



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: September 1, 2020 6:30 PM

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.

In accordance with the Governor's Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the June 23, 2020 meeting of the Conservation Commission shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting

<https://zoom.us/j/94210037827>

Meeting ID: 942 1003 7827

888 475 4499 US Toll-free

3. Applicants, their representatives and individuals required or entitled to appear before the Conservation Commission may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Darcy.Karle@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

The meeting was called to order at 6:30 p.m. with roll call. Chair Tom Lee was present along with Vice Chair Louise R. Foster and Clerk Dennis Houle. Commissioners Larry Morin, John Abodeely, and George Gillmore were all present. Commissioner Pete Sampou joined the meeting after the Quinn hearing.

Conservation Administrator, Darcy Karle, was also present.

I. REQUESTS FOR DETERMINATION

- A. Brett Quinn.** Construction of 8' x 12' shed off NW corner of existing house at 108 Bay Road, Cotuit as shown on Assessor's Map 007 Marcel 022. **DA-20031**

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

Issues discussed:

- A question was raised about rotating the shed to get it a little further out of the 50' buffer. Rotating it would get it closer to the top of the bank. It cannot be moved closer to the street because of the grade.

There was no public comment.

A motion was made to approve the project as a negative determination.

Seconded

Roll call

Approved unanimously.

II. NOTICES OF INTENT

- A. Andree C. Phillips Trustee.** To repair and rebuild the existing stone revetment at 12 Bay Shore Road, Hyannis as shown on Assessor's Map 326 Parcel 083. **SE3-5812**

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

Issues discussed:

- There was discussion about the amount of vegetation growing over the part of the wall that needs to be rebuilt. A concern was raised about destroying the vegetation. The wall in the southern portion was built to the full height of the embankment. The northern portion was not built high enough. The vegetation will continue to be undermined if not repaired. The goal is to have the northern portion similar in appearance to the southern portion. Some replanting should be done to restore the vegetation that is destroyed above and below the wall.
- The elevation of the wall was discussed.

DEP letter dated August 31, 2020 was read into record.

- DEP asked if there is going to be an extension of the existing revetment.
- Applicant must submit new information /calculations pertaining to presence/absence of a Coastal Bank.
- Applicant must confirm presence/absence of a Coastal Dune.
- DEP asking for a restoration plan to protect the salt marsh.
Comments were addressed and provided to DEP by Sullivan Engineering.
There is no extension of the existing revetment.
There is nothing that resembles a coastal dune.
There is sufficient room to work without disturbing the salt marsh.
- A question was raised of why the southern portion of the revetment is in better condition than the northern portion.
- There was discussion on changing the slope in order to gain some area for a buffer between the lawn and the top of the revetment.
- A question was raised on the agreement with the abutter. Is there any portion that will be extended to connect to the abutter's revetment.
- A question was raised if continued maintenance will be necessary as the area is listed as containing sand and rubble.

- Discussion continued regarding plantings on both the top and bottom of the revetment.
- There was discussion on the work limit line, and staying out of the salt marsh area.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the revetment at 1.5:1 slope, native shrubs with a minimum 3 gal pot size at the new interface between the lawn and the top of the revetment, as well as fill in shrubs, salt tolerant where appropriate at the base of the revetment, with the following special conditions:

- Obtain a license agreement, with the Town, prior to start of work and have it in hand.
- Additional revetment conditions read by the Administrator to include:
- Prior to starting any work, a pre-construction meeting on site MUST take place. Site visit shall include the following parties: Conservation Agent, Project Engineer and Contractor.
- Work limit line of proposed coastal structure shall be staked before preconstruction site visit and maintained at all times.
- Material shall not be stockpiled in the intertidal zone, if deemed suitable habitat for shellfish by shellfish biologist.
- Revetment rock shall be natural granite, no sedimentary type rock shall be permitted.
- Revetment stone shall be placed as tightly as possible with each stone touching its neighboring stone. Six to twelve inches stone tailings and/or fractured stone shall be used to tightly fill any gaps between revetment stone. No loose chinking stone will be allowed to remain on wall face. Any loose chinking stone at base of wall or on beach shall be removed prior to completion of job.
- Elevation of bottom of toe stone to be confirmed by the engineer/surveyor for Certificate of Compliance.
- The engineer/surveyor shall inspect revetment location, elevation, slope, placement, and comment of such in a letter of request for the Certificate of Compliance.
- Amend motion to include shrubs at top shall be chosen in consultation with staff for a variety of species.

