



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: OCTOBER 9, 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 3:00 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, Commissioners John E. Abodeely, Peter Sampou (arrived at 3:30 p.m.), Larry Morin, and George Gillmore.

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

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

- A. DeVesto SE3-4837 (coc, ?) modify existing dock by adding float & two outhaul piles
***Need to review deed restriction for shared pier use
835 Old Post Road, Cotuit - Cotuit Bay

The Town Attorney's office recommended the use of a 99-year restriction.

A motion was made to approve a deed restriction for DeVesto for a 99-year term.

Seconded and approved unanimously. [This certificate is on hold for the present, and pending]

- B. Kelleher SE3-5547 (coc, ez) vista pruning; vegetation management; relocate path *
39 Hilliard's Hayway, West Barnstable Scorton Creek / Great Marshes

A motion was made to approve the certificate.

Seconded and approved unanimously.

II REVISED PLAN REQUESTS

Project type

Revision

- A. Henry SE3-5464 sfd addition, garage, deck add stoop, walkway, drywell, etc.
15 Piney Point, Centerville

Request for continuance to 11/6

J.C. Engineering had requested, in writing, a continuance to November 6.

A motion was made to table this matter to 11/6/15

Seconded and approved unanimously.

B. Bogert SE3-5283 additions, mitigation planting walk, wall, stone mulch
160 Tern Ln., Centerville

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

Issues discussed:

- Concern raised in using the term “stone mulch”
- Possibility of planting beds in the area between the walkway and the house, and reducing some of the stone around the air conditioners.
- This is under 3:1 mitigation.

A motion was made to approve the revised plan subject to receipt of a new revised plan, showing a planting bed to replace the stone/gravel around the AC units shown in the top photo (dated 7/31/18). [see photo attached to email in file, dated 8/1/18 from staff to Sullivan Engineering].

Seconded and approved unanimously.

C. Leslie SE3-5326 pool, spa, retaining walls pool, stairs, deck
219 Green Dunes Dr., Centerville

Lauren Cronin of Lombardi Design, Jon Jaxtimer of E. J. Jaxtimer, and Dan Ojala, P.E., of Down Cape Engineering represented the applicant.

Issues discussed:

- A question arose about proposed mitigation location and whether it could be located closer to the resource instead of along the side of the property.
- A question regarding the location of the fence; perhaps they should bring it closer to the 50' buffer. The Commission requires a 6" clearance under fence.
- Whether they should consult with the Building Commissioner regarding the pool fence requirement.

A motion was made to approve the request, subject to receipt of a revised plan providing for a pool fence around the pool, in consultation in with the Building Commissioner. The remaining fence shown in the 50' buffer may remain, provided the applicant meets the 6-inch clearance, every 3rd section. Mitigation to be provided west of the stairs that matches the mitigation to the east of the stairs. The mitigation will come from the upper area near the western end of the house, some portion of that (as necessary) will be relocated west of the stairs to match the area east of the stairs.

Seconded and approved unanimously.

D. Pryshlak SE3-5448 sfd, pool, patio, drive sports court, parking, wall
48 Main St., Osterville

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

Issues discussed:

- Request for top-of-wall elevation and elevation of sports court.

A motion was made to approve the revised plan subject to receipt of a new revised plan indicating elevations for both the retaining wall and sports court.

Seconded and approved unanimously.

III EXTENSION REQUESTS

Project Type:

Time Requested:

A. Gevorgyan SE3-5299 Raze restaurant/rebuild as sfd 1st Request 3 years.
36 Old Colony Rd., Hyannis (Tabled from 9/11)

No one attended the meeting.

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

Seconded and approved unanimously.

B. Haseotes SE3-4963 landscape, drive, pavers 1st Request; 3 years
773 So. Main St., Centerville

The applicant was represented by Daniel Ojala, P.E.

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

Seconded and approved unanimously.

C. Goss SE3-5332 boardwalk, pier 1st Request; 3 years
288 Clamshell Cove Rd., Cotuit

The applicant was represented by Arlene Wilson, P.W.S. of A. M. Wilson Associates.

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

Seconded and voted unanimously.

D. Ausiello/Slifka SE3-5319 dune/beach nourishment 1st Request; 3 years
100 Cross St., Barnstable

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

Seconded and voted unanimously.

E. Bluff Point 1999 Trust #2 SE3-5321 dune/beach nourishment 1st Request; 3 years
128 Bluff Point Dr., Barnstable

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

Seconded and voted unanimously.

F. Hirsch SE3-5320 dune/beach nourishment 1st Request; 3 years
0 Cross St., Barnstable

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

Seconded and voted unanimously.

G. Evergreen 69 R.T., et al SE3-5318 dune/beach nourishment 1st Request; 3 years
69 & 71 Ocean View Ave., Barnstable

No one attended the meeting.

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

Seconded and voted unanimously.

[Scrivner error: D – G should read “Cotuit,” not “Barnstable”]

IV OLD & NEW BUSINESS

A. Conservation Restriction, **Grantor-** Priscilla A. Jones, **Grantee-** Barnstable Land Trust, Inc.
240 Church Street, Barnstable MA, 2.94 acres

Exhibits: – Conservation restriction, GIS aerial with CR on it, and copy of the signature sheet

The conservation restriction was presented by Janet Milkman, Director of the Barnstable Land Trust.

- Discussion took place regarding public use as it pertains to new trails and hunting.
- Concern was raised regarding support for a conservation restriction and then limiting public access.
- Taxes are being reduced.

A motion was made to approve the conservation restriction.

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

V ENFORCEMENT ORDERS

A. **Paul Paresky – 275 Green Dunes Dr., Centerville** - Alteration of a wetland resource area buffer to Hall's Creek, cutting of vegetation in buffer to coastal bank and wetland.

