.

Seconded and voted unanimously.

**Gerald R. & Elsa K. Ramin, Trs., Nina Realty Trust.** Upgrade failed septic system at 16 Lakeview Dr., Centerville as shown on Assessor's Map 214 Parcel 050-001. **DA-17056**

The applicants were represented by Lynne Whiting Hamlyn of Hamlyn Consulting.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

**Dennis Kerkado.** Upgrade failed Title-V septic system to new Title-V system at 186 Bay Ln., Centerville as shown on Assessor's Map 186 Parcel 026. **DA-17057 \$15.00**

The applicant was represented by John Landers-Cauley.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

## II NOTICES OF INTENT

**Christine Scanlon.** Construct addition consisting of a two-car garage and mudroom; driveway modifications at 127 Shell Ln., Cotuit as shown on Assessor's Map 019 Parcel 158. **SE3-5514**

The applicant was represented by Daniel Ojala, P.E. of Down Cape Engineering, and Steven Cook of Cotuit Bay Design.

Exhibit A – Revised plan dated 9/15/17

Issues discussed:

- Revised plan (9/15/17) was submitted as requested by staff to indicate lower wooden walk and rinse station under deck.
- Concern with a portion of mitigation being offered outside of conservation jurisdiction. It was suggested that an “in-lieu” fee should be offered
- Christmas trees disposed of in wetland have been removed, as requested by staff
- Property owner willing to give up an area of lawn in the buffer zone

A motion was made to approve the project as submitted, subject to submission of a revised plan showing mitigation within conservation jurisdiction.

Seconded and voted unanimously.

**Daniel J. Pozen, Tr. & Heather P. Garni, Tr., 960 Main Street Trust.** Landscaping adjacent to and on coastal bank including minor grading near shed and within 50' of coastal banks, and fill voids behind existing bulkhead at 960 Main St., Cotuit as shown on Assessor's Map 035 Parcel 095. **SE3-5512**

The applicants were represented by Arlene Wilson of A. M. Wilson Associates.

Issues discussed:

- A revised plan dated 9/16/17 was submitted to the Commission prior to the hearing
- Invasives will be treated. Applicant willing to provide three-year monitoring reports on invasive management
- Concern was raised on grading or the addition of material on the coastal bank
- Ms. Wilson indicated that many of the Norway maples which the Commission may wish to be removed are directly on the property line. The abutter requests that they remain.
- A question was raised as to the age of the shed
- A question was raised regarding a note on the plan indicating a picnic table and chairs
- Any requested pruning of the crabapple tree shall only be done by a certified arborist and in consultation with staff
- Concern was raised as to the amount of grading requested solely for improved access to the shed
- The Commission would like to see a buffer-zone strip upland of the bulkhead
- Reason for removal of the crabapple appears to be for view purposes.
- Additional mitigation could possibly be used and banked
- A question was raised about the drain pipe on the engineering plan, and whether it was still active.

A motion was made to continue the project to October 3, 2017.

Seconded and voted unanimously.

**Oyster Harbors Club, Inc.** Maintenance dredging with beneficial re-use of material as beach nourishment; permit and maintain existing 7-foot extension to existing licensed float at 170 Grand Island Rd., Osterville as shown on Assessor's Map 053 Parcel 012-001. **SE3-5515**

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

Issues discussed:

- A time-of-year restriction to prohibit dredging from January 15<sup>th</sup> to May 31<sup>st</sup>.

Correspondence read into the record: Letter from MA Division of Fisheries and Wildlife, dated 9/19/17

A motion was made to approve a finding with regard to the float, given the multiple use by state and local agencies and its proximity to Tim's Cove ramp. An allowance for a float greater than 200 sq.ft. shall be granted.

Seconded and voted unanimously.

A motion was made to approve the project as submitted, with the above finding and special condition/time restriction that no dredging is allowed between January 15<sup>th</sup> to May 31<sup>st</sup>.

Seconded and voted unanimously.

**Adam Weiner/Guaranteed Fresh Produce.** Redevelop site and construct new parking lot at 30 Iyannough Rd./Rte. 28, Hyannis as shown on Assessor's Map 343 Parcel 015. **SE3-5513**

The applicant was represented by Atty. David Lawler, Stephen Wilson, P.E. and Matthew Eddy, P.E. (Mr. Wilson and Mr. Eddy of Baxter Nye Engineering & Surveying),

Exhibit A – Revised plan dated 9/19/17

Issues discussed:

- A revised plan dated 9/19/17 was submitted to indicate the planting as requested by staff.
- A question was raised on continuing invasive planting control
- Chair Tom Lee reviewed the storm management report, raising the question about a possible forbay (garbage collection area) as a more suitable choice of vegetation for bio-remediation.
- The filtration rate should be tested as it pertains to the stormwater handbook.

Correspondence: Email from Matthew Eddy to Darcy Karle, dated 9/14/17, confirming no proposed refueling of vehicles

A motion was made to approve the project based on revised plan dated 9/19/17, with the following special conditions:

1. Invasive species control as an ongoing condition in a certificate of compliance;
2. Subject to the Chair's review of stormwater calculations;
3. Review of appropriate planting with staff for bio-remediation;
4. No re-fueling of vehicles permitted on the lot.

Seconded and voted unanimously.

### **III CONTINUANCES**

**Robin Schwartz, Tr./Baxters Neck Road LLC.** Construct addition to existing house; construct pool patio; construct stairway to existing dock; mitigation planting and landscaping at 240 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 024. **SE3-5494**

The applicant was represented by Stephen Wilson, P.E. Mr. Barry Lehman, property owner, also attended.

Vice-Chair Louise Foster recused herself.

