



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: FEBRUARY 9, 2016 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM, 2nd Floor – 367 Main Street, Hyannis, MA

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, additional resources are available to you: video-on-demand (free on the Town website at town.barnstable.ma.us), and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:30 p.m. by Vice-Chairman Dennis R. Houle. Also attending were Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise R. Foster. Chairman F. P. (Tom) Lee and Commissioner John E. Abodeely were away.

Darcy Karle, Conservation Administrator, assisted.

I REQUESTS FOR DETERMINATION

Town of Barnstable/D.P.W. Rebuild existing stairway to beach at existing location and footprint at 560 Wianno Ave., Osterville as shown on Assessor's Map 162 Parcel 028. **DA-16005**

The applicant was represented by Frank Zibutis of the Town DPW, Structures & Grounds Division.

Issues discussed:

- Stairs have long been in existence;
- Project to remain in same footprint;
- Proposed project addresses safety issues.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Harvey & Jayne Beker. Remove approx. 15 over-crowded, decorative and dead trees from flood zone; 1 dead tree from buffer zone; pruning of dead wood within 50' buffer at 274 & 290 Bridge St., Osterville as shown on Assessor's Map 093 Parcels 021-002 & -003. **DA-16006**

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

Issues discussed:

- Whether the applicant is offering to replant a replacement tree;
- Commissioners raised concerns with pruning deadwood in 50-foot buffer for other than safety reasons.

A motion was made to issue a negative determination with the following conditions:

- 1) A replacement tree will be planted for the pine tree to be removed, in consultation with staff ;
- 2) Pruning of deadwood will only be permitted in area of path and boardwalk, where it poses a safety issue.

Seconded and voted unanimously.

II NOTICES OF INTENT

Peter & Suzanne Minshall. Construct deck on water side of existing house at 28 Bayview Rd., Osterville as shown on Assessor's Map 093 Parcel 050. **SE3-5357**

The applicant was represented by Steve Wilson, P.E.

Issues discussed:

- Review of planting plan;
- Commission's desire to see three-year monitoring reports, along with temporary irrigation.

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

Christopher McNary. Construct/maintain single-family dwelling with attached 3-car garage, Title-5 sewage disposal system, covered porch, screened porch, patios, stone wall, geo-thermal wells with associated clearing, grading, utilities and landscaping at 755 Route 149, Marstons Mills as shown on Assessor's Map 101 Parcel 004-001. **SE3-_____**

The applicant was represented by Matt Costa.

Issues discussed:

- Location of landscape stone wall in relation to the 50-foot buffer;
- Wall serves as a good work limit demarcation;
- Project will end up having a 52-foot buffer;
- Possibility of adding wildlife passage holes in wall.

A motion was made to approve the project with standard and special conditions, with a suggestion to allow periodic passageways built into the stone wall for wildlife, in consultation with staff.

Seconded and voted unanimously.

Jack R. & Wendy Gottesman Cohen. Construct addition to existing dwelling with associated site preparation and landscape repair at 75 Valley Brook Rd., Centerville as shown on Assessor's Map 188 Parcel 062. **SE3-5358**

The applicant was represented by Arlene Wilson, PWS.

Issues discussed:

- Ms. Wilson stated that she had corrected the first page of the NOI, showing the correct map and parcel numbers, and that abutters have been properly notified;
- Commissioners were pleased with the offer to replace trees, despite an intact 50' undisturbed buffer requiring no additional mitigation.

A motion was made to approve the project with special conditions.

Seconded and voted unanimously.

James A. & Justine O. Laugharn. Remove/replace failing concrete retaining wall with new concrete retaining wall; request to continue to utilize a walking path; vista pruning between dwelling and salt marsh; install drywell for existing roof drain at 91 Calves Pasture Ln., Barnstable as shown on Assessor's Map 259 Parcel 001-003. **SE3-_____**

The applicant was represented by John O'Reilly, P.E., of J. M. O'Reilly & Associates, Inc.

Exhibits:

- A. Photos of path to marsh, dated 11/27/2012 by Fred Stepanis, Conservation Assistant;
- B. Photos dated 2/2/2016, taken by Darcy Karle;
- C. Letter from Arlene Wilson to Fred Stepanis, dated 4/20/2005.

Issues discussed:

- Ms. Karle gave a brief overview of issues that arose during prior COC requests and inspections;
- Other issues addressed, in addition to what was proposed in the NOI: pea stone gravel on path to the marsh; drain pipe near spiral stairs; run-off/erosion and new stone steps on north side of house;
- Topping of cedar trees not included in standard vista pruning; also treatment of invasives with herbicide not considered standard vista pruning;
- The Commission had no issue with wall repair or pool fence and steps on west side of pool/patio;
- Concern of placement of drywall near wetland. Isn't there a better location upland. Also check to see if roof run-off is directed into pipe near spiral stairs. Maybe need complete drainage plan;
- Better plantings or use of water bars to slow erosion down on north side of house;
- Applicant will need to remove pea stone gravel from marsh path. Commission would consider use of grating material on path where grass could grow up through;
- Darcy stated the space near pool wall, where they would like to have a path, was referred in a letter dated 4/20/05 to Fred Stepanis from Arlene Wilson in relation to SE3-4252, ..." The space is not intended to be a "path." It should fill in within a couple of years. This was an agreement reached to receive COC for SE3-4252.

