



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

DATE: MARCH 8, 2016 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM, 2<sup>nd</sup> 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](http://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 Chairman F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle, and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise R. Foster. Commissioner John E. Abodeely was away.

Darcy Karle, Conservation Administrator, assisted.

### I OLD AND NEW BUSINESS

A. Benedetto – 359 Santuit Road, Cotuit Conservation Restriction SE3-4203

Attorney Michael Ford gave an overview of the conservation restriction (CR) as being a requirement under an order of conditions (SE3-4203). This CR will be held by the Conservation Commission.

A motion was made to approve the conservation restriction.

Seconded and voted unanimously.

B. Doe Conservation Restriction, BLT to the Compact of Cape Cod Conservation Trusts, approximately 1.87 acres in Barnstable Village, Assessors Map 317 Parcel 043.

Mark Robinson, Executive Director of Cape Cod Compact of Cape Cod Conservation Trusts gave an overview of the CR.

A motion was made to support and sign the CR.

Seconded and voted unanimously.

C. Emergency certification for #0 #47 Yarmouth Rd., Hyannis – Clean-up of homeless camp

Ms. Karle gave an overview of the work required to clean up an abandoned homeless camp area near wetlands and the buffer zone.

A motion was made to approve the emergency certification.

Seconded and voted unanimously.

## **II REQUESTS FOR DETERMINATION**

**Robert B. & Norma E. Hallock.** Vista pruning to maintain existing vista corridors to water at 775 Route 149, Marstons Mills as shown on Assessor's Map 101 Parcel 005. **DA-16010**

The applicant was represented by Robert Kennedy of E. J. Jaxtimer Builder, Inc.

Exhibits:

A – Three 2-page packets of photos, submitted by Darcy Karle, 2010, 2011 & 2016 photos.

Issues discussed:

- Applicant willing to switch out plants for mitigation planting areas that need replanting. New plan will be submitted with vertical complexity of plants chosen;
- Ms. Karle raised issues discussed: with crushed-shells added at area over bank near stairs, a second stepping-stone path near deck, edge of water added after a certificate of compliance issued;
- Issue with view corridor #2, as requested – did not make sense, view from breezeway.

A motion was made to issue a negative determination, limiting the project to standard vista pruning in view corridor #1 only. Remaining issues discussed to be addressed via enforcement track, including replanting of mitigation area.

Seconded and voted unanimously.

**Leeside Construction.** Construct attached addition (slab foundation) to existing dwelling, consisting of a single-car garage with second floor bedroom area at 26 Ripple Cove Rd., Hyannis as shown on Assessor's Map 325 Parcel 114. **DA-16013**

The applicant was represented by John O'Reilly.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Hyannis Golf Course.** Perform corrective pruning of trees to eliminate serious safety hazard from overgrown trees and to increase playability of golf hole at 1680 Iyannough Rd., Route 132, Hyannis as shown on Assessor's Map 254 Parcel 016. **DA-16011**

The applicant was represented by Chris White of Hyannis Golf Course, and Peter Childs, certified arborist.

Issues discussed:

- Not a vista pruning request; pruning tops of trees in wetland edge requested for safety concerns.
- Concern with request to remove one pine tree, a "signature tree."

A motion was made to issue a negative determination, allowing pruning of tops of hardwood trees, as proposed; pine tree to remain in place, with limbing permitted, leaving crown intact.

Seconded and voted unanimously.

**Capewide Enterprises, LLC.** Installation of new Title-5 septic system at 279 Maple St., W. Barnstable as shown on Assessor's Map 132 Parcel 047. **DA-16012**

The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering, Inc.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### III NOTICES OF INTENT

**Thomas & Helene Lauer.** Demolish and rebuild single-family dwelling on existing foundation with additions and all associated appurtenances at 183 Bay St., Osterville as shown on Assessor's Map 117 Parcel 152. **SE3-5367**

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

Issues discussed:

- Request to remove tree in patio near steps with replacement tree;
- Calculations needed for square-foot reductions shown;
- Mr. O'Dea confirmed that all abutters were notified (two properties – same ownership);
- Drive to remain gravel;
- Staff to review permitting history of existing shed near path.

