



Town of Barnstable Conservation Commission

200 Main Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation@town.barnstable.ma.us

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION MEETING

DATE: February 14, 2017 @ 3:00 PM

LOCATION: HEARING ROOM – 367 Main St., 2nd Floor, Hyannis, MA 02601

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 3:00 p.m. by Vice-Chair Louise R. Foster. Also attending were Clerk Dennis R. Houle and Commissioners Peter Sampou (arrived at 3:33 p.m.), Scott Blazis, and Larry Morin. Chair Tom F. P. Lee and Commissioner John E. Abodeely were away.

Conservation Administrator Darcy Karle assisted, along with Conservation Agent Martin Wunderly and Conservation Assistant Fred Stepanis.

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

(coc = Certificate of compliance) (d = deviations, staff recommends denial) (* = on-going conditions)

- A. **Trade Winds Inn SE3-4385** (revised plan only) landscape plan
780 Craigville Beach Road, Centerville – Lake Elizabeth & Red Lily Creek

The applicant was represented by Atty. Bernard Kilroy.

A landscape plan is to be drafted, in consultation with staff, and to be submitted to the Conservation Commission prior to the March 14th hearing.

The matter was tabled to March 14th.

- B. **Shallow Pond Professional SE3-4533** (coc, d) construct office building
1471 Iyanough Rd./Rte. 132, Hyannis – Shallow Pond

The applicant did not attend.

A monitoring report is to be submitted by May 15, 2017

The matter was tabled to June 6, 2017

II EXTENSION REQUESTS

Project type:

Time requested:

- A. **Eddy SE3-4603** driveway/road 2nd Request; 3 years
2294 Main St., Barnstable

The applicant was represented by, Mr. Eddy, attended.

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

Seconded and voted unanimously.

III REVISED PLANS

Project type:

Revision:

A.	Markowitz/Fruitt SE3-5331 628 Poponessett Rd., Cotuit	stairs, pier	pier-bents
----	-----------------------------------------------------------------	--------------	------------

The applicant was represented by Lynne Hamlyn of Hamlyn Consulting.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Hyannisport Club SE3-5158 Marchants Mill Pond, Hyannisport (Tabled from 1/17/17)	veg. mgmt., hydro-raking	include upper pond
----	-----------------------------------------------------------------------------------------------	--------------------------	--------------------

The matter was tabled to March 14th.

C.	Riley SE3-4731 129 Hayes Rd., Centerville	concrete retaining wall	changes to wall
----	-----------------------------------------------------	-------------------------	-----------------

The applicant was represented by Charles Rowland, P.E. of Sullivan Engineering and Consulting, Inc.

Issues discussed:

- A section of reconstructed wall was built on the beach closer to the water and over the property line;
- The Riley's own both parcels;
- What should be the proper filing procedure, instead of an as-built revised plan. Some options include removal of the wall or filing of an NOI;
- Location of the wall; whether this is a resource area.

The matter was tabled to March 14th.

IV VIOLATION WARNINGS

A. **William Landes – 1424 Main St. Cotuit.** Unauthorized landscape work in buffer restoration area.

Seth Wilkinson of Wilkinson Ecological Design represented Mr. Landes.

The Commission approved of the additional restoration measures presented by Mr. Wilkinson.

A motion was made to approve the violation warning.

Seconded and voted unanimously.

V ENFORCEMENT ORDERS

A. **Julius Baskys – 57 Lakeside Dr. East, Centerville,** Alteration of the 20' undisturbed buffer from a wetland, Wequaquet Lake, by removing shrubs and other vegetation and converting designated wetland buffer area to lawn. Maintaining an unpermitted structure (wood fence) in the wetland buffer zone.

Attorney John Kenney represented the Baskys'. The Commission discussed the need to include a diverse selection of restoration plants covering different heights. The owners needed time to discuss the requirements, and the Commission expressed that no vegetation can be cut in the 20-foot undisturbed buffer zone, and any fences perpendicular to the water should be permitted. The buffer-limit fence should be upland of the natural vegetation area and can be substituted with stone markers.

The matter was tabled.

VI OLD & NEW BUSINESS

- A. Barnstable Land Trust (BLT) requesting Commission support of an application to the Community Preservation Committee, requesting funds to help purchase property, 3.47 acres, located at #0 Church Street, Map 176 Parcel 006, West Barnstable with a commitment from Commission to hold the conservation restriction.

The matter was tabled to March 14th.

4:30 PM AGENDA

REMINDER TO APPLICANTS: FEES FOR LEGAL ADS ARE DUE AT HEARING; YOUR FEE IS LISTED BELOW

This meeting of the Barnstable Conservation Commission is being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.

VII REQUESTS FOR DETERMINATION

David L. Plimpton & Anne G. Plimpton. Proposed vista pruning and removal of one dead and one live cedar tree from vista corridor with replacement proposed at 979 Sea View Ave., Osterville as shown on Assessor's Map 090 Parcel 008. **DA-17007**

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

Issues discussed:

- Number of requested view corridors;
- Reason for removal and replacement of a cedar tree;
- Unique location; majority of trees are cedars on the site location of the parcel;
- Waiver of vista pruning guidelines.

The Commission reached a finding: Due to the uniqueness of this very large site with a very large house on a peninsula, the Commission is granting three vista corridors and allowing the removal and replanting of two cedars – one live and one dead, in part because, there are so many existing cedars on the site.

A motion was made to approve the finding.

Seconded and voted unanimously.

A motion was made to approve the project as a negative determination.

Seconded and voted unanimously.

VIII NOTICES OF INTENT

Oyster Harbors Club, Inc. Demolish and reconstruct a tennis cabana with a landward addition; replace and expand practice court at 170 Grand Island Dr., Osterville as shown on Assessor's Map 053 Parcel 012-001. **SE3-5449**

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

Exhibits:

A – Revised plan dated 2/14/17

Issues discussed:

- Mr. O’Dea submitted a revised plan to add dimensions and resource area, as requested by staff;
- The revised plan buffer zone heading “Calculations,” still listed “existing and existing” instead of “existing and proposed.” The Commission accepted an initialed correction.

A motion was made to approve the project with special conditions, including a correction to the buffer zone calculation heading initialed by John C. O’Dea, P.E.

Seconded and voted unanimously.

Adam J. Hostetter & Kristen Williams Haseotes, Trs., Centerville Village Apartments Realty Trust. Proposed construction of two single-family dwelling units being a portion of an overall site redevelopment at 981 Main St., Osterville as shown on Assessor’s Map 117 Parcels 026 & 178. **SE3-_____**

The applicant was represented by John O’Dea, P.E. and Atty. Albert Schulz.

Exhibits:

A – Comment via email from Mary Jane Waite dated 2/13/17
B – Google Map packet
C – Abutter packet

Issues discussed:

- Stormwater calculations had been reviewed by Chair F. P. Lee and Roger Parsons, P.E.
- The Chair and Mr. Parsons believe a special condition exists stating witnessed testing of drainage areas to ensure that leaching capacity is met;
- Possibility of shifting Unit #9 and reshaping vegetated drainage area to be a narrower wrap-around;
- Discussion on cumulative impacts from the site as a whole vs. two units in Commission jurisdiction;
- Request to review nitrogen calculations; compare existing to proposed; possibility of using nitrogen-reducing septic designs and their potential impact to nitrogen-loading calculations;
- Request for the Legal Department to review the video of proceedings and address the Commission’s 100-ft. jurisdiction/200-ft. from river vs. cumulative impact on watershed from the project as a whole; impact from septic design;
- Chapter 237-11 burden of proof vs. Chapter 704 mitigation planting in the 50-foot buffer.

Correspondence: Email from Roger Parsons to Darcy Karle dated 2/13/17.

Public comment:

- Atty. David Lawler representing himself and his wife, who reside across the road from the proposed project, opposed the project or, at least, requested that Unit # 9 not be constructed (he submitted Exhibits A & B);
- Judith Souza, abutter, was concerned with the scale of the project, and with prior and current dumping;
- Bruce Cole opposed the project and was concerned with the abutter notification letters he received (submitted Exhibit C).

A motion was made to continue the project to March 7th.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 6:22 p.m.