Issues discussed:

- A quorum was present.
- Two certificates of compliance, representing lapsed projects, are still required for the property
- Ms. Karle advised that topping of trees should be addressed during the close-out of the prior filings
- Mr. Wilson indicated that the house is no longer for sale, as the owner will be using it.
- A question was raised on delineation of a town bank line. The bank continues to run up onto the abutter's bank.
- The mitigation planting plan had already been requested along with several other items at a prior hearing, and have not come forth.
- The Commission needs to consider when comparing the two plans: the amount of trees that would be required to be removed; siting the pool in one area versus work on a coastal bank. This particular bank is high up on the property

- and the construction should not impact the function of the bank. Prince Cove is protected from storms.
- The construction protocol places the wall first.

A motion was made to continue the project to 10/17/17.

Seconded and voted unanimously.

**Sarah A. Turano-Flores, Esq.** Elevated boardwalk, dock, ramp and float is proposed to be installed over saltmarsh located between coastal bank 30 Gardiner Lane and water's edge of East Bay. Proposed structure would extend over two separate properties and would be shared by both owners. Existing boardwalk, dock, ramp and float at 110 East Bay Rd., would be removed. Project also includes 45,400 sf of restoration planting and invasives removal at 30 Gardiner Ln., 110 and 120 East Bay Rds. Restoration entails saltmarsh enhancement mitigation using core marsh pillows, wetland mitigation, coastal bank mitigation and native woodland understory mitigation. Planting to include 250 native shrubs, 14 trees and 5,000 native forbs and grasses. Properties as shown on Assessor's Maps 141 & 140 Parcels 123-001 & 123-002, and 163. **SE3-5488 Re-advertised \$65.00** Request for continuance to 10/3/17

A letter requesting a continuance was read into the record.

A motion was made to continue the project to 10/3/17. No testimony was taken.

Seconded and voted unanimously.

**Cape Cod Cooperative Bank.** Upgrade existing handicapped access parking and sidewalks; reduce pavement (~95 sf) in the 50' – 100' buffer; recycle existing parking lot pavement and place new pavement; cut trees, brush & vegetation along Rte. 6A to improve safe sight distance of westbound traffic. Waiver requested for work conducted in resource area and 0 - 50' buffer at 1121 Main St. (Rte. 6A), W. Barnstable as shown on Assessor's Map 178 Parcel 003. **SE3-5506**

The applicant was represented by Stephen Wilson, P.E.

Issues discussed:

- A quorum was present
- Mr. Wilson stated that BPD accident reports indicate the occurrence of eight two-car accidents at the site
- The applicant is proposing to remove three grey willows and one Norway maple
- The Commission was satisfied with the information submitted, showing that this is clearly a public safety issue
- A request was made to augment small native shrubs

A motion was made to approve the project to include a special condition that additional native shrubs will be augmented-in, in consultation with staff.

Seconded and voted unanimously.

**Rodrigo Epifanio & Shelder Carvalho.** To permit existing dock and proposed dock extension; site improvements including existing shell walkway, slate steps, water spigots & landscape lighting and proposed 28' x 28' grass sitting area at 287 Mitchell's Way, Hyannis as shown on Assessor's Map 290 Parcel 052. **SE3-5508**

Mr. Rodrigo Epifanio attended, and was represented by Edward Pesce, P.E. of Pesce Engineering & Associates, Inc.

Issues discussed:

- Ed Pesce stated that the property owner has agreed to refrain from mowing the rest of the buffer area
- Concern was expressed with the width of the sea shell path and dog-leg of the path
- Concern was raised about the flood lights
- Concern was raised regarding the request to mow all areas of the 50-foot buffer.
- There was a request for the 25-foot buffer zone (from the BVW flag 5) to include planting around the sitting area

A motion was made to approve the project subject to the submission of a revised plan to include:

1. Narrowing the path down to 4-feet wide, and remove dog-leg section of path, having it end at the walkway;

2. Provide a 25-foot buffer (from BVW flag 5) with demarcation of the lower edge of the sitting area, in consultation with staff

Seconded and voted unanimously.

**Laura Davis.** Renovate existing single-family dwelling to include construction of additions and porches; replace exterior windows and doors; roofing and siding; construct patio, walkways and out- door rinse station; reconstruct deck; construct in-ground swimming pool with fence; upgrade existing septic system at 910 Main St., Cotuit as shown on Assessor’s Map 035 Parcel 090. **SE3-5504**

The applicant was represented by Lynne Whiting Hamlyn of Hamlyn Consulting.

Issues discussed:

- A quorum was present, except for Commissioner Blazis
- An in-lieu fee will be adjusted to \$8,134.00
- Missing vegetation, a bare area near the stairs, needs to be replanted
- The plan being reviewed was dated 9/5/17.

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

1. Restore vegetation in bare areas near stairs, in consultation with staff;
2. No cutting on the bank without express permission from the Conservation Commission.

Seconded and voted unanimously.

#### **IV OLD & NEW BUSINESS**

A. Shellfish Rating Map Discussion

Commissioner Peter Sampou pointed out a flaw in the current rating system as it pertains to the weight the “unfamiliar” category plays in the classification of shellfish rate maps. He stated that data presented tonight should be considered at site-specific locations at each hearing.

Discussion continued at length, some Commissioners questioning whether there was a better system. Mr. Sampou requested that he be allowed to discuss this issue with Tom Marcotti, Town Shellfish Biologist.

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

A. Town of Barnstable/CONS SE3-4773 (coc, ez) alum treatment \*  
Mystic Lake, Marstons Mills – Mystic Lake

A motion was made to approve the certificate.

Seconded and voted unanimously.

#### **VI MINUTES FOR APPROVAL**

A. August 22, 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 9:33 p.m.**