



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: March 7, 2017 @ 6:30 PM

LOCATION: Town Hall Hearing Room, 367 Main Street 2ND 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), 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 REQUEST FOR DETERMINATION

Colonial Gas Company. Extend existing gas main from Independence Drive within Mary Dunn Road approx.. 3,050 linear feet south and install three gas service lines to public water supply wells at 656, 629, and 789 Mary Dunn Rd., Hyannis as shown on Assessor's Map 331 Parcels 003X04, 004X01, 005. **DA-17009**

The applicant was represented by Dana Vesty and Amanda Crouch-Smith of Tighe & Bond.

Exhibits:

A – RDA application revision packet dated 3/7/17

The Chair, Tom Lee, recused himself.

Issues discussed:

- The project falls within NHESP habitat but is exempt.

A motion was made to issue a negative determination, based upon the revised RDA packet dated 3/7/2017.

Seconded and voted unanimously.

II NOTICES OF INTENT

Daniel S. & Elizabeth W. Lynch, Trs., Fox Island Realty Trust. Proposed beach nourishment at 132 Fox Island Rd., Marstons Mills as shown on Assessor's Map 096 Parcel 019. **SE3-5456**

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

Issues discussed:

- Access for equipment will be the path; might need to trim a couple of branