



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: January 16, 2018 @ 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 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 (arrived at 3:22 p.m.), Scott Blazis, and Larry Morin. Commissioner John E. Abodeely was away.

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

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

- A. CAJ, LLC SE3-5148 (coc, d) raze & construct SFD w/pool
123 Seapuit River Road #A, Oyster Harbors Seapuit River

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

This project proposed to raze and construct a single-family dwelling on the Seapuit River. There are several deviations regarding unpermitted or altered structures. Some have been turned over to the Conservation Agent for enforcement. Other deviations/deficiencies in the landscaping and mitigation led Mr. Stepanis to recommend that this certificate of compliance be denied.

A motion was made to deny the certificate. The applicant shall stake the approved mitigation area within thirty days [from this hearing date]. The excess lawn is to be removed and the additional mitigation planted by May 15, 2018.

Seconded and voted unanimously.

- B. Lehman SE3-4761 (coc, ?) construct house addition & pool (none done)
240 Baxters Neck Road, Marstons Mills Prince Cove

Commissioner Louise Foster recused herself.

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

Exhibits:

A and B – Photos submitted by Stephen Wilson, P.E.

This project was filed in 2008 to build an addition to a single-family dwelling, construct an in-ground pool, remove some trees for insurance purposes, and vista pruning. Only the tree removal has been done. A new filing was submitted in October, 2017 to perform this work under SE3-5494.

The issue here is the topping of trees on the coastal bank.

A motion was made to deny the certificate, and turn the matter over for enforcement. The applicant shall submit a plan describing future management of the topped trees, showing an acceptable view corridor(s) for the proposed vista pruning.

Seconded and voted unanimously.

C. Lynch/Fox Island Realty Trust SE3-5296 (coc, ez) raze house; construct sfd & appurtenant structures *
132 Fox Island Road, Marstons Mills – North Bay/ Dam Pond

A motion was made to approve the certificate.

Seconded and voted unanimously.

D. Huckemeyer SE3-4864 (coc, ez) replace bulkhead (not done)
137 Pleasant Street, Hyannis Hyannis Inner Harbor / Lewis Bay

A motion was made to approve the certificate.

Seconded and voted unanimously.

E. Huckemeyer SE3-4865 (coc, ok) install tie-off pilings
149 Pleasant Street, Hyannis Hyannis Inner Harbor / Lewis Bay

A motion was made to approve the certificate.

Seconded and voted unanimously.

II REVISED PLANS

Project type:

Revision:

A. Huckemeyer SE3-4865 (as-built) install tie-off pilings add piling; relocate piling system
149 Pleasant Street, Hyannis Hyannis Inner Harbor / Lewis Bay

The applicant was represented by Christine Player of CLE Engineering.

This project was approved to install pilings for berthing safety of boats at an existing dock in Hyannis inner harbor. The engineer requesting the certificate of compliance noted various deviations regarding composition and location of the piles. C.L.E. Engineering has included a revised plan request which includes a plan of as-built conditions.

The Harbor Master has provided comments on these deviations. One of the deviations regarding the substitution of timber piles for steel piles was approved by then-administrator, Rob Gatewood, via a 6/21/2012 email to the marine contractor.

Concern was expressed that the 12-ft. siting deviation of a piling was made by the installer without prior approval. The Commission did not find any increased adverse impacts from the as-built conditions.

A motion was made to approve the as-built plan.

Seconded and voted unanimously.

B. Chartin R. T. SE3-5235 raze/rebuild sfd, pool, patio lighting for flagpole
524 Wianno Ave., Osterville (Tabled from 12/5)

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

A motion was made to deny the revised plan.

Seconded and voted unanimously.

- C. Assembly Required LLC SE3-5011 raze/rebuild sfd, landscape invasive species plan
110 East Bay Rd., Osterville

The applicant was represented by Seth Wilkinson.

Mr. Wilkinson indicated that he is willing to submit an annual, three-year, comprehensive report for all of the Assembly Required properties.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

- D. Oyster Harbors Club SE3-5449 raze cabana; replace, expand stairs, drainage, etc.
170 Grand Island Dr., Osterville practice court

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

- E. Pryshlak SE3-5448 raze/rebuild sfd, pool, patio redevelopment of site
48 Main St., Osterville

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

Issues discussed:

- There was concern that the revised plan has more hardscape in the 0-50' buffer than did the original plan
- The possibility of pulling the pool back, in line with the proposed deck, to reduce increased impact to the 50' buffer.
- Mr. O’Dea may submit a separate revised plan for the house (with original pool locations to be fitted in). The revision may be approved by staff. They will return at a later date with the pool revision.

A motion was made to approve the revision for the house, and to deny the revision to the 20' x 50' pool. A revised plan for the house is to be submitted for staff review and approval.

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

- A. Sarah Hinkle – 1000 Main St., Cotuit – Alteration of a wetland resource area buffer, cutting vegetation next to a marsh. Violation of Order of Conditions: Failure to record the order and obtain a certificate of compliance.

Exhibits:

- A – Photos of cut trees and an aerial map image
- B – Order of Conditions for SE3-0812 and SE3-2057

Sarah Hinkle was present.

Commissioner Houle was concerned with some of the violations occurring on the neighboring parcel owned by Mass. Audubon, and requested that Mass. Audubon be made aware of the violation.

The Commission approved the enforcement order as written.

Seconded and voted unanimously.

- B. Alick DiPaula – 444 Main St., West Barnstable - Alteration of a wetland resource area and buffer, cutting of vegetation next to Smith Creek.

Exhibits:

A – Photos of the cleared area, and a GIS aerial photo with wetland lines

Alick DiPaula was present.

Commissioner Blazis remarked that invasive vegetation will survive unless it is pulled out completely.

The Commission approved the enforcement order, as written.

Seconded and voted unanimously.

C. CAJ LLC – 123 Seapuit River Rd., Osterville - Alteration of a coastal bank and resource area buffer, cutting of vegetation on coastal bank.

Exhibits:

A – Aerial GIS images, photos, and DA-15004 regarding the boat house.

B – Photos, prior correspondence, and Order of Conditions for SE3-5148 regarding landscaping protocols on the coastal bank.

John O’Dea, P.E. and Mark Hurley were present.

The Commission was concerned as to how the builder, Kenneth Vona Construction, Inc., was able to submit building permits through the Conservation Division, with project descriptions that did not match the work completed.

The Commission required an after-the-fact notice of intent filing for the expanded deck, and for the retaining wall at the ground level of the boathouse. The Commission will allow submission of a vegetation management plan for review of the coastal bank area.

A motion was made to approve an amended enforcement order.

Seconded and voted unanimously.

IV OLD & NEW BUSINESS

A. Thomas F. Ryan Jr. – 260 North Bay Rd., Osterville – Enforcement order response plan review.

Exhibits:

A – Enforcement Order Response Plan – restoration planting plan and plant list

B – Revised plant list

The property owner was represented by Michael Neath.

The Commission required revisions to the restoration response plan, incorporating more trees on the lawn.

This item was tabled to 2/13/2018.

B. Mass. Wildlife Habitat Management Grant Program award to the Town of Barnstable Conservation Division to conduct prescribed burning at Crocker Neck Conservation area, Cotuit.

A motion was made to accept the Mass. Wildlife Habitat Management Grant for 2018.

Seconded and voted unanimously.

4:30 PM AGENDA

V AMENDED ORDER OF CONDITIONS

Michael F. Schulz, Tr., 994 Main Street Realty Trust. Propose to amend Order of Conditions under DEP file #SE3-5487 to allow a proposed swim spa to the northeast of the house partially within existing deck footprint; a proposed 3' extension of

that portion of deck to remain; additional mitigation areas for increased hardscape; remove southerly beach access stairs at 994 Main St., Cotuit as shown on Assessor's Map 034 Parcel 036.

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

Issues discussed:

- The possibility of removing the southerly stairs off the bulkhead and relocating the kayak rack
- The construction of the deck extension, and whether it is going to be cantilevered. The Commission does not want to see posts placed out closer to the bank; they wished to keep new posts in line with existing posts
- The patio under the deck will not be expanded.
- Concern was raised that the project is creeping toward the bank.
- The Commission was not keen on allowing a path along the top of the bulkhead.
- The Commission was concerned that, once the coastal bank stairs are removed, people will continue to access the bank just to get to the steps.

A motion was made to approve the project as submitted, subject to the receipt of a revised plan showing: 1) the southerly set of steps to the beach removed; 2) the southerly set of kayak racks relocated to piles northward – and adjacent to – existing northern kayak racks; 3) the deck extension, cantilevered, with no new posts in the lawn; 4) no expansion of the patio below the deck; and, 5) demarcation along the 4-ft. buffer restoration strip.

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

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 6:05 p.m.