



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

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MINUTES OF THE CONSERVATION COMMISSION HEARING

DATE: October 8, 2019 @ 3:00 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 3:00 p.m. by Vice-Chair Louise R. Foster. Also attending were 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.

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

(d = deviations, staff recommends denial) (* = on-going conditions)

- A. Benton SE3-4468 (coc, d) renovate single family dwelling *
239 Prince Avenue, Marstons Mills - Prince Cove

The applicant, Michael Benton, was represented by Lynne Hamlyn of Hamlyn Consulting.

The agent provided evidence that the driveway was concrete prior to the project. See Exhibit 1. Special condition # 19 was rescinded.

A motion was made to approve the Certificate of Compliance. Release of the certificate is contingent upon submission of a revised plan for staff approval.

The revised plan will show mitigation planting to compensate for the as-built rear patio and air conditioner pad.

Seconded and voted unanimously.

II REVISED PLANS

Project type:

Revisions:

- | | | |
|---|--|--|
| A. John and Mary Lombardo
81 Willow Run Drive, Centerville
SE3-5476 | Raze and replace SFD,
gravel parking area, retaining
wall, remove 4 trees. | Add hot tub, outdoor shower,
generator, porch to 4 season room,
landscape revisions. |
|---|--|--|

The applicant represented himself along with Richard J. Tabaczynski P.E., and Charles Wentz, Landscaper.

Issues discussed:

- A question was raised about the 3 season porch being changed to 4 season room with foundation after the fact. Would this warrant an amended order application vs. a revised plan?
- Proposed outdoor shower should be labeled as a rinse station.
- Question raised is there a desire to have two rinse stations, or should one be removed from plan?
- Conservation staff would consider a 4 season room as an addition.

*Applicant withdrew the revised plan and will file an amended order. Staff requested an email be sent confirming this decision.

III EXTENSION REQUESTS

Project type:

Time Requested:

A. Wayne Kurker, Trustee SE3-5118
38 Magnolia Ave, W. Hyannisport

Elevate SFD; replace foundation;
addition; replace patio

3 years

Wayne Kurker represented himself.

Issues discussed:

- This is the 2nd 3 year extension request.
- Need for 3 year extension, if project is almost complete.

A motion was made to approve a two year extension.
Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. Todd & Sharon A. Forman - 326 Holly Point Rd. – Centerville – Map 232 Parcel 027. Alteration of resource area - Lake Wequaquet - by placing sand on pond shore and 50' buffer to Lake Wequaquet by placing sand, installing a drain, and placing hardscape without a permit.

Exhibits:

- A. GIS Plan showing location of resource areas in relation to house
- B. Sketch plan, photos and Determination of Applicability (DA_08056) from 2008
- C. Photos of site conditions between 6/2/11 and 2014
- D. Photos of existing site conditions on July 19, 2019

The applicants were represented by Arlene Wilson, A.M. Wilson Associates

Issues discussed:

- Amend existing enforcement order
- Create an existing conditions survey/plan
- File a NOI (by December 6, 2019) to permit a smaller granite patio, reduce traprock along steps, address the drain issue, reduce the beach, to retain the retaining wall shown on landscape plan drawn by L. Hamlyn, and provide mitigation for the above.

A motion was made to approve the Amended Enforcement Order.
Seconded and voted unanimously.

- B. Donald J. MacKinnon, Tr - 910 Main St., Cotuit – Map 035 Parcel 090. Alteration of resource area - Town Coastal Bank - by cutting vegetation and alteration of 50' and 100' buffer to a beach and salt marsh by cutting vegetation and placing shells on an unpermitted path.

Exhibits:

- A. GIS Plan showing location of resource areas and 3 properties involved in alteration
- B. Photos showing current conditions
- C. Photos of site prior to cutting
- D. Violator's Exhibit - Preliminary restoration plan dated 10/7/19 by Wilkinson Ecological Design

The McKinnons's were represented by Seth Wilkinson, Wilkinson Ecological Design and Atty. Sarah Turano-Flores, Nutter, McClennen and Fish.

Laura Davis of 33 Oyster Place was represented by Arlene Wilson, A.M. Wilson Associates.

Issues discussed:

- Vegetation was cut on 3 properties, 910 Main Street, 33 Oyster Place, and 916 Main Street. As such, there will have to be agreement on the course and timing of restoration between the 3 property owners.
- Most of the vegetation was highly invasive plant species.
- Restoration planting of native species would be limited to 916 Main Street property. Allow natural regrowth of vegetation on 916 Main Street. On 33 Oyster Place, stockade fence would act as barrier to invasives.
- May file RDA for path.
- Will probably file a NOI to shift steps going down bank to west so they are on 910 property only. They may include the path as part of the NOI. Steps should be raised above grade rather than cut into bank.
- There is an open Order of Conditions under SE3-5504 for 910 Main Street. If the project is not moving forward then the McKinnon's should seek a Certificate of Compliance to close out that Order since some of the proposed mitigation planting on 910 Main Street would be into an area that is a proposed pool under the above Order of Conditions.

A motion was made to approve the Amended Enforcement Order.
Seconded and approved unanimously.

V WARNING LETTERS

- A. Kidder, Stephen W & Elefante, Mark B Trs & 225 Ocean Avenue Realty Trust – 225 Ocean View Ave., Cotuit – Draining pool onto street that runs into coastal beach.

Noted.

4:30 PM AGENDA

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VI NOTICES OF INTENT

Town of Barnstable DPW- Water Supply Division. Demolition of existing Mary Dunn 4 well and installation of new well at 0 & 789 Mary Dunn Road, Barnstable as shown on Assessor's Map 331 Parcels 003-003 and 005. **SE3-5719 SE3-5722 \$78.88**

The applicant was represented by Hans Keijser – DPW Water Supply Division and Kasandra Albrecht of Weston & Sampson.

Issues discussed:

- This application is to relocate well across the road.
- Approval will be contingent on review of storm water report by Chair.
- Within Conservation jurisdiction proposed work is very minimal, only items proposed is removal of building, filling in well with concrete and minimal utility work. No tree removal is anticipated and any disturbed areas will be loamed seeded.

A motion was made to approve the project as submitted with two conditions; approval shall be contingent on review of storm water report by Chair, and any disturbed areas will be revegetated in consultation with staff.

Seconded and voted unanimously.

A motion was made to adjourn.

The time was 4:51p.m.