A motion was made to continue the hearing to March 8, 2016.

Seconded and voted unanimously.

Daniel S. & Elizabeth W. Lynch, Trustees, Fox Island Realty Trust. Replace existing boardwalk and pier with 5-foot extension, ramp and float at 132 Fox Island Rd., Marstons Mills as shown on Assessor's Map 096 Parcel 019. **SE3-5361**

The applicant was represented by John C. O'Dea, P.E.

A motion was made to continue the hearing to March 8th, 2016.

Seconded and approved unanimously.

No testimony was taken.

Joan M. LeGraw. Invasive species management, to include phragmites at 110 Allyn Ln., Barnstable as shown on Assessor's Map 259 Parcel 014. **SE3-_____**

The applicant was represented by John C. O'Dea, P.E. and Maria Hickey.

Issues discussed:

- An ecological restoration-limited project;
- Three-year annual reports deemed necessary, maintained in perpetuity;
- Snip & drip method to be used on phragmites, and direct spray for other invasives;
- Access for equipment.

A motion was made to approve the project with standard and special conditions as follows:

- 1) Annual reports for three years, maintained in perpetuity as on-going conditions under a certificate of compliance;
- 2) Herbicide application to be done only by a fully-licensed applicator;
- 3) Invasive woody debris to be removed from site.

Seconded and voted unanimously.

Ram & Anjali Chuttani. Construct additions, porches and deck to existing dwelling at 255 Green Dunes Dr., Centerville as shown on Assessor's Map 245 Parcel 031. **SE3-_____**

The applicant was represented by Chuck Rowland, E.I.T.

Issues discussed:

- Roof run-off to be tied into drywells; includes removal of pipe on bank near driveway;
- Removal of vegetation on bank and topping of trees does not meet Commission's current vista pruning standards;
- Applicants requesting vista pruning under the NOI; will bring property back into compliance when vista pruning is undertaken.

A motion was made to approve the project with standard and special conditions, as follows:

- 1) Drainage pipe on bank to be removed; associated runoff to be tied into drywells upland;
- 2) Standard vista pruning only; no topping of trees or removal of vegetation on bank.

Seconded and voted unanimously.

Virginia Reeves. Construct single-family home with garage, driveway, deck, pool and landscaping at 25 East Ave., Osterville as shown on Assessor's Map 139 Parcel 080. **SE3-5360**

Ms. Karle explained that additional time was needed to determine if there is an isolated wetland on the site.

A motion was made to continue the hearing to 2/23/2016.

Seconded and voted unanimously.

No testimony was taken.

Virginia Reeves. Construct single-family home with garage, driveway, deck, pool and landscaping at 45 East Ave., Osterville as shown on Assessor's Map 139 Parcel 079. **SE3-5359**

Ms. Karle explained that additional time was needed to determine if there is an isolated wetland on the site.

A motion was made to continue the hearing to 2/23/2016.

Seconded and voted unanimously.

No testimony was taken.

III CONTINUANCES

Anthony & Josephine Tavilla. Reconstruct boardwalk; construct pier with ramp, float, and kayak racks at 103 Main St., Osterville as shown on Assessor's Map 185 Parcel 022-001. **SE3-5348**

The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed:

- Location, seasonal vs. permanent, density, cumulative impact shouldn't be solitary entities when making overall determination;
- Cumulative impacts;
- Narrow frontage, unique location, balancing request and waivers needed;

- Asking for 31' beyond low water. 600% waiver in length in pier. Length of pier is tied to depth of water.

A motion was made to add the following findings for this project:

- 1) Given the special circumstances of long-standing parcel, owners who pre-date pier regulation and who seek access to the water, as well as to their parcel that lies across the Centerville River, the Commission is granting a length waiver that allows the motor vessel to meet draft requirements for this location and is setting a vessel length and horsepower limitation in exchange for the waivers sought and granted.
- 2) The motion to approve the project granted J1 (26') and L waivers and specified the motor vessel to be used as an Oceanus 15 VST with a 50 HP motor.

Seconded and approved unanimously.

IV CERTIFICATES OF COMPLIANCE

(* = on-going conditions)

A. Bereznicki SE3-4202 (coc,ez) construct single family dwelling *

A motion was made to approve the certificate.

Seconded and approved unanimously.

V MINUTES FOR APPROVAL

A January 26, 2016

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

A motion was made to was made to adjourn.

Seconded and approved unanimously.

The time was 8:50 p.m.