



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

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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: JANUARY 15, 2019 @ 4:00 PM**

**LOCATION: Hearing Room – 367 Main St., 2<sup>nd</sup> 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](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 4:00 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners Pete Sampou, Larry Morin, and George Gillmore. Commissioner John E. Abodeely was away.

Darcy Karle, Conservation Administrator, assisted. Paula Schnepf, Town Council liaison, attended.

**4:00 PM AGENDA**

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

- |    |                     |          |           |                                    |
|----|---------------------|----------|-----------|------------------------------------|
| A. | Evans               | SE3-5261 | (coc, ez) | reconstruct stone groin *          |
|    | 27 Marchant Avenue, |          |           | Nantucket Sound                    |
| B. | Moran               | SE3-5441 | (coc, ez) | construct single family dwelling * |
|    | 8 Rue Michele,      |          |           | bordering vegetated wetland        |

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

Seconded and approved unanimously.

**II REVISED PLANS**

**Project type:**

**Revisions:**

- |    |                                |                      |                      |
|----|--------------------------------|----------------------|----------------------|
| A. | Simmonds SE3-5542              | demolish/rebuild sfd | patio, replace tree, |
|    | 160 Harbor Bluffs Rd., Hyannis |                      | kayak rack           |

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering.

Issues discussed:

- Discussion took place regarding planting selection

A motion was made to approve the revised plan subject to receipt of a new revised plan with two changes: eastern red cedar to be the replacement tree, and new shrubs, in consultation with staff.

Seconded and approved unanimously.

**III EXTENSION REQUESTS**

**Project type:**

**Time Requested:**

A. Slifka/Ausiello SE3-5374 seawall; groins 1<sup>st</sup> Request; 3 years  
100 Cross St., Cotuit

The applicant was represented by Arlene Wilson, PWS of A. M. Wilson Associates.

Issues discussed:

- The Army Corps of Engineers wants to wait and see what the effect the dredging project may have on the site prior to their final review, and before permit issuance for the groin reconstruction and beach nourishment.
- The Commission would definitely support a future request for an extension, if required, as the Army Corps of Engineers is holding this project up.

A motion was made to approve the extension request.

Seconded and approved unanimously.

B. MA DOT, Highway Div. SE3-5068 road drainage/repairs 2<sup>nd</sup> Request; 3 years  
Rte. 6, 6A, 28, 132, Phinney’s Ln.

A motion was made to approve the extension request.

Seconded and approved unanimously.

**IV ENFORCEMENT ORDERS**

A. Arthur Perry Jr. Tr., Perry Residence Trust 1-2013 – 35 Little River Road, Cotuit – map 053 parcel 003  
Alteration of wetland buffer, riverfront and coastal bank, buffer by cutting vegetation. Topping trees

Landscaper, Aaron Childs, of Braddock W. Childs Tree Service was issued a warning letter

Issues discussed:

- Neither the property owner nor the landscaper attended.
- Possible tree replacement
- Historic cutting
- A new notification should go out; a phone number should be obtained.

A motion was made to approve the enforcement order as written, and direct both parties to the February 12<sup>th</sup> hearing.

Seconded and approved unanimously.

**4:30 PM AGENDA**

**V NOTICES OF INTENT**

**Lisa N. Mingolla** Demolish an existing single family dwelling and construct a new dwelling with a detached garage at 1462 Main Street, Cotuit as shown on Assessor’s Map 017, Parcel 013. **SE3-5638**  
John O’Dea Sullivan Engineering and MaryAnn Thompson  
Jim Manzi property owner

Exhibit A – Architectural plans and elevations dated 1/15/2019, by Mary Ann Thompson

Issues discussed:

- Difficulty in pushing the house back further when trying to save a beech tree in the center of the circular driveway
- Reduction of hardscape within 50' buffer of dune, approximately 170 square foot reduction in hardscape
- Requesting a waiver from the Commission, due to proximity of the coastal bank
- Requesting the Commission to review this as a mitigation-constrained site. Appears to be a unique site, as there is an accreting dune at this location.
- The possibility of "sliding" the structure to the west.
- Possibility of moving waterfront porch out of the 50' buffer to the dune. This would allow a small reduction of the in-lieu fee.
- The general consensus of the Commission is that this is a mitigation-constrained site. Structural issues are not the reason; it is the functionality of the end product at a unique location. Adding an addition to the existing structure would not make it possible for the applicant to achieve what she is looking for.
- Discussion of the existing bank and evidence of invasives trimmed on the bank. Presents an opportunity to trade off in-lieu (mitigation) fees for restoration/improvement work on the bank. Not looking for trees, but native shrubs that would maintain the current view.
- A revised plan should indicate which trees are slated for removal
- The applicant had already reduced the width of the driveway, and would like to keep a walkable path around the structure, resulting in difficulty moving the structure back another eight feet.
- The general consensus was that the applicant/engineer offered all that was possible, but the Commission would like to see improvements made to the bank.
- Restoration planting could be taken up at a later date.
- An agreement was reached that the area to be restored (counting toward mitigation calculations and reducing the in-lieu fee) will be 50' x 20' in front of the existing structure.

A motion was made to establish a Finding that the parcel is a constrained site.

Seconded and approved unanimously.

A motion was made to approve the project as submitted, subject to receipt of a revised plan designating an area approximately 1,000 sq. ft. in front of the existing cottage on the bank to be restored with approved shrubs, in consultation with staff. A mitigation plan may be submitted at a later date.

Further discussion:

- An "in-lieu" fee will be recalculated taking into consideration the 1,000 sq. ft.
- The finding should also indicate that an in-lieu fee will be expected.
- The invasives removal and planting of shrubs will only be required within the 1000 sq. ft. area. Any additional invasive plant removal requested would be brought back to the Commission.
- Annual reports

An amended motion was made regarding the Finding: The Commission finds that this is a constrained site and the Commission will be accepting both mitigation plantings and an in-lieu fee.

Seconded and approved unanimously.

A motion was made to approve the project as submitted, subject to receipt of a revised plan (prior to issuance of the Order) designating the area for restoration. At a future date the consultant will be submitting the mitigation plan indicating the approved shrubs chosen in consultation with staff. A planting plan will also indicate invasives removal. The recalculations of the in-lieu fee to be submitted to staff and approved (prior to issuance of the Order), with the Commission accepting credit for the 1,000 sq. ft. of the planting mitigation for restoration of the bank. In addition, annual reports to be submitted for three years regarding restoration/mitigation.

Seconded and approved unanimously.

## VI CONTINUANCES

**Peter & Kathleen Shea.** Construct pier, ramp & float; propose natural path for pier access; remove existing pier and piles at 483 Elliott Rd., Centerville as shown on Assessor's Map 227 Parcel 116. **SE3-5632**

The applicants were represented by Daniel Ojala, P.E. of Down Coast Engineering, Inc.

Issues discussed:

- The plan under review had been revised (1/4/19), adjusting the proposed access path originally proposed, to avoid removal of a small tree, and the use of helical piles now where 4 x 4's will be bolted to. Request for float stops having 6" clearance
- Non-motorized dock
- Waivers requested are J1, J4 and L
- Discussion took place as to why two floats were necessary
- Possibility of adjusting size of one float to 8' x 16'

Correspondence: MA Division of Marine Fisheries letter of 12/14/18, email from Tom Marcotti, Shellfish Biologist, dated 12/18/18

The Commission granted the following waivers: J1, J4 and L.

A motion was made to approve the project subject to receipt of a revised plan indicating a single 8' x 16' float with a longer gangway.

Seconded and approved unanimously.

**A motion was made to adjourn.**

**Seconded and approved unanimously.**

**The time was 5:21 p.m.**