Paul Paresky was present, and was represented by John O’Dea, P.E. The Commission approved the enforcement order requiring a demarcation of the buffer zone and planting of native shrubs. The kayak rack shall be removed until approved under an application.

A motion was made to approve the enforcement order.

Seconded and approved unanimously.

B. **Vincent & Linda Valle – 121 Estey Ave., Hyannis** - Alteration of a wetland resource area buffer to Circo Pond, clearing of vegetation and expanding lawn.

No one attended.

A motion was made to approve the enforcement order to require restoration of the wetland buffer zone.

Seconded and approved unanimously.

- C. **Paul Cummings – 90 Hawes Ave., Hyannis** - Alteration of a wetland resource area buffer, expanding driveway and sprinkler system.

No one attended.

The property owner contacted Conservation staff before the hearing date to confirm that he will return the driveway to the appropriate size.

A motion was made to approve the enforcement order.

Seconded and approved unanimously.

4:30 PM AGENDA

VI REQUESTS FOR DETERMINATION

George Haseotes. Permit the after-the-fact trimming of 5 red cedars; allow future trimming based on the Town's Vista Pruning Guidelines at 312 Long Beach Rd., Centerville as shown on Assessor's Map 185 Parcel 023.

DA-18046

The applicant was represented by Daniel Ojala, P.E.

Exhibit A – Photos submitted by Daniel Ojala, P.E. of the area applicant wishes to maintain the limbing of five trees

Issues discussed:

- Concern was raised regarding the amount of limbing that took place. Does not meet standard vista pruning guidelines
- Question was raised regarding the state of the buffer, whether it is vegetated.
- Question was raised as to whether this is actually a vista pruning request
- Dan Ojala stated that the vista would be for the residence across the street
- Ms. Karle mentioned grass clippings being placed under the cedar trees which, at one time, was a pristine area. Any plan revision should indicate a grow-back area.
- Commission would have to decide whether a view should be granted to the house across the road, which has an expansive view of its own of the water on the sound side.
- Discussion took place regarding a possible replanting requirement – a couple of cedars and ground cover – to be approved under an enforcement order.

A motion was made to approve a positive determination; the Commission to keep jurisdiction over this matter, and it will be referred to staff for the issuance of an enforcement order to restore the ground cover and provide the planting of a couple of trees, if staff deems necessary.

Seconded and approved unanimously.

Nancy Venezia. Request for agricultural exemption for an after-the-fact addition of clean sand fill to an existing sand berm adjacent to Shubael Pond at 240 Flint St., Marstons Mills as shown on Assessor's Map 124 Parcel 003. **DA-18047**

Brian Grady of G.A.F Engineering attended, as well as Nancy Venezia, property owner

Exhibits:

- A – Photos taken by Ms. Karle on 10/9/18
- B – Packet to support the property being classified as agricultural use

Issues discussed:

- There should be two votes, one to recognize the use of the property as agricultural use and that the addition of sand to the berm is recognized as normal maintenance or improvement to land under agricultural use.

- Staff raised a question regarding filter fabric under the sand berm. Ms. Venezia said this filter fabric was probably placed back in the early '90s and now it is exposed, due to the high water level of the pond eroding the shore in this location.
- Staff requested that a condition be added that Conservation must be notified prior to the addition of sand to this berm, or any other improvements.
- The riding ring has been abandoned. It is slowly growing in with grass.
- Question was raised as to what the current elevation of the berm is. This should be indicated on a revised plan.
- They are asking to maintain the existing elevation of the berm as it is today. They would be allowed to maintain the current elevation berm with written notice to the staff. Any additional amount beyond this would require a new filing.
- 12 – 14 inches of sand was added to the berm the last time, in March of 2018, due to a storm event. They had not needed to add sand for over eighteen years.

Public Comment:

- Steve Nye, Trustee, speaking on the behalf of the Liberty Commons Open Space Land Trust, an abutter to the farm. He questioned why this was an after-the-fact filing, and objected to the application.

A motion was made to propose a finding, stating that the Commission acknowledges the current agricultural use/status for this farm.

Seconded and approved unanimously, with one abstention.

A motion was made to approve a negative determination with the following special conditions:

1. A revised plan indicating the elevation of the existing berm that was placed on an emergency basis. This elevation may be maintained overtime. Any increase would require a new filing.
2. No additional use of filter fabric on the property
3. Any future projects to be done on this property within the jurisdiction of the Commission would require consulting with staff before filing an application.

Seconded and approved unanimously.

Tom Swenson. Construct addition to existing single-family dwelling and relocate septic tank and pumping chamber at 151 Irving Ave., Hyannisport as shown on Assessor's Map 287 Parcel 068. **DA-18048**

The applicant was represented by Hannah Raddatz of BSC Group.

Exhibits:

- A – Aerial photos dated 2008, 2009, 2014, and 2015
- B – As-built plan for SE3-3906 dated 1/22/2007

Issues discussed:

- The project is in the flood zone only
- Staff informed the Commission of improvements made to the property. It was noticed during a site visit that, in the vicinity of the pool there was an increase of the patio area, walkways, hot tub, and fire pit. Aerial photos and prior approved plan from SE3-3906 were submitted for the record as Exhibits A & B.
- Concern was raised regarding 3 – 4 decorative lighthouses in the area of the paths, and whether they were present during the last compliance inspection.

A motion was made to approve the project as a negative determination, conditional upon the property owner filing a notice of intent/after-the-fact (ATF fees applied) within ninety days to address deviations found on the property.

Seconded and approved unanimously.

VII MINUTES

A. 9/18/2018

A motion was made to approve the minutes, as amended.

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 5:35 p.m.