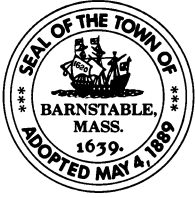


Town of Barnstable Conservation Commission

200 Main Street
Hyannis Massachusetts 02601



2412

Office: 508-862-4093 E-mail: conservation@town.barnstable.ma.us

FAX: 508-778-

MINUTES – CONSERVATION COMMISSION HEARING

DATE: April 5, 2022 @ 3:00 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.

Remote Participation Instructions

The Conservation Commission's Public Hearing will be held by remote participation methods.

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/94750700539>

Meeting ID: 947 5070 0539

US Toll-free 888 475 4499

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.

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.

REMINDER TO APPLICANTS:

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

The meeting was called to order at 3:00 pm by Char F.P (Tom)Lee. Also in attendance were Vice Chair Louise Foster, Clerk George Gillmore, and Commissioners Abodeely, Morin, and Hearn. Commissioner Sampou was absent. Administrator Darcy Karle, Agent Ed Hoopes and Conservation Assistant Emil Assing assisted.

3:00 PM AGENDA

I. OLD AND NEW BUSINESS

- Emil Assing was introduced as the Division's new Conservation Assistant.
- Items were taken out of order. (B,C and then A).
- Commissioner Sampou arrived 3:21pm at the end of item B.

- A. Update and discussion on Scudder Lane coastal bank stabilization projects with Nate Jones from Coastal Engineering.
- a. 211 Scudder Lane, Barnstable SE3-5788
 - b. 203 Scudder Lane, Barnstable SE3-5789
 - c. 205 Scudder Lane, Barnstable SE3-5790
 - d. Scudder Lane boat ramp access for projects

Nate Jones reported the following, all identified in a report that was submitted dated 4/4/22;

At 205 Scudder

- Revetment in good shape
- Grasses are growing on the slope
- Return near boat house is ok, however some material lost at toe. There is upland erosion at this location
- Catch basins were installed, plantings shown in photos were at dormant stage

At 203 Scudder

- Revetment in good shape
- Grasses doing fine
- Some end scour, definitely upland runoff at this location causing fabric to get chewed out and sand cover missing
- Plants are in dormant stage shown in photo
- Under the stairs there is some areas that had been effected by runoff however that was prior to catch basin being installed
- There is rock in that area under stairs so better to wait and see how vegetation does before ripping out the TRM

At 211

- Fiber rolls are anchored well
- One area there is erosion as noted at 203, pulling some of the material out of the bank of and there is coir on the beach

Sean Riley discussed drainage issues and future goals at 203 and 205.

At 203

- Drainage flows are east to west.
- One thing they noticed when initially working on the project, one of the down spouts on house, front right, so over half of the roof drains onto the ground, making it over the bank causing the erosion. Homeowner advised to direct roof runoff into a new drywell.
- Material lost on the bank will be replaced and re-vegetated in the pocket.

At 205

- Roof run off sheds directly onto the ground, but the catch basins installed are functioning properly and catching the runoff.
- One issue that needs to be remediated is where the landscaper left and low area behind the catch basin when grading was done. Raising grade in this area will correct the issue of any runoff getting by.
- There is still overland runoff further west. To correct will need to elevate land form to direct run off toward the woods, or install another catch basin near top of stairs.

- Commissioners concerned with when project was vegetated, seemed to be close to dormant season.
- Concern with what could be under the fabric, additional erosion.
- Re-grading should be an expectation to address the serious nature of the erosion. This was always an overland water flow problem not a wave issue.
- 203 and possibly 205 need matting removed and material placed behind and replanted. Needs to be taken care of now, not closer to fall.
- Commissioner Sampou shared 6 photos.

Scudder Lane, project access location, report from Nate Jones:

- Showed time line of events
- Frist day for access, two plants were pulled out and grade was actually raised by bringing in sand to cover edge of parking lot for protection.
- Planting was tried after project was completed.
- Even though beach was raised in this location and planted, the beach returned naturally to what it wanted to be.
- Rack line came in high, beach elevation was dropped, snow was pushed in by plow, protective fencing was missing.
- Contractor willing to take care of issue. Two options offered.

- First option, take existing rock out on beach, reinforce edge of pavement like a little riprap and the fill and plant using filter fabric and 770G coir.
- Second option, just place rocks up against the pavement.
- Nate did speak with DPW, Paul Graves in regards to future boat ramp reconstruction. Looks like permitting with possible reconstruction in fall 2023. Pavement would be ripped out in this area.
- Cape Cod berm could help.
- Staff mentioned option 2 could be used as a temporary measure and then have this revisited at a later date.
- Perhaps have the applicant come back in as a revised plan hearing to discuss option 1 or option 2 as a temporary measure.
- A berm would be needed if you were going with Option 2.
- DPW should be brought in when reviewing landing options under a revised plan.
- Revised plan to come in by May 3rd with a time line for correction measures for 205, 203 and 211.
- Photos for annual monitoring report should be taken during summer month.
- Annual report should be prepared this year in early fall.

