



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

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

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION HEARING

DATE: AUGUST 2, 2022 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street – 2nd Fl., Hyannis, MA

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, 367
MAIN STREET, HYANNIS, 02601**

The meeting was called to order at 6:30 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 was present along with Administrative Assistant, Kim Cavanaugh.

I. REQUESTS FOR DETERMINATION

- A. Julia B. Gavin, Trustee.** Remove and relocate one (1) existing, licensed float pile. Remove existing licensed float and replace with new 8' x 10' and 6' x 20' float at 707 South Main Street, Centerville as shown on Assessor's Map 186 Parcel 066. **DA-22026**

The applicant was represented by Raul Lizardi, P.E. from Cape & Islands Engineering.

Issues discussed:

- The Waterways Committee had no objections and approved the project.
- Div. of Marine Fisheries letter dated August 1, 2022 was read into record.
- The existing float is 208 sq. ft. It is being proposed to reduce to 200 sq. ft.
- A question was raised why they are making the change and if it is a substantial change.

Owner Dennis Gavin addressed the Commissioners.

- The change is being made for better access to the docking area.
- There is no intent to change the use or the boats.
- It will not be a substantial change.

- There was discussion on the current boats docked at the float.
- The requirements today are different than what they were when this was permitted.
- The Pursuit is grandfathered in if it is not a substantial change.
- The DMF letter suggests the use of float stops.
- Float stops will be a challenge with just two piles.
- This is a seasonal float. There is more than 1 ½ ft. of water at low tide. Float stops are not warranted.

There was no public comment.

A motion was made to approve this project as a negative determination without float stops.
Seconded and voted 6 to 1.
Motion carries.

- B. Robert Gonzalez.** Remove trees and understory and replace with gravel to create a parking area at 17 Pond Meadow Drive, Marstons Mills as shown on Assessor's Map 045 Parcel 035. **DA-22027**

The applicant represented himself.

Issues discussed:

- The resource area is a bog.
- The water does not come up into the yard.
- Owner would like crushed stone under camper and wood chips for curb appeal.
- There is no proposed garage as indicated on the plan.
- The 0-50' buffer is not shown on the plan.
- It would be placed closer to the 100' buffer.
- The lawn in the back of house is very close to the edge of the wetland.
- The lawn was there when it was purchased.
- The dimensions of the area need to be put on the plan.
- The guidelines would require an NOI for this much hardscape to be added.
- The planting legend needs to be taken off the plan.

Public comment:

Rosemary Martin, 1026 River Road abutter. She has lived there for 24 years. It is very close to her property line. She will be looking at the camper. She is concerned about the number of trees being taken down. It is a nice wooded area that will be forever gone. She has questions on the regulations. Rosemary advised the other side of property has a wide open space with no trees it could go there instead of cutting down trees. It is level and would not have to be graded.

- There is a 0-50' buffer that is disturbed.
- This is a very large camper.
- The staking was not done for the driveway at the site visit. The only staking was for the property line.
- This should have some type of mitigation or if it is more suitable be done on the other side of the property.
- The other side of the property is where the septic system and leaching pit are located.
- If mitigation is to be considered a Notice of Intent would need to be filed.

A motion was made to approve the project as a positive determination to require a Notice of Intent.
Seconded and voted 5 to 2.
A Notice of Intent will need to be filed.

The wetland area, protection issues, and mitigation issues were explained to the applicant.

II. NOTICES OF INTENT

- A. Brendan J. Brazel.** Reconstruct existing open deck and screened porch, beach nourishment and landscaping including poison ivy control at 90 Lake Drive, Centerville as shown on Assessor's Map 230 Parcel 082. **SE3-6015**

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

Issues discussed:

- The pond elevation was discussed.
- The plants being used for the restoration was discussed. They will be put at the edge of the water.
- Beach nourishment is proposed in two areas. There is a very narrow buffer. The project is removing vegetation and it is being replaced with sand.
- There is currently sand at the pond edge. The nourishment will be deeper further up the beach and gradually go down to the pond.
- Hay bales will be installed at the waters' edge before the project starts. The sand will be hand spread.
- The existing beach is un-vegetated but will be replanted on the west side of the beach so there is a benefit to the proposal.
- The chain link fence and other items being removed are not shown on the plan. They need to be added to the plan.
- A landscape plan should also be submitted.
- Nothing on the property was staked for the site visits.
- The fence removal will destroy a lot of vegetation which will need to be replaced.
- The structural changes are fine.
- The stump and grey willow to be removed will be the reconstructed wetland.
- The beach nourishment area should have been staked. It should be staked on both sides.
- The gray willow being removed was discussed.
- The beach nourishment sand is staying above the edge of the water.
- The poison ivy is predominantly to the west of the beach, but it is all over the area.
- The invasive areas should be shown on a revised plan and stated replanting is necessary.
- There are negative effects of beach nourishment. Sand is not a good environment for anything other the people.
- The beach has not been nourished in a very long time. Not sure it can be considered as historically nourished.
- Could have some beach but maybe not all that is requested.
- There was discussion on the number of stumps, when the trees were cut and if they had been approved by Conservation. The stumps have been there for a very long time. Some of the trees came down in storms.
- There has been a large amount of vegetation removed over the last decade without any permitting from Conservation.
- Would like to see some of the trees replaced. Would like diversity/complexity in the restoration plan.
- Measurements should be taken of the beach area.
- The distance from the waters' edge to the edge of the cobblestone should be put on the plan.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the distance from the waters' edge to the cobblestone, a re-vegetation landscape plan to show the re-vegetation for the area submitted to staff for review, stake out water edge elevation on the right side and left side of the beach nourishment area, stumps to be ground and proposed invasive areas should be identified on the plan and replanted if necessary,

Seconded and voted 6 to 1.

Motion carries

B. **Corey A. Griffin, Trustee – Glen Lane Nominee Trust.** Modification of driveway at 49 Main Street, Osterville as shown on Assessor’s Map 185 Parcel 020. **SE3-6016**

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

A color mark-up of the plan dated 7/6/ 2022 was submitted.
The second sheet shows the mitigation areas.

Issues discussed:

- The purpose of the modification to the driveway is so people do not have to back out onto Main Street.
- The plan is still approximately 400 sq. ft. short on mitigation.
- Would like to pay an in lieu fee for the difference \$1,323.00. There would need to be a finding that it is a mitigation constricted property.
- Some of the lawn area could be planted for mitigation purposes.
- There is a very wide path down to the cabana that could have some plantings.
- There was detailed discussion on the possible locations for additional mitigation.
- There are two, 50’ buffers.
- It is a nightmare to back out on to Main Street.
- The driveway is supported but more mitigation could go in.
- There is concern that there was cutting observed along the top of the bank. Demarcation for the mitigation needs to be added to the plan.
- The width of the border where the cutting happened is an average of 3 - 3 ½’.
- The demarcation will be added for the length of the mitigation.
- They would be willing to continue the matter to come back with a planting plan and demarcation put on the plan.
- The mitigation areas were not staked for the site visit.
- There is support for the project but mitigation needs to be added.
- It really is not a constrained site.

There was no public comment.

A continuance was requested to August 16, 2022.

A motion was made to approve the continuance request to August 16, 2022.
Seconded and voted unanimously.

C. **Lynn Osborn.** Proposed additions, mitigation and associated site improvements at 154 Breakwater Shores Drive, Hyannis as shown on Assessor’s Map 306 Parcel 165.

The applicant was represented by Brian Weiner of Coastal Engineering

The site plan is dated July 19, 2022
Mitigation plan is dated July 20, 2022

Issues discussed:

- The resource areas and types were identified.
- There is no bordering vegetated wetland.
- There is a master bedroom already on the second floor.
- Lynne Osborn, architect addressed the Commission. The master bedroom on the second floor has a very low ceiling. They are just raising the roof to adjust the ceiling height and adding some living space.

There was no public comment.

No DEP number has been issued.

A motion was made to approve the project as submitted but continuance to August 16, 2022 for issuance of DEP number only.

Seconded and voted unanimously.

III. CONTINUANCES

- A. Adam Hostetter.** Raze and replace single family home at 401 Ocean Street, Hyannis as shown on Assessor's Map 325 Parcel 010. **SE3-6012 Continued from 7/5/22.**

The applicant was represented by Kieran Healy, PLS with BSC Group.

Issues discussed:

- The debris to be removed was put on a revised plan.
- The building is required to become flood zone compliant.
- The fish pond will be removed.
- The deck and bridge over the fish pond will be removed.
- No trees will be cut.
- There is no space on the site that is outside the 50' except the driveway.
- The plan looks much better. All previous issues from the last hearing have been addressed.