A motion was made to approve the project with standard and special conditions subject to the receipt of a revised plan showing: a) calculations, b) indication where stone steps are to be removed, c) location of replacement tree, d) notation that driveway to remain gravel.

Seconded and voted unanimously.

**William Tuttle.** Remove existing deck; construct new deck and expand foot print of deck. Requesting waiver of 50-foot undisturbed buffer zone at 262 Greenwood Ave., Hyannisport as shown on Assessor's Map 288 Parcel 179. **SE3-5368**

The applicant was represented by Stephen A. Wilson, P.E. of Baxter Nye Engineering.

Issues discussed:

- Downspouts need to be worked into drywells or leaching trenches;
- Ability of mitigation plantings to co-exist with existing trees.

Correspondence: Note dated 2/24/2016 from abutters, the Yereniuks, stating [they] have no objection to the project.

A motion was made to approve the project with standard and special conditions, requiring existing downspouts to be worked into drywells or trenches.

Seconded and voted unanimously.

### IV CONTINUANCES

**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. **SE3-5363**

The applicants were represented by John O'Reilly.

Issues discussed:

- Quorum of all commissioners present, except Tom Lee;
- Revised plan addresses commissioners' concerns raised at February 9<sup>th</sup> hearing;
- Question raised on material to be used in trench detail;
- Vista pruning will not include topping cedars;
- Gravel will be removed from path to marsh, marsh to be replanted.

Correspondence: Letter dated 2/19/2016 received from MA Division of Fisheries & Wildlife, with MA Endangered Species Act (MESA) comments included.

(Laugharn, continued)

A motion was made to approve the project with standard and special conditions, subject to submission of a revised plan showing native gravel in trench detail on plan.

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.

Issues discussed:

- Quorum present;
- Area rated as a #2 Rating for shellfish, so "12-Inch Rule" applies;
- No specific vessels requested at this time;
- Concern that three vessels would overburden the pier; however, the length of waterfront on this property reduced Commission's concern.

A motion was made to approve the project with standard and special conditions to include that no specific vessels (3) are approved at this time; specs required for review and approval by Conservation Administrator; general location approved, as indicated on plan; "12-Inch Rule" applies.

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**

[See Reeves, below]

**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**

Both Reeves' applications were heard simultaneously.

The applicant was represented by Peter Hansen and Michael Ball.

Exhibits:

A – Packet of information

Issues discussed:

- Ms. Karle gave overview of her efforts to set up a site visit with Brad Hall, Mike Ball and herself prior to the site visit;
- Brad Hall's services were no longer required by the abutter;
- Mr. Hansen did not want to grant another continuance;
- Abutter Gary Woods requesting additional time for vegetation to grow up to allow Lenore White, PWS, to delineate the depression;
- Area an isolated wetland/local by-law jurisdictional issue, not a state wetland protection jurisdictional issue.

Correspondence read:

- Email from Michael Ball to Darcy Karle, 3/8/16;
- Letter from Lenore White of Wetland Strategies, dated 3/7/16, requesting a two-week continuance;
- Letter from Atty. Schulz dated, 3/7/16, requesting an extended continuance.

Public comments:

- Atty. Schulz representing Mr. Woods;
- Gary Woods, abutter, stated his opposition to the project, based on his eleven-point letter (incl. in Exhibit A)

(Reeves, comments, continued)

- Atty. Theodore Schilling on behalf of Reeves' determination.

A motion was made, finding that the vegetation and soils of these locations indicate that the depression is NOT a wetland.

Seconded and voted unanimously.

A motion was made to approve the application as submitted for 25 East Avenue, based upon above finding.

Seconded and voted unanimously.

A motion was made to approve the application as submitted for 45 East Avenue, based upon above finding.

Seconded and voted unanimously.

**V CERTIFICATES OF COMPLIANCE**

**(\* = on-going conditions)**

A. Hyannis Yacht Club SE3-4716

(coc,ez) construct additions \*

A motion was made to approve the certificate.

Seconded and voted unanimously.

**VI MINUTES FOR APPROVAL**

A 2/23/2016

A motion was made to approve the minutes.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:35 p.m.**