Seconded.

Roll call.

Approved unanimously.

B. Rachel Lynn Kalin, Trustee. To remove existing pool and construct a new pool, patio and landscape walls at 743 Old Post Road, Cotuit as shown on Assessor's Map 054 Parcel 011-004. **SE3-5810**

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

Issues discussed:

- Commission raised a question about the existing wall and the elevation drop being very significant. The existing wall is approximately 4' high. There will be excavation and backfill brought in.
- The treatment system for the new pool needs to be on the plan.
- The elevation of the pool compared to the patio needs to be on the plan.

There was no public comment.

A motion was made to approve the project as submitted subject to the receipt of a revised plan indicating pool to be ozone injection or other staff approved equivalent system and patio elevation.

Seconded.

Roll call.

Commissioner Morin was not present during vote.

Approved unanimously.

- C. **Olga Shemanyuk.** Landscape improvements to include replace rotting railroad tie steps, old concrete patio, brick walks and timber terraced walls with modular block wall and steps, new brick walk, paver or stone patio under deck with added drainage structures to mitigate run-off, boulders to be added in place of timbers at edge of pond to stem erosion at 30 Lauren Drive, Marstons Mills as shown on Assessor's Map 101 Parcel 062.

The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering and Andrew Garulay R.L.A.

Issues discussed:

- The pine trees being removed are being replaced inside the 50' buffer with Tupelo and Oak.
- The construction of the new steps was explained.
- The work limit lines of the project were discussed.

There was no public comment.

A motion was made to approve the project subject to receipt of revised plan to show work limit line for patio work and continued until Sept. 15th solely for the SE3# and any comments in addition NHESP letter and any comments. Seconded.

Roll call.

Approved unanimously.

III. CONTINUANCES

- A. **Joseph P. & Devonia M. Keller.** Construction of a permanent dock with seasonal float and ramp with required access stairs at 206 Starboard Lane, Osterville as shown on Assessor's Map 166 Parcel 053. **SE3-5803 Continued from 8/4/20**

The applicant was represented by Mike Ball, P.E. of Baxter Nye Engineering. Mike reviewed the plan revisions.

- A question was raised about eliminating the roll out mat.

There was no public comment.

A motion was made to approve the project based on revised plan with a condition that the rollout mat previously used for access will no longer be used.

Seconded.

Roll call.

Approved unanimously.

- B. **Matthew Lehman.** Demolish and replace freestanding garage; demolish and replace rear addition to house at 3760 Main Street, Barnstable as shown on Assessor's Map 317 Parcel 028001. **SE3-5813 Continued from 8/4/20.**

The applicant represented himself.

Commissioner Tom Lee recused himself.

Mr. Lehman summarized the plan revisions.

Issues discussed:

- A question was raised about what the upstairs right side area is being used for. It will be an office and storage area. No bedrooms or bathrooms will be in this area.

- The revised plan is dated 8/16/2020.
- A revised landscape plan needs to be submitted.
- The elevation plans should be included as part of the “plan of record”.

There was no public comment.

A motion was made to approve the project based on revised plan dated 8/16/2020 and revised elevation plan dated 7/16/2020, subject to receipt of a revised landscape plan.

Seconded.

Roll call.

Approved unanimously.

- C. Brian C. Koelbel & Tracy A. Ryan.** Raise existing dwelling 2’, replace existing kitchen and garage wing, construct three small additions, a dormer, a detached garage, and a boardwalk to existing pier, and all associated appurtenances including retaining walls, patio areas, reconfigured driveway, and landscaping to include mitigation at 220 Bay Street, Osterville as shown on Assessor’s Map 094 Parcel 005. **Continued from 8/11. SE3-5807**

Commissioner Larry Morin has joined the quorum under the Mullin rule.

