



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: December 13, 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 Peter Sampou, Scott Blazis, and Larry Morin. Commissioner John E. Abodeely was away.

Conservation Administrator, Darcy Karle, assisted.

### I EXTENSION REQUESTS (rescheduled from 12/6/16 hearing)

#### Project type:

#### Time requested:

- |    |                                                                |                  |                                  |
|----|----------------------------------------------------------------|------------------|----------------------------------|
| A. | Coleman/Sandy Neck SE3-4207<br>Sandy Neck Beach, W. Barnstable | marsh trail/road | 3 years; 3 <sup>rd</sup> Request |
|----|----------------------------------------------------------------|------------------|----------------------------------|

The applicant was represented by Nina Coleman, Sandy Neck Park Administrator.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

- |    |                                                        |                     |                                  |
|----|--------------------------------------------------------|---------------------|----------------------------------|
| B. | Brown SE3-5170<br>250 Smoke Valley Rd., Marstons Mills | pool, patio, stairs | 3 years; 1 <sup>st</sup> Request |
|----|--------------------------------------------------------|---------------------|----------------------------------|

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

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION (rescheduled from 12/6/16 hearing)

**Lewis & Jody Klessel.** Remove invasive non-native bamboo at southeast corner of deck; repair and rebuild existing deck; rebuild gazebo (same footprint); enclose approx. 160 sq. ft. of existing deck at northeast corner of house at 246 Fifth Ave., Hyannis as shown on Assessor's Map 245 Parcel 135-001. **DA-16075**

The applicants were represented by Michael Collins of D. Michael Collins, Architects.

(Klessel, cont'd.)

Issues discussed:

- Protocol for removing bamboo, treatment, and replanting of native vegetation;
- An NOI was considered a more appropriate application for eradication of invasive bamboo, rather via an RDA;
- Once removed, bamboo would have to be replaced/replanted with salt-tolerant native species;
- The consultant agreed to withdraw the project, and file a notice of intent;
- Cutting a patch of bamboo would facilitate assessing the situation.

A motion was made to grant the applicants permission to withdraw the application, and permit them to cut patch of bamboo, as indicated on plan, to assess conditions under deck in preparation for filing an NOI.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**James F. & Susan H. Whelan.** Construct and maintain timber boardwalk, pier, ramp and float at 65 Ocean Ave., Hyannis as shown on Assessor's Map 287 Parcel 120. **SE3-5436**

The applicant was represented by Charles (Chuck) Rowland, P.E., and John O'Dea, P.E. of Sullivan Engineering.

Correspondence:

- 12/13/16 letters (2), including shellfish survey results, from Tom Marcotti, Town Biologist;
- 12/13/16 letter from Eileen Feeney, MA Division of Marine Fisheries;
- 12/12/16 email from Brian Taylor, Town Assistant Harbormaster.

Issues discussed:

- Project located in area rated "9" on shellfish rating map;
- Discussion of Mr. Marcotti's comment that the area is "not significant as shellfish habitat;"
- Applicants' desire, in light of the above statement, to revise their request from "non-motorized boats" to a pier for "motorized" craft following the 12-inch Rule;
- Applicants did not submit a shellfish survey, as required under pier regulations;
- A continuance would allow additional time to get clarification of Mr. Marcotti's comments;
- If applicants wish to pursue permission for motorized craft, the project must be re-advertised and abutters re-notified.

A motion was made to continue the hearing to January 24<sup>th</sup>; if the project is revised to permit motorized craft, applicants must re-notify abutters, and the project must be re-advertised.

Seconded and voted unanimously.

### **IV NOTICES OF INTENT**

**(rescheduled from 12/6/16 hearing)**

**Joan LeGraw.** Driveway reconfiguration, deck stairs and landscaping, including removal of dead and diseased trees and buffer restoration at 48 Harrison Rd., Centerville as shown on Assessor's Map 229 Parcel 072. **SE3-5433**

The applicant was represented by John C. O'Dea, P.E. and Maria Hickey, President, Marie Hickey & Associates Landscapes.

Exhibits:

- A – Handout from Ms. Hickey showing tree damage (undated)
- B – Article "Crypt Gall Wasp" submitted by Scott Blazis
- C – Articles about cynipid gall wasp and trees, submitted by Peter Sampou

Issues discussed:

- The gull wasp, a native insect, that affects black oaks;
- Concern for removing affected trees in a resource area when not deemed a safety hazard;

(LeGraw, cont'd.)

