



# Town of Barnstable Conservation Commission

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## AGENDA – CONSERVATION COMMISSION MEETING

**DATE: August 9, 2016 @ 6:30 PM**

**LOCATION: Town Hall Hearing Room, 367 Main Street 2<sup>ND</sup> Fl., 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 the Chair, F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle and Commissioners John E. Abodeely, Peter Sampou, Scott Blazis, and Larry Morin.

Darcy Karle, Conservation Administrator, assisted.

### I REQUESTS FOR DETERMINATION

**David R. & Anne E. Gergen.** Replace permitted stairs to beach which were damaged during the past winter and are unusable, at 203 Scudder's Ln., Barnstable as shown on Assessor's Map 259 Parcel 007-002. **DA-16045**

The applicant was represented by Ryan Jones of Earthday Landscaping.

Issues discussed:

- Location of plantings
- No solid risers; will use 1-inch spacing

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### II NOTICES OF INTENT

**David A. & Lisa M. Antonelli.** Remove invasive plants and replant with native species; reconfigure existing pool patio; replant existing landscaped areas. A waiver of the Conservation Commission's undisturbed 50-ft. buffer zone (Ch. 704) is being requested at 128 Great Bay Rd., Osterville as shown on Assessor's Map 072 Parcel 032-003. **SE3-5405**

The applicant was represented by Steve Wilson, P.E. of Baxter Nye Engineering and Katrin Higgins of Wilkinson Ecological Design.

Issues discussed:

- Lack of staking for Commission review
- Proposed kayak racks not indicated on engineering plan
- Issue of mulch in area #1
- Request to use pine needle mulch or leaf litter as mulch around plantings until plants get established
- Coppice-style pruning is not a standard acceptable practice by the Commission; leaders management will be allowed in this case

(NOI's, Antonelli, continued)

- Temporary irrigation
- Annual written reports for three years.

A motion was made to approve the project with special conditions: subject to receipt of a revised engineering site plan showing kayak racks; revision of land management plan to remove the word "coppice-style" pruning (leader management acceptable); temporary irrigation allowed; pine needle or leaf litter mulch allowed; three years annual reports required.

Seconded and voted unanimously.

**Thomas E. & Jessica L. Poti.** Demolish existing dwelling/construct new flood zone-compliant dwelling within existing footprint; upgrade septic system (no increase in bedrooms) at 879 Craigville Beach Rd., Centerville as shown on Assessor's Map 225 Parcel 030. **SE3-5404**

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

Issues discussed:

- Natural Heritage & Endangered Species Program (NHESP) habitat
- Board of Health review of system scheduled
- FEMA requirements re: structure to be elevated
- Comparison of headspace of proposed loft to existing loft

A motion was made to approve the project with special conditions, subject to prospective NHESP comments.

Seconded and approved: 5 votes = Aye; 1 voted = Nay; with one abstention

**David M. & Kathleen M. Calabro.** Construct and maintain timber bulkhead; replace existing patio and remove nine trees at 80 Great Bay Rd., Osterville as shown on Assessor's Map 093 Parcel 074. **SE3-5406**

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

Issues discussed:

- Location of replacement trees
- Possibility of adding small area of buffer plantings for four trees to be removed
- Review of permitting history of light post
- Size of cedars not indicated on plan
- Question of sand being added to beach area – whether permitted.

A motion was made to approve the project with special conditions, subject to the receipt of a revised plan showing: replacement of 3 trees within 10 feet of trees to be removed (must indicate size); small area of planting 2-3 feet-wide as mitigation for 5 trees being removed; shower indicated should be identified as "rinse station" on plan; history of light post; detail of beach nourishment.

Seconded and voted unanimously.

