



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: September 6, 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 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.

Conservation Administrator, Darcy Karle, assisted.

### I OLD & NEW BUSINESS

A. Proposed minor changes to Chapter 707: Regulations Governing Minimum Submission Requirements for an NOI, as approved on 8/23/16.

A motion was made to approve the minor change on Page 3, effective September 12<sup>th</sup>.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**Beach Club of Craigville, Inc.** Reconstruct and maintain existing timber deck and steps, including addition of timber wheelchair ramp and ground-level boardwalk and installation of seasonal deck awning on a coastal beach at 27 Long Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 016. **DA-16055**

The applicant was represented by Dr. John Lake of Beach Club, and Red Lizardi of Holmes & McGrath.

Exhibits:

A – A small copy of color plan dated July 27, 2016.

Issues discussed:

- Materials to be used – Brazilian hardwood – Koa;
- Spacing for deck/ramp boards;
- Outdoor shower indicated on plan should be re-labeled as “rinse station” on site plan.

A motion was made to issue a negative determination, subject to submission of a revised plan noting ADA requirement for spacing; outdoor shower to be re-labeled as “rinse station”

Seconded and voted unanimously.

**Anne B. & George N. Gingold.** To establish and maintain a four-foot-wide path from base of hill through buffer zone to a point near the Centerville River for viewing birds and wildlife and for photography at 469 Elliott Rd., Centerville as shown on Assessor's Map 227 Parcel 115. **DA-16056**

The applicants attended the hearing.

Issues discussed:

- Clarification that no trees will be cut during maintenance of the 4-foot-wide path;
- No mulch will be placed on the path;
- The path will not extend down to the river;
- Grass may be mowed or weed-whacked in the path as required during normal maintenance of the path.

A motion was made to issue a negative determination with special conditions: path to be no wider than four feet; path to end before reaching the river, as indicated on the approved plan; no trees will be cut.

Seconded and voted unanimously.

**James & Deborah Fowler.** Seek approval for vista pruning – prune oak, tupelo, maple, etc. located at back of property, specifically to thin crown to remove approx. 20% of live branches to enhance view of water; remove resulting debris. Also seek approval for tree removal to take down 2 tagged, dead pitch pines and 1 oak located at back of property; leave stump low and remove resulting debris; trim understory, including existing bushes and shrubs along water's edge to approx. 4' high for view at 346 Holly Point Rd., Centerville as shown on Assessor's Map 232 Parcel 024. **DA-16057**

The applicants attended.

Exhibits:

A – Photo dated 9/6/16

Issues discussed:

- Mulch area will be re-seeded. This was an area disturbed while septic was being installed by the prior owner. The Fowler's will submit a photo after loam and seeding takes place;
- The left vista corridor (#1) will be the area where the deck is being installed. It should not need to be much wider than what already exists, i.e., a few branches here and there.
- Right vista corridor (#2) will require a waiver from the normal vista pruning guidelines. After the pine tree is removed, what stands in the way of a view is understory. The Commission will allow the understory vegetation on the edge to be cut to a length of twenty feet; it must be an undulating cut of varying height, i.e., not to look like a straight cut across.
- Three (3) trees may be removed due to safety issues.

A motion was made to issue a negative determination, subject to a revised sketch plan, reducing two vista corridors; corridor #2 to be no wider than twenty (20) feet; and understory cut must be an undulating cut.

Seconded and voted unanimously.

**Barnstable County.** Proposes to remove contaminated soil from County Fire & Rescue Training Facility within a 400 square foot area for water quality improvements at 155 South Flintrock Rd., Hyannis as shown on Assessor's Map 313 Parcel 007. **DA-16058**

The applicant was represented by Tom Cambareri of the Cape Cod Commission, and Amanda Crouch-Smith of Tighe & Bond.

Issues discussed:

- The project is NHESP exempt;
- The protocol for a temporary stock pile area;
- Request to keep the Conservation Commission informed on new developments regarding the best options for soil amendment.

A motion was made to issue a negative determination with the requirement that a written follow-up to the Conservation Commission be submitted regarding an emergency response plan and soil amendments.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Maria Deaton.** Raze existing dwelling; replace with new dwelling within existing footprint (no increase in bedrooms) at 71 Seventh Ave., W. Hyannisport as shown on Assessor's Map 246 Parcel 151. **SE3-5408**

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

Issues discussed:

- Review was based on a revised site plan dated 9/2/16;
- The project was after-the-fact on an existing foundation;
- A question arose as to whether the project was subject to the buffer zone mitigation requirements; an option was to request the applicant to offer mitigation.

A motion was made to approve the project with special conditions, including requesting the applicant to consider offering mitigation.

Seconded and approved: 4 votes = Aye; 3 votes = Nay.

**James & Deborah Fowler.** Install seasonal dock in Lake Wequaquet for 21' pontoon boat; draft with engine down is 16" at 346 Holly Point Rd., Centerville as shown on Assessor's Map 232 Parcel 024. **SE3-5410**

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

Exhibits:

A – Shore Station Dock information packet

Issues discussed:

- Mr. Wilson stated that the project met freshwater guidelines;
- The Commission was satisfied with aluminum or cedar.

A motion was made to approve the project with special conditions, including that staff be notified of material to be used in construction of the dock.

Seconded and voted unanimously.

### **IV CONTINUANCES**

**Robert Bancroft.** Septic system upgrade at 21 Bancroft Circle, W. Barnstable as shown on Assessor's Map 215 Parcel 013. **DA-16047**

The applicant attended, and was represented by David Bennett of Bennett Environmental.

Issues discussed:

- Status of Board of Health approval;
- A question was raised about surface runoff; prevention of water flow over the edge, causing erosion;
- Grading to direct surface flow to leach basin could be done.

A motion was made to approve the project with special conditions, subject to a revised plan indicating grading, directing surface flow to the existing leach basin.

Seconded and voted unanimously.

**V FOR RECONSIDERATION**

**George W. Jensen.** Clearing of overgrown vegetation, including vista pruning at 50 Lattimer Ln., Hyannis as shown on Assessor's Map 288 Parcel 156. **DA-16046** (from 8/23/16)

The applicant attended.

Issues discussed:

- A quorum was present, except for Commissioner Sampou;
- This project is being reconsidered because of a jurisdictional call. It involves a town coastal bank, rather than a state coastal bank, as previously thought.

A motion was made to reconsider the application.

Seconded and voted unanimously.

Issues discussed:

- Mr. Jensen stated that they had maintained the back yard up to 2014. Aerial photos were submitted in the RDA packet;
- Vista corridors, indicated on the revised plan dated 8/20/16, had been submitted at a prior hearing.
- Normal vista pruning guidelines will be followed;
- The applicant requested to forgo erosion controls, since only cutting of vegetation will take place, no disturbance of soil. This was fine with the Commission.

A motion was made to issue a negative determination, subject to vista pruning guidelines.

Seconded and voted unanimously.

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

- |    |                 |          |          |   |
|----|-----------------|----------|----------|---|
| A. | K-V Associates  | SE3-1882 | (coc,ez) | reverse layering (not done)<br>at Red Lily Pond Project Association – Lake Elizabeth, Centerville |
| B. | Ellis - Huntley | SE3-5246 | (coc,ez) | construct seasonal dock<br>233 Wheeler Road, Marstons Mills – Mystic Lake                         |

A motion was made to approve the certificates.

Seconded and voted unanimously.

**VII MINUTES FOR APPROVAL**

- A. August 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 8:26 p.m.**