- Dead trees can act as habitat for cavity nesters;
- Articles that support gull wasp populations, and the fact that the wasps populations are cyclical;

A motion was made to approve the project with special conditions, subject to the submission of a revised plan showing: 1) the two damaged oaks in the BVW to be cut, and stumps flush-cut only, then replaced by a Tupelo; 2) the two damaged pitch pines may be removed, the one near the driveway stump may be removed; 3) the oak near the driveway may be removed, including the stump. To confirm the number of oaks to remain: four oaks south of the deck, one oak in a group of three (most southerly) to remain, and one oak to the north, for a total of six oaks to remain.

Seconded and voted unanimously.

**Paul S. & Irene G. Paresky.** Demolish existing single-family dwelling and construct new single-family dwelling and all associated appurtenances at 123 Seventh Ave., Hyannis as shown on Assessor's Map 245 Parcel 054. **SE3-5434**

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

Exhibits:

A – Photo showing sample of stone wall being proposed

Issues discussed:

- Why the stone wall was requested beyond the work limit line;
- Clarification that everything beyond wall will be left to naturalize, once planted;
- Additional plants should be placed at northern end of planting area, with allowance for 4-foot access to the marsh;
- Request to plant vegetation at top of rocks to soften wall and provide habitat, such as a creeping plant;
- Possible woodchip de-nitrifying bed or trench, if appropriate at this location.

Public comment: Peter Haig, representing the Coynes at 51 Elliot Road, questioned the height of the stone and patio walls.

A motion was made to approve the project with special conditions, subject to receipt of a revised plan indicating additional plants to the north, and a strip of creeping plant.

Seconded and approved: 5 votes = Aye; 1 vote Nay.

**Elizabeth Tacelli.** Construct two additions to existing dwelling at 391 Green Dunes Dr., Centerville as shown on Assessor's Map 246 Parcel 154. **SE3- 5435**

The applicant was represented by Chuck Rowland, P.E.

Exhibits:

A – Revised plan dated 12/5/16

Issues discussed:

- The revised plan was submitted at the request of staff to include the missing "mitigation provided" calculation;
- Request to take some of the square footage of mitigation from the southern plot, and move to the northern plot, as the northern mitigation area is closer to the wetland and the southern plot is shaded by a tree.

A motion was made to approve the project with special conditions, subject to the receipt of a revised plan, swapping mitigation from the southern plot to the northern plot; plants to be placed between wetland flag and FEMA flood line indicated on plan.

Seconded and voted unanimously.

## V CONTINUANCES

**Thomas F. O'Donnell, III & Christina Wing.** Construct pool and patio; convert existing porch into pool cabana at 25 Oyster Way, Osterville as shown on Assessor's Map 072 Parcel 038-001. **SE3-5430**  
(Continuances, O'Donnell/Wing, continued)

(O'Donnell/Wing, cont'd.)

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

Exhibits:

- A – 2003 photos from a prior filing
- B – 2008 photos from a prior filing

Issues discussed:

- The project site is a state coastal bank;
- A history exists of prior trimming in the 50-foot buffer, although it has been allowed to grow back;
- New owners reside at the property;
- The Commission views this area as an undisturbed buffer zone;
- Ms. Karle and Mr. O'Dea will review a prior determination for clarification of prior vista pruning allowed;
- Concern for the number of trees being removed from the 50 – 100-foot buffer, although the project meets buffer zone regulations.

Correspondence: Letter from Paul & Julie Brandes, abutters, dated 11/29/16, voicing their concerns with the project.

Public comment:

- Steve Wilson, P.E. represented the Brandes' and their concern with the number of trees being removed, as well as potential noise from pool equipment, size of pool, and lights around pool. They proposed screening plants.

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

Seconded and approved: 5 votes = aye; 1 vote = Nay.

**William J. & Michele L. Landes.** Construct and maintain a timber pier at 1424 Main St., Cotuit as shown on Assessor's Map 017 Parcel 012. **SE3-5426**

A letter, received at the hearing from John C. O'Dea, P.E., requested a withdrawal without prejudice.

A motion was made to accept the withdrawal.

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**

A request for a continuance was made via letter from Atty. Leslie-Ann Morse on behalf of her client, Mr. Lyons.

A motion was made to continue the hearing to December 27<sup>th</sup>, to discuss quorum issues and the feasibility of granting future continuances.

Seconded and voted unanimously.

No testimony taken.

## **VI CERTIFICATES OF COMPLIANCE**

- A. Price SE3-4829 (coc,ez) construct bulkhead \*  
at 430 Baxters Neck Road, Marstons Mills – Prince Cove
- B. Red Horse LLC (rescheduled from 12/6/16 hearing)  
SE3-4583 (coc,ez) construct single family dwelling (not done)  
at 330 Olde Homestead Drive, Marstons Mills – Muddy Pond

(COC's, cont'd.)

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

Seconded and voted unanimously.

**VII MINUTES FOR APPROVAL**

A. November 29, 2016

A motion was made to table the minutes to December 27<sup>th</sup>.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:35 p.m.**