



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: JULY 16, 2019 @ 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, and Commissioners Larry Morin, George Gillmore, and John E. Abodeely. Peter Sampou was absent.

Darcy Karle Conservation Administrator, assisted, along with Edwin Hoopes, Conservation Agent.

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

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

- A. Shneur SE3-5587 (coc, ez) construct two additions to SFD *
187 Bay Lane, Centerville - Bump's River

A motion was made to approve the certificate of compliance.
Seconded and approved unanimously.

II REVISED PLANS

Project type:

Revisions:

- A. Laura Davis and Mark Simons SE3-5631 Shed/Rinse Station Poison ivy removal
743 Old Post Road, Cotuit

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

Issues discussed:

- Revised plan request was downsized from original, eliminating invasive removal, poison ivy only.
- Plan revision dated 7/11/19.

A motion was made to approve the revised plan.
Seconded and approved unanimously.

- B. Vic Myer SE3-5673 Construct Deck & Stairs Screen in porch/add boardwalk
24 Bay Road, Cotuit

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting Inc.

Issues discussed:

- Concern was raised with the proposed revision bringing additional hardscape to top of coastal bank, even cantilever over edge. There were requests by a prior owner to work in 50' buffer.
- Commission has concern that mulch path is now proposed as stairs and boardwalk, wrapping around corner and projecting out over the top of bank.
- Commission is comfortable with notation "proposed patio or deck" where indicated as shell and the request for covered porch to be screened in.
- Mr. Rowland has concern with building steps where wall of old pool currently exists.
- The prior approved landscaping plan indicates a shift in location where the current plants are with additional plants being added. This is in the location where the proposed plan indicates mulch area.

A motion was made to approve subject to a further revision allowing porch to be screened in and the area indicated as shell to be deck or patio. The proposed boardwalk and stairs are to be eliminated from the plan. Seconded and approved unanimously.

C. Hard-A-Lee, LLC SE3-5203 Construct SFR & Pool Remove trees in the 50' buffer
299 Eel River Road, Osterville

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

Issues discussed:

- Trees being requested to be removed are infested or diseased, with request to grind stumps.
- Concern raised, is this the proper application? Revised plan vs. amended order.
- Concern with number of trees coming out of the 50' under revised plan application.
- Is removal really necessary? Commission and staff request additional information. Letter from Arborist.
- Concern there isn't an actual planting plan.
- Commission believes this request should be submitted as an amended order.

Arlene Wilson withdrew the revised plan request.

V ENFORCEMENT ORDERS

A. Oziel De Oliveira - 505 Old Stage Rd., Centerville – Map 190 Parcel 067. Alteration of resource area - vegetated wetland - by allowing fill to run into/be placed in the resource area and of the 50' buffer to a vegetated wetland by placing fill and construction material and debris and maintaining an unpermitted hoop house shed within the 50' buffer to the resource area.

Exhibits

- A. ArcReader image showing project location and wetland resource
- B. Photos of site condition in June 2019

Mr. Oziel DeOliveira represented himself.

Issues discussed:

- Resource area and 50' buffer have been heavily impacted by placement of fill and construction debris, material and equipment.
- There is a masonry business being run out of the house and is the significant contributor to impacts to wetland.
- About 1/3 of the parking area, almost all of the driveway, the unpermitted hoop house shed, and a portion of lawn are within the 50' buffer.
- Mr. DeOliveira has been working to clean up the site. The unpermitted hoop house shed will be removed from the site by August 13, 2019.
- The Commission voted unanimously to approve the Enforcement Order.

- B. David L. & Lisa A. Larsen Trs & NPT Realty Trust – 58 Nyes Point Way, Centerville – Map 233 Parcel 016. Alteration of the 50' buffer to a resource area - Bears Pond by cutting vegetation and clearing brush, cutting vegetation on the pondshore.

Exhibits

- A. ArcReader image showing project location and wetland resource
B. Photos of site condition in June 2019

David and Lisa Larsen represented themselves.

Issues discussed:

- An approximately 15' x 30' area in the 50' buffer was cleared of most vegetation and debris. There were several shrubs along the pond shore that were trimmed back to 4' 5' height.
- The Larsen's were not aware they needed a permit to do this type of work.
- The Commission understood their desire to spruce up the area but emphasized the need for prior permission for the types of work they were doing.
- The Commission voted unanimously to approve the Enforcement Order.

VI OLD AND NEW BUSINESS

- A. Review of Conservation Restriction at 200 Communication Way, Hyannis.

Chair Lee gave an update on why the revision was back before the Commission.

- Commission approved a version back in 2017.
- What was missing was State review, hence why it came back before LAPC.

Motion to authorize the Chair to write a letter of support of the revision made to be submitted to Town Council. Seconded and approved unanimously.

- B. Update on Long Beach Conservation Area Management Plan and Scope of Work.

- The Scope of Work was mailed to three environmental consulting firms in late June. A very short response-time was set because we were hoping to get the work completed by late spring 2020. None of the firms responded with interest within our timeframe.
- We will adjust the time frame and re-contact the three firms. Target completion date will be sometime in late spring 2021.
- A trial Pack In/Pack Out program was initiated July 8, preliminary results are positive. There has been very little litter found on the trail or at the entrance to the area.
- Placement of signs at the end of the Conservation property informing people they are leaving public property.

- C. Update on West Barnstable Conservation Area Controlled Burn.

- There was a controlled burn conducted on a 63 acre parcel of Pitch Pine/Oak forest.
- Purpose of the burn was to reduce the fuel load thus reducing the risk for catastrophic wildfire and wildlife habitat enhancement.
- There is an abundance of new re-growth throughout the area already occurring. Several species of oak and red maple along with many ferns and huckleberry have all been observed within the area.
- The burn was conducted completely to plan with all objectives met.
- We are completing the reporting requirements to the state for this years prescribed burn and will be applying for more funds to complete two days and up to 180 acres of additional controlled burn next year.
- We will have to re-double the effort in controlling pedestrian and especially mountain biking access to the areas on burn days. This year we had to speak to many people about staying out of the area. We had placed signs and temporary trail closures at key points but several people ignored the signs.

4:30 PM AGENDA

This meeting of the Barnstable Conservation Commission is being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.

VI REQUESTS FOR DETERMINATION

Ronald Charbonneau. Proposed septic system upgrade at 105 Sterling Road, Hyannis as shown on Assessor's Map 268 Parcel 164. **DA-19029**

The applicant was represented by Peter McEntee of Engineering Works Inc.

Issues discussed:

- Would trees need to be removed?

A motion was made to approve a negative determination.

Seconded and approved unanimously.

Marc Marchiel. Proposed new septic system to replace existing cesspool at 37 Chadwick Avenue, Centerville as shown on Assessor's Map 246 Parcel 067. **DA-19030**

The applicant was represented by Peter McEntee of Engineering Works Inc.

Issues discussed:

- Prior tree removal without prior knowledge of the Conservation Commission.
- Staff mentioned that the trees that were removed were in the location of the proposed system or in general, close to foundation of garage and house.
- There was concern over the activity that took place beyond the existing lawn, into the 50' buffer. This appeared to be disturbed vegetation and landscaping debris comprised of leaves, pine needles and cut branches. This will be handled separately by Conservation Agent in the form of an enforcement letter or order.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

Elizabeth James. Proposed new septic system to replace existing cesspool at 642 South Main Street, Centerville as shown on Assessor's Map 186 Parcel 041. **DA-19031**

The applicant was represented by Peter McEntee of Engineering Works Inc.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

Kevin Reilly. Proposed septic system upgrade at 83 Buttonwood Lane, West Barnstable as shown on Assessor's Map 217 Parcel 044. **DA-19032**

The applicant was represented by Peter McEntee of Engineering Works Inc.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

Devonia Keller. Install a roll out walk to access Kayak off of property at 206 Starboard Lane, Osterville as shown on Assessor's Map 166 Parcel 053.

The applicant, Mrs. Keller represented herself.

Exhibit A – photos showing where roll out boardwalk would go.

Issues discussed:

- Property owner would like to improve access until such time the NOI for a dock will be submitted.
- Commission and applicant understand the rollout boardwalk is not intended to be a permanent solution.

- Boardwalk will be used seasonally.

A motion was made to approve a negative determination allowing the temporary seasonal use for two years, while applicant is waiting for approval for a boardwalk, pier, ramp, and float. Seasonal use is April 15 to Nov 15th.
Seconded and approved unanimously.

A motion was made to adjourn at 4:55 pm.
Seconded and approved unanimously.

Time adjourned 4:55 pm.