The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting. The changes to the plan were explained.

There were no questions from the Commissioners or staff.

There was no public comment.

A motion was made to approve the project based on revised site plan dated 8/25/2020 and revised landscape plan dated 8/26/2020.

Seconded.

Roll call.

Approved unanimously.

- D. Carlton C. and Christine A. Sands.** Provide shorefront protection to the property and upland dwelling to include stabilizing the existing shoreline with the construction of a rock revetment. The applicant is proposing to tie into the abutting revetment so the shoreline will have one continuous protection method. Other improvements include tree removal and plantings of native trees, shrubs and grasses at 4 and 0 Bay Shore Road, Hyannis as shown on Assessor’s Map 326 Parcels 082 and 139. **SE3-5811 Continued from 8/18/20 without testimony.**

The applicant was represented by Nate Jones of Coastal Engineering.

Issues discussed:

- There was a discussion about the mitigation planting plan. The plan was submitted with the NOI for the house dated April 16, 2019 and will include the area at the top of the revetment.
- There was discussion about increasing the slope of the wall to match the abutting project. A condition of the project at #12 adjusts the slope to 1.5:1, which will match this project.
- There should be a new landscape plan submitted.
- A question was raised as to the amount of area for the buffer and the correct amount of mitigation.
- A revised plan request should be submitted for the house NOI project.
- There should be a finding on the project based on the finding on the abutting lot from DEP.

There was no public comment.

A motion was made to include a finding that states the Commission determined this parcel does not have a coastal bank nor a dune, and is similar to the condition found in DEP SOC on abutting parcel (#12) and documentation provided of scarping on this parcel.

Seconded.

Roll call.

Approved unanimously.

Based on the finding a motion was made to approve the project as submitted, subject to receipt of a revised landscaping plan which will show the mitigation plantings at the top of the revetment and also at the bottom of the revetment as described. In addition the plan will show the mitigation area incorporated from the 4/16/2019 plan for the house, being moved to the appropriate place on this site, behind the revetment and mitigation for the revetment.

Obtain a license agreement, with the Town, prior to start of work and have it in hand.

Additional revetment conditions read by the Administrator to include:

Prior to starting any work, a pre-construction meeting on site MUST take place. Site visit shall include the following parties: Conservation Agent, Project Engineer and Contractor.

Work limit line of proposed coastal structure shall be staked before preconstruction site visit and maintained at all times.

Material shall not be stockpiled in the intertidal zone, if deemed suitable habitat for shellfish by shellfish biologist.

Revetment rock shall be natural granite, no sedimentary type rock shall be permitted.

Revetment stone shall be placed as tightly as possible with each stone touching its neighboring stone. Six to twelve inches stone tailings and/or fractured stone shall be used to tightly fill any gaps between revetment stone. No loose chinking stone will be allowed to remain on wall face. Any loose chinking stone at base of wall or on beach shall be removed prior to completion of job.

Elevation of bottom of toe stone to be confirmed by the engineer/surveyor for Certificate of Compliance.

The engineer/surveyor shall inspect revetment location, elevation, slope, placement, and comment of such in a letter of request for the Certificate of Compliance.

Seconded.

Roll call.

Approved unanimously.

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

- A. Stubler SE3-4786 (coc, ez) repair stairs & retainage; vista pruning; manage bamboo
*
422 Turtleback Road, Marstons Mills - Mystic Lake
- B. Rowland SE3-4957 (coc, ez) repair overwash hole behind existing revetment
104 & 126 Great Bay Road, Osterville - North Bay

A motion was made to approve A and B.

Seconded.

Roll call.

Voted unanimously.

V. MINUTES

A. August 11, 2020

B. August 18, 2020

A motion was made to approve A and B.

Seconded.

Roll call.

Voted unanimously.

A motion was made to adjourn.

Seconded.

Roll call.

Approved unanimously.

The time was 6:37 PM.