



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

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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: JUNE 4, 2019 @ 3:00 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 3:00 p.m. by Chair F. P. (Tom) Lee. Also attending were Clerk Dennis R. Houle, and Commissioners Pete Sampou (arrived at 3:05 pm, Larry Morin, George Gillmore, and John E. Abodeely. Vice-Chair Louise R. Foster was absent.

Darcy Karle Conservation Administrator, assisted, along with Edwin Hoopes, Conservation Agent, and Paula Schnepf, Council liaison assisted.

**3:00 PM AGENDA**

**I CERTIFICATES OF COMPLIANCE**

(coc = Certificate of compliance) (ez = no deviations, staff recommends approval) (\* = on-going conditions)

A. Duarte SE3-0711 (coc, ez) construct single family dwelling \*  
372 River Road, Marstons Mills Marstons Mills River

A motion was made to approve the certificate as submitted.  
Seconded and approved unanimously.

**II REVISED PLANS**

**Project type:**

**Revisions:**

A. Davis & Simon SE3-5631 sheds and rinse station. relocate sheds and rinse sta.  
743 Old Post Road, Cotuit

The applicant was represented by Arlene Wilson of Wilson and Associates.

A motion was made to approve the revised plan and allow branches to be trimmed/lifted if necessary with replacement of ground cover if disturbed.  
Seconded and approved unanimously.

B. Shea SE3-5632 pier, ramp, float construction revised  
483 Elliott Rd., Centerville

\*Taken out of order. Taken up after Old and New Business.

The applicant was represented by Daniel O'jala, P.E. of Down Cape Engineering.

A motion was made to approve as submitted.  
Seconded and approved unanimously.

- |    |   |                     |                       |
|----|---|---------------------|-----------------------|
| C. | Stratouly SE3-5430<br>25 Oyster Way, Osterville | pool, patio, cabana | add bocci court, etc. |
|----|---|---------------------|-----------------------|

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

A motion was made to approve as submitted.  
Seconded and approved unanimously.

<u>III EXTENSION REQUESTS</u>	<u>Project type:</u>	<u>Time Requested:</u>
A. Niraj & Jill Shah, SE3-5011 110 East Bay Road, Osterville	Raze & replace sfd	1 <sup>st</sup> Request: 3 years

A motion was made to approve as submitted.  
Seconded and approved unanimously.

**IV OLD & NEW BUSINESS**

- A. Town of Barnstable New Sources Alternatives Evaluation Report, March 2019, summary by Hans Keijser, Supervisor, Barnstable Water Supply Division.

**Issues discussed:**

- Hans Keijser gave the Commission an overview of the report.
- Treatment issues in current systems were discussed.
- New source options – focusing on two options, enhance treatment of existing wells and looking for areas for new wells.
- Test well plans will be developed for each area once they narrow choices down and they will come back before the Commission.
- Question raised on why fish and wildlife area had a low rating.
- It will be important to check on any deed restrictions that might be in place when considering conservation parcels.

- B. Consideration of signing a letter of support submitted to Barnstable County Commissioners to reinstate the funding of the Barnstable Land Management Grant Program.

Issues discussed:

- Letter asking for the reinstatement of the Barnstable Land Management Grants program administered by the Barnstable County Commissioners.
- The Commission supports the letter and voted unanimously to sign the letter.

- C. Follow up on letter regarding use of fluridone for lakes and ponds.

This issue was not discussed.

- D. Crane – Town Wetlands Ordinance only Order of Conditions.

\*Taken out of order. Taken up after enforcement orders.

- DEP is insisting on keeping their January 12, 2018 SOC in place rather than withdrawing.
- In order to conclude the appeal of the SOC without a withdrawal the Commission needs to issue a new OOC under the Town Ordinance only, with all of the same special conditions.

Following a conference call with Crane and DEP attorneys, a motion was made to correct the record of March 19, 2019 by issuing an Order of Conditions for the revised project under the Town of Barnstable Wetlands Protection Ordinance and regulations only, and incorporating the same special conditions as issued March 20, 2019, except modifying special condition number 29 (sign) to add or substitute the assigned project number BCC-0198 for SE3 number SE3-5473.

A motion was made to approve.  
Seconded and approved unanimously.

## **V ENFORCEMENT ORDERS**

\* Taken out of order. Taken up after Old and New Business.

A. Kathleen Adams Tr. & Acorn Realty Trust – 57 Snow Creek Drive, Hyannis – Map 325 Parcel 151 Alteration of resource area (marsh) by placing an unpermitted dock and boardwalk in resource area and buffer.

### Exhibits

- A. Aerial (4/2012 and 5/2015) and on the ground (4/2014 and 4/2019) photos of site
- B. Email exchanges between Edwin Hoopes, Conservation Agent and Dr. Adams

There were no representatives for the Adams’.

### Issues discussed:

- In an email to Edwin Hoopes, Dr. Adams stated he was going to remove the dock and walkway by July 3, 2019.
- The Commission voted unanimously to approve the Enforcement Order.

B. Daniel J. & Cynthia A. Scioletti – 500 Ocean St., Unit #140, Hyannis – Map 324 Parcel 040.0DJ. Alteration of a resource area – coastal dune and beach – by cutting and removing vegetation from the resource.