There was no public comment.

A motion was made to approve the project as submitted. The date of the plan is 7/12/22.

Seconded and voted unanimously.

- B. Marshal M. Green, Trustee – 210 Carriage Road Nominee Trust.** To remove existing pool and proposed construction of a new pool in a new location, a house addition with patio replacement, elevated stairs down the coastal bank, relocation of hen enclosure, and landscaping to include bank restoration and associated appurtenances at 210 Carriage Road, Osterville as shown on Assessor's Map 071 Parcel 016. **SE3-5993 Continued from 7/5/22.**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting and Caitrin Higgins from Wilkinson Ecological Design.

Issues discussed:

- Revised plan is dated July 25, 2022.
- The hen enclosure is still in the 50' buffer.
- There are pitch pines that would have had to be removed to move the hen enclosure out of the 50' buffer.
- The new pool area will not require the removal of any trees.
- Demarcation should be added.
- Annual reports should be submitted for three years.
- Wilkinson will be the contractor, if change Conservation staff should be notified.
- There is temporary irrigation.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan, include annual reports for three years, written notification to staff if there is a change in contractor, demarcation along the lawn edge to be approved by staff and added to the plan.
Seconded and voted unanimously.

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

- A. Carol Sim SE3-5519** (Partial COC, ez) Rebuild Access Stairs
and Deck to Mystic Lake 11 Heath Row, Marstons Mills Mystic Lake

A motion was made to approve A.
Seconded and voted unanimously.

V. CHAIR'S EXECUTIVE SESSION MINUTES REVIEW AND RELEASE

- A.** In consultation with Assistant Town Attorney, Kathleen Connolly, the Chair is taking the following actions:

Approved and to release the executive session minutes of March 8, and May 24, 2022 which are related to the pending appeal by Bog Partners LLC to DEP regarding 1246 Bumps River Road (Docket No. WET-2022-008). On July 13, 2022, DEP dismissed the appeal with the petitioner's voluntary withdrawal of the appeal.

- Noted

VI. OLD AND NEW BUSINESS

- A. Conservation Commission Vote.** To authorize Administrator to sign Orders and Determinations for the Commission during the duration of remote meetings.

A draft of the Authorization was previously sent out to Commissioners.
The last two meetings held in person do not require Commissioners signatures on the Orders and Determinations as the prior Authorization covers this time period.

A motion was made to approve the authorization.
Seconded and voted 6 to 1.
Motion carries.

- B. Emergency Certification** -129 Salten Point Road, Barnstable – Stone Revetment Emergency Adjustment

- There is a large hole under the stone revetment.
- The plan was reviewed by Darcy Karle.
- Photographs were shown of the revetment.
- This approval is only for this section of the revetment.
- A Notice of Intent will be filed at a later date for all repairs that are needed.

A motion was made to approve the emergency order.
Seconded and voted unanimously.

- C. CHAPTER 704** – Commission review and discussion regarding a draft revision to Chapter 704 in order to provide clarifications on mitigation calculations. Continued from 7/19/22.

- A second draft was sent out considering previous meeting comments.
- Commissioner Morin passed out written comments on the draft.
- Performance standards and Commission practices were not included in the draft.
- Mitigation credits seem to be incomplete and unclear.
- The phrase “in so far as possible” was looked at and considered.
- The mitigation calculation table should be required on every plan.
- There was a clause added (Letter F.) Locations of mitigation plantings specified.
- A question was raised regarding planting of grass in replacement of hardscape.
- There was discussion on leaving site specific or everything needs to be planted.
- Site specific leaves it to the discretion of the Commission.
- Under #4. Mitigation credit is 3 to 1. Lawn should not be considered native vegetation unless they are native grasses. It should be clear that the area should only be mowed 1 or 2 times per year. This is covered under meadows.

The matter will include public comment on August 16, 2022.

VII. MINUTES

A. July 12, 2022

A motion was made to accept the minutes as submitted.

- A question was raised about putting Commissioner names’ into the minutes.
- There was a consensus to shorten the length of the minutes.
- If specific wording is needed the video is available for review.
- The minutes only have to give an idea of what happened at the hearing.
- The minutes and the video are the record of the meeting.

Seconded and voted 6 aye, 1 abstain.

Motion carries.

A motion was made to adjourn.

Seconded and voted unanimously.

Adjourned at 9:19 p.m.