**Nancy L. Johnson, Tr., Harbor Bluff QPRT.** Alterations to existing structures, adding decks and porches to first and second floor at 137 Harbor Bluff Rd., Hyannis as shown on Assessor's Map 325 Parcel 119. **SE3-5403**

**WITHDRAWN**

### **III CONTINUANCES**

**William LaPoint.** Demolish existing dwelling; construct new dwelling, pool, & septic system. Remove invasive plants and conduct mitigation planting at 980 Main Street, Cotuit as shown on Assessor's Map 034 Parcel 033. **SE3-5401**

The applicant was represented by Daniel Ojala, P.E. and Jen Crawford.

(Continuances, LaPoint, continued)

Exhibits:

- A – Photo 8/9/16 indicating that beach chairs were removed from top of bulkhead

Issues discussed:

- Quorum – everyone but Larry Morin
- Overview given addressing Commission concerns
- Beach chairs were removed from top of bulkhead
- Annual reports for three years
- Request for a few cedars to be planted on bank.

A motion was made to approve the project with special conditions, subject to receipt of a revised plan showing: two cedars to be planted on bank; annual monitoring reports for three years; temporary irrigation.

Seconded and voted unanimously.

**Jack Lyons.** Repair and maintain existing pier with improved boat lift accessory to single-family home at 261 Sandy Neck, off Trail #5, West Barnstable as shown on Assessor’s Map 303 Parcel 007. **SE3-4518**

The applicant was represented by Matt Creighton of BSC Engineering and Atty. Leslie Ann Morse.

Exhibits:

- A – Memo “Key Questions to be addressed,” dated 8/9/16, submitted by Clerk Dennis Houle
- B – “Order of Conditions” SE3-5388 (Henderson) & DVD of hearing of 5/3/16

Correspondence: Letter from Charles & Barbara Birdsey, in favor of the project; email from Mary Moquin with attached letters from Susan Ernst, Douglas Moquin, and Pamela Buck, all in favor of the project.

Issues discussed:

- The Chair turned the hearing over to Clerk Dennis Houle
- A quorum was present
- A report and photos offered by Lester Garvin showing past existence of Lyons dock
- Question of whether the applicant had addressed the three key questions, as indicated in Exhibit “A” above:
  1. Has the pier in its current footprint and alignment been in use since January 1, 1984, as required by the MA DEP Ch. 91 Amnesty Program?
  2. Has the applicant proven that no unauthorized substantial change in use or substantial structural alteration occurred since that date, as required by the MA DEP Ch. 91 Amnesty Program?
  3. Has the applicant proven that he was unable to file with [Barnstable] Conservation because of its policy of refusing an NOI for property with an open Order of Conditions?

Public comment:

- Steve Hesslinger spoke on behalf of Sandy Neck Colony Association, who are in favor of Mr. Lyons proposed project.

In the opinion of the Chair and the Commission, the applicant had addressed #1. However, in the Chair’s opinion, questions #2 and #3 (Ch. 91 Amnesty) were not met by the applicant.

A new NOI versus re-presenting the project with an addendum addressing Ch. 703-4 Town regulations and waivers was requested.

A motion was made to continue the hearing till September 20<sup>th</sup>, so applicant’s consultant can prepare a packet of information to be re-presented.

Commissioner Larry Morin requested that question #3 remain open for discussion at a continuance hearing.

An amended motion was made by Commissioner Abodeely, stating that a continuance to 9/20/16 be allowed for the sole purpose of addressing current standards under Ch. 703-4, and listing required waivers.

(Continuances, Lyons, continued)

Seconded and approved: 6 votes = Aye; 1 vote = Nay.

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

- A. Hyannisport SE3-4723 (coc,ez) invasive plant management \*  
Club at 2 Irving Avenue, Hyannisport – Hall’s Creek

A motion was made to table the matter to August 16<sup>th</sup>.

Seconded and voted unanimously.

- B. Hostetter SE3-0160 (coc,ez) install culverts  
at Sea Marsh Road and Fox Run, Centerville – BVWs – upper Centerville River

A motion was made to approve the certificate.

Seconded and voted unanimously.

**V MINUTES FOR APPROVAL**

- A. July 19, 2016

- B. July 26, 2016

A motion was made to approve the minutes (A – B).

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:34 p.m.**