### Exhibits

- A. On-the-ground photos of current site conditions
- B. Aerial photo showing impacted area

Mr. and Mrs. Scioletti represented themselves.

### Issues discussed:

- Extent of damage was approximately 300 sq. ft.
- The Scioletti’s were unaware they were doing something wrong. They were attempting to clean up the area and remove some trash as well as provide access to the kayak racks.
- Yachtsman property management and the Scioletti’s will work with Conservation to address the issue of unpermitted kayak racks and access to those racks, and removal/storage of boats so they are not laying on the dune area or impacting the dune vegetation.
- BMP’s for re-planting American Beachgrass recommend planting between mid-October and mid-April. The Scioletti’s will place temporary erosion controls around the area and will do the restoration planting in the Fall of 2019 (but no later than April 30, 2020). Erosion control and restoration planting done with approval of Conservation Staff.
- Two years of monitoring reports due April 30, 2020 and 2021.
- The Commission voted unanimously to approve the Enforcement Order.

C. Jack E. & Christina M. Rooze, Trs. AND Rooze Living Trust – 430 Huckins Neck Rd., Centerville – Map 233 Parcel 030 Alteration of 50’ buffer to wetland resource – Shallow Pond – by cutting vegetation, maintaining an unpermitted path, directing drain into the 50’ buffer and allowing fill (crushed shell) to enter into pond shore.

### Exhibits

- A. Revised approved plan dated 1/6/09
- B. Photos of then and now conditions on the ground (path, former location of shed and drain and pipe into buffer)
- C. Photos of pre-existing buffer conditions around former shed location.
- D. Email between Fred Stepanis and Mr. Rooze regarding re-vegetation of former shed location.
- E. Photos and narrative supplied by Mr. Rooze (documentation of ground conditions and of corrected enforcement issues).

Mr. Jack Rooze represented himself.

Issues discussed:

- Water running down driveway from street causing erosion on property.
- Unpermitted path was created after shells washed out of the driveway. Driveway shells replaced with stone.
- Mr. Rooze has removed all shells from the water and pondshore, cleaned up and removed all items related to burn pit and will allow the surrounding area to revegetate naturally, blocked/filled the drain leading into the 50' buffer.
- Mr. Rooze will be seeking to permit the crushed shell path via and After-the-Fact RDA filing.
- The Commission emphasized that any other work on the property must be done only after prior approval from the Conservation Program.
- The Commission voted unanimously to approve the Enforcement Order.

#### **4:30 PM AGENDA**

#### **VI REQUESTS FOR DETERMINATION**

**River Rat, LLC.** To permit 8.25' x 20' and 4.25' x 10' floats as replacements for two 7' x 14.8' floats at 217 Seapuit River Rd., Osterville as shown on Assessor's Map 070 Parcel 016. **DA-19024 \$26.67**

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

Correspondence of Amy Croteau, Natural Resource Officer, Shellfish Constable dated 6/1/19 was read into record.

A motion was made to approve a negative determination with a special condition stating - the upweller will be subject to random compliance checks by the Shellfish Constable or Deputy Shellfish Constables in the Town of Barnstable to ensure that until proper permitting is in place, the baskets will only be used as bait wells. Storage of any shellfish of any kind, at any time, without proper permitting is illegal. This includes legally harvested shellfish for consumption as there is a wet storage prohibition in this Town.

Seconded and approved unanimously.

**3220 Main Street LLC.** Install approx. 96 linear feet of 3-foot-high, 2-rail, wood fence at west side of partial perimeter of parking lot at 3220 Main St., Barnstable as shown on Assessor's Map 300 Parcel 010. **DA-19025 \$35.56**

The applicant was represented by Lisa Tzellas – property manager.

#### **Issues discussed:**

- A question was raised of whether there was invasive removal planned. The answer was “no”.
- A line should be indicated to show area where mulch is allowed between two berm areas (parking island).

A motion was made to approve a negative determination subject to the receipt of a revised plan showing limit of area for mulch.

Seconded and approved unanimously.

## **VII NOTICES OF INTENT**

**Daniel & Sandra Gellar.** Construct and maintain fresh water, seasonal pier at 44 Johnson Ln., Centerville as shown on Assessor's Map 193 Parcel 043. **SE3-\_\_\_\_\_ \$26.67**

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

- A seasonal aluminum pier is requested with a 5' width for handicap accessibility.

A motion was made for a finding, given the demonstrated need for handicap use. The Commission is altering the guidelines from 4' width to 5' width and allowing a slightly larger end section.

Seconded and approved unanimously.

Based on the finding, a motion was made to approve the project as submitted, allowing for the variations from the Commission's Fresh Water Pier guidelines, so as long there is a demonstrated need, and until such time as the pier needs to be replaced, at which time it will be brought into compliance with the Commissions guidelines.

Seconded and approved unanimously.

## **VIII MINUTES**

A. 5/14/19

A motion was made to approve the minutes as amended.

Seconded and approved unanimously.

**A motion was made to adjourn.**

**Seconded and approved unanimously.**

**The time was 4:53 p.m.**