B. Update on 4 Bay Shore Rd., Hyannis, SE3-5661 - Nick Crawford of Crawford Landscape.

Jen Crawford of Crawford Landscape along with, Sean Riley of Coastal Engineering, represented client and presented transitions of planting plans.

Issues discussed:

- The result of increase tidal inundation has made the original planting scheme difficult.
- Erosion had occurred prior to construction of revetment.
- Lost some planting area, however they will still be able to plant the 700 sq. ft. of mitigation offered for the house project.
- This was brought to the Commission’s attention due to staff reviewing monitoring reports.

Motion was made to allow any adjustments in planting to be reviewed by Conservation Administrator and approved administratively.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin,

Nay –

Commissioner Pete Sampou joined the meeting at 3:21 p.m.

C. Frank R. & Nancy M. Selldorff – 102 Bluff Point Drive, Cotuit – Map 034 Parcel 071. Update on Scope of Work and plan for impacts to shellfish/habitat study.

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

Issues discussed:

- The Scope of Work describing the monitoring of potential impacts to shellfish populations and habitat was due to the Commission by March 25, 2022 but was not received.
- Reason for delay was time required to hire qualified shellfish biologist to design and implement study.
- Shellfish Biologist, Dr. Pamela Neubert, was retained by the Selldorff’s and the Scope of Work will be made available for Commission review by April 29, 2022 for discussion at the May 3, afternoon meeting.

II. REVISED PLANS

Project type:

Revisions:

A. Perry & Sheila Vieth 97 Harbor Bluffs Road, Hyannis	SE3-5779	Raze / Rebuild SFD	Hardscape in buffer / mitigation
---	----------	--------------------	----------------------------------

Lynn Hamlyn represented the applicant.

Issues discussed:

- Staff mentioned the improvements they are requesting are now closer to the bank. There was a long previous discussion on this. It is 2’ closer to the bank.

Motion was made to approve the revised plan as submitted.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay –

III. ENFORCEMENT ORDERS

- A. Donald G. & Deborah L. Anderson – 100 Bay View Road, Barnstable – Map 319 Parcel 030. Alteration of a wetland resource area - wooded swamp - by cutting/mowing vegetation and the buffer to a wetland resource area - wooded swamp - by maintaining drip irrigation and cutting and mowing vegetation (within the 50' buffer) AND failure to comply with the conditions of a Certificate of Compliance (SE3-4710).

The Anderson's were represented by Arlene Wilson, A.M. Wilson Associates.

Issues discussed:

- The drip irrigation at the south east corner of the garage was to be temporary and will be removed by May 1, 2022.
- Conservation Agent and consultant will meet on site to designate on ground the line between the meadow (twice annual mowing) and “no mow/no disturb” area to bring the site back into compliance under on-going conditions of Certificate of Compliance for SE3-4710.

A motion was made to approve the Enforcement Order as written.
Seconded and voted by roll call:
Aye – Lee, Foster, Gillmore, Abodeely, Morin, Hearn, Sampou
Nay – none

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.

**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 4:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin, and Sampou. Conservation Administrator, Darcy Karle and Grayce Rogers Administrative assistant assisted.

IV. NOTICES OF INTENT

- A. **Douglas Conigliaro.** Septic upgrade; house additions; sealcoat existing drive; replace existing flagstone walks with bluestone walks or loam and seed; and landscaping at 289 East Bay Road, Osterville as shown on Assessor's Map 163 Parcel 017. **SE3-5974.**

The applicants requested a withdrawal without prejudice. .

- B. **Tobias Welo.** Construction of wave break and planting at 25 and 35 Cove Lane, Osterville as shown on Assessor's Map 052 Parcel 009 and Map 053 Parcel 012-002. **SE3-5976.**

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

There was no public comment.

Issues discussed:

- There is a coastal bank at the location.
- There were previous attempts to construct sandbag revetments.
- The Commission defined the term of coastal structure.
- A construction protocol needs to be submitted.
- There is a special condition, #9 under the Order of Conditions SE3- 2865 MGL 1:31 section 40 No coastal engineering structures, such as: bulkhead, revetment, and sea wall, shall be permitted on any eroding coastal bank any time in the future.
- An alternative that was discussed to break up the wave energy is to place cobble or stones in the seaward area.
- There have been multiple projects to try to stabilize the bank.
- Unintended consequences were discussed with project alternatives.
- From the *Applying the Massachusetts Coastal Wetlands Regulations: A Practical Manual*, it states in appendix A, page aa-4, 'Coastal engineering structure means but is not limited to a breakwater, bulkhead, jetty, revetment, seawall, and any other structure that is designed to alter waves, tidal, or sediment transport processes in order to protect inland or upland structures from the effects of such processes'.
- There was discussion about the use of shellfish in conjunction with the wall.
- There was conversation about using oysters as a living bank.
- CMR 30:3, states that, "No new bulkhead, revetment, seawall, or any other coastal engineering structure shall be permitted on such a coastal bank".

A motion made to continue the application to the May 10, 2022 meeting.

Seconded and voted unanimously by roll call.

Aye- Foster, Gillmore, Hearn, Lee, Morin, Sampou, Abodeely

Nay - 0

- C. **James N. White & Patricia A. O'Brien, Trustees – White Revocable Trust.** To remove/relocate the existing tennis court, construct a screened-in porch in the pool area, install stone riser stairs and repair or replace an existing patio at 50 Fox Island Road, Marstons Mills as shown on Assessor's Map 096 Parcel 001. **SE3-5975.**

The Application was represented by Chuck Rowland of Sullivan Engineering, Michelle Crowley of Crowley Cottrell and Chris Joyce of Joyce Landscaping.

There was no public comment.

Issues discussed:

- There was a discussion about when the parcel was staked.
- There was excavation which was for the new pool construction.
- There was a comment about the stone risers. There are 2 sets of risers by the boast shed which is within the zero to fifty zone. There was a question about the reasoning for 2 sets of risers.
- There will be more meadow grasses and wild flowers in place of the tennis court.
- The landscape design was reviewed.
- There was no planting plan submitted.
- The location of the proposed tennis court is outside of the conservation jurisdiction.

A motion made to approve the application subject to receipt of a revised plan with the removal of the stone risers for only four stone risers and with the submission of a landscaping plan.

Seconded and voted unanimously by roll call.
Aye- Foster, Gillmore, Hearn, Lee, Morin, Sampou, Abodeely
Nay - 0

- D. **1801 Main, LLC.** To demolish two existing dwellings and construct two new dwellings with driveways off of Main Street and all associated appurtenances at 54 Lowell Road, Cotuit as shown on Assessor's Map 016 Parcel 031. **SE3-5977.**

The Application was represented by John O'Dea of Sullivan Engineering and Consultants.

Public Comment:

Janet Kagen, an abutter, of 4 Vineyard Road, Cotuit commented that she had concerns about the proposed project. She inquired about the surface of the driveway. Her family has owned land on Lowell Road for about 50 years. They are responsible to maintain the dirt road through the Highland Association. She inquired about what the primary mailing address will be. She questioned the environmental and the land conservation.

Issues discussed:

- There was discussion about vista pruning within 50 feet of the wetland.
- There was a comment about the impact of the proposed driveway.
- Access to the property was discussed.
- There was conversation about tree cutting.

There was a motion made by approve the application as submitted.

Seconded and voted unanimously by roll call
Aye- Foster, Gillmore, Hearn, Lee, Morin, Sampou, Abodeely
Nay - 0

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

- | | | | | |
|----|--|----------|----------|---|
| A. | Paul & Susan Condrin III
Pool, Phragmites Control | SE3-5233 | (Denial) | Construct SFD, Utilities, Landscaping,
State & Town Coastal Bank |
|----|--|----------|----------|---|

The Condrin's were represented by John O'Dea of Sullivan Engineering & Consulting.

Issues discussed:

- Commissioner Abodeely asked about which resource areas were affected by the driveway and whether or not the project was in violation of Town by-laws or the State act.
- Commissioner Morin asked the Conservation Assistant's opinion whether or not the driveway was approvable under a new Notice of Intent.
- John O'Dea asked the Commission to consider approving this as a revised plan. He also mentioned that the work limit was in place along the 100' buffer and landscapers, seeing the erosion control close to the water, may not have known that they were not approved to build in that area.
- Administrator Darcy Karle noted that the Order of Conditions had expired so in order to approve the changes to the plan the applicants will need to submit a new Notice of Intent.
- Commissioner Abodeely asked Darcy Karle if the Commission should make a motion to approve the Certificate of Compliance with stipulation that a new NOI be submitted for the driveway or if they should deny the COC and bring it back for "ez" approval once the new NOI has been submitted. Darcy suggested the latter.

VI. MINUTES

A. March 8, 2022

There was a motion to approve the March 8, 2022 minutes as submitted.

Seconded and voted unanimously by roll call
Aye- Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay – 0
Abstain - Abodeely

There was a motion to adjourn the meeting.
Seconded and voted unanimously by roll call.
Aye- Foster, Gillmore, Hearn, Lee, Morin, Sampou, Abodeely
Nay – 0
Abstain -

Adjourned 6:29 pm.