



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: AUGUST 13, 2019 @ 3:30 PM

LOCATION: Hearing Room – 367 Main St., 2nd Floor, Hyannis, MA 02601

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.

The meeting was called to order at 3:30 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners John E. Abodeely, Pete Sampou, Larry Morin, and George Gillmore.

Darcy Karle, Conservation Administrator, assisted along with Ed Hoopes, Conservation Agent and Fred Stepanis, Conservation Assistant.

3:30 PM AGENDA

I CERTIFICATES OF COMPLIANCE (coc = Certificate of Compliance) (d = deviations, staff recommends denial)
(* = on-going conditions)

*Taken out of order, taken up after extension permit.

A. Fitzgerald SE3-4715 (coc, d) reconfigure deck; landscape & hardscape changes *
162 Clamshell Cove Road, Cotuit - Shoestring Bay

This project was to reconstruct and extend existing post-supported deck with access stairs; general exterior house and landscape-structure maintenance; and landscape mitigation.

The following issues were discussed:

- It does not appear that the landscape mitigation areas on the approved plan were sufficiently achieved in the field.
- There is an area of 439 sf of plantings shown on the June 13, 2019 as-built plan. It was included in the total of 987 sf of mitigation plantings. Staff believes that much of these plantings existed prior to the project.
- The expectation of the “proposed woody shrubs” would be that the surrounding turf be removed and the area around the shrubs be allowed to fill in and naturalize.
- There is an unapproved retaining wall, possibly including fill and or regrading in the 50-ft. buffer. There were previously some timber steps.

A motion was made to deny the COC request.
Seconded and voted unanimously.

II REVISED PLANS

Project type:

Revisions:

A. Fitzgerald SE3-4715 162 Clamshell Cove Road	Reconstruct/extend deck with stairs, landscaping	Retaining wall and plantings
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See above discussion.
A motion was made to deny the revised plan request.
Seconded and voted unanimously.

B. Gaudreau SE3-5111 165 Holly Point Road, Centerville	Construct garage, addition patio walkways, ret. walls	Additional plantings to offset slight increase in hardscape.
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The applicant was represented by Dan Ojala of Down Cape Engineering.

Issues discussed:

- Question raised by staff regarding pavers under deck reaching stone wall.
- Staff felt stepping stones between stairs should be indicated on plan.
- Better location for mitigation planting along water's edge.
- Dan offered 4' mitigation strip at water's edge in addition to 231sq ft.

A motion was made to approve subject to receipt of a new revised plan indicating a new 4' wide buffer strip along the water's edge and indicate stepping stones on plan.
Seconded and approved unanimously.

C. Corsiglia SE3-5618 65 Waterman Farm Road, Centerville	Construct boardwalk, ramp & float	Addition of two kayak racks and rotate pier to avoid a tree.
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The applicant was represented by Chuck Rowland of Sullivan Engineering.
There were no issues discussed.
A motion was made to approve as submitted.
Seconded and approved unanimously.

III EXTENSION REQUESTS

Project type:

Time Requested:

Taken out of order (taken up first).

A. Drago BCC-195 90 Bay View Road, Barnstable	Raze & replace SFD & shed garage, patio	2 years
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The applicant was represented by Dan Ojala PE from Down Cape Engineering, ½ property owner Jessy Kim, and builder Scott Carette.

- Exhibit A: Packet of items addressed.
Email from Building Inspector Edwin Bowers to Ed Hoopes dated August 12, 2019,
Building Code Chapter 4 Foundations.
- Exhibit B: Staff recommendation for extension permit.

Brian Florence, Town of Barnstable Building Commissioner spoke first and addressed building code application as it relates to drainage and foundations.

Issues discussed:

- Currently has valid building permit.
- Difficult site to work involved.
- Sump pumps are pumping water out of a crawl space.
- Building Department said pumps should be shut down, gutters put in place, grading completed as required in Building Code. Drain into a drainage system.
- In order to get a certificate of occupancy permit, items need to be completed to meet building code requirements.
- Current enforcement issue as it pertains to building code. Required to maintain drainage during construction as well as after.
- Under R405.2.3 drainage system, the drainage system shall discharge into an approved sewer system or to daylight. However under R401.3 states it shall not direct nor create flooding or damage to adjacent property during or after completion of construction. Swales , rain garden or approved sewer system/engineered system such as drywell.
- Before occupancy permit is issued and water conditions continue in crawl space, they will require a sump pump that pumps into an engineered system or drywell.
- There are currently large drainage structures in the ground they could pump into.
- Building Department has spoken to property owner advising them there are mitigation measures they could be addressing during construction, such as grading and pumping into drainage structures.
- Dan Ojala recommends filling up crawl space and capping it with a vapor barrier, and run a dehumidifier. Fill up to just below grade.
- Builder stated they have placed 14-16” stone inside. Issue sump pumps are currently below foundation.
- Sump pumps will be brought up to foundation level so it stops pumping ground water
- Staff recommended one year extension contingent on the following: by September 15th , install trench drains, install the swale, and shut sump pumps off or pump discharge into engineered device. Mitigation planting by October 31st.
- Commissioners recommended tabling extension permit request, and have property owner address 3 items and report back to the Commission at the September 17th hearing.

A motion was made to table issue until September 17th to address bullet points listed in staff recommendations. Seconded and voted unanimously.

IV OLD & NEW BUSINESS

*Taken out of order, after NOI's in 4:30pm section.

- A. NAVD88 vs. MLW datum.
- Typo on agenda.
 - Chair Lee gave explanation on the difference.
 - MLW depths need to be shown on coastal engineering plans.
 - NAVD88 is a given point and MLW is an observed point. They start survey with NAVD88 and they use conversion to get MLW. Difference/conversion is a difference by 1.99ft.
 - Chapter 703 requires MLW datum to be indicated on the plan.

V ENFORCEMENT ORDERS

*Taken out of order, before Old and New Business

- A. Marc & Asgari Marchiel, Maryam Trs – 37 Chadwick Ave., Centerville – Map 246 Parcel 067. Alteration of the 50’ buffer to a bordering vegetated wetland by cutting vegetation and placing piles of leaves and vegetation within 50’ of a BVW.

Exhibits:

- A. Photos of site condition in July 2019.

B. Approved Site Plan for septic upgrade showing wetland buffers .

There was no representative for this hearing.

Issues discussed:

- Three trees cut were slated to be cut down as part of the septic upgrade.
- Two trees in back of house were cut without permit but were seriously damaging the foundation of the house.
- Pile of vegetation, pruning's, clippings placed within the 50' buffer to a BVW.

A motion was made to approve the Enforcement Order.

Seconded and voted unanimously.

4:30 PM AGENDA

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VI NOTICES OF INTENT

Michael J. Dacey. Construct a single family dwelling and all associated appurtenances at 210 Elliot Road, Centerville as shown on Assessor's Map 248 Parcel 057 004.

The applicant was represented by Chuck Rowland and Nick Bowes.

- Request construction protocol.

A motion was made to approve the project as submitted with additional condition to require a construction protocol be submitted by contractor for staff review and approval prior to start of work.

Seconded and approved unanimously.

TOB/DPW. Construction of a paved sidewalk along existing roadway with stormwater management infrastructure improvements at Independence Drive, Hyannis as shown on Assessor's Map 294 in road right-of-way. **\$43.84**

The applicant was represented by Mike Ball of Baxter and Nye Engineering and Stephen Rhoads of VHB.

Exhibit A. Response to storm water questions raised by Chair.

A motion was made to approve the project as submitted.

Seconded and voted unanimously.

VII MINUTES

A. July 23, 2019

Motion to approve the minutes as submitted.

Seconded and voted unanimously.

A motion was made to adjourn.

The time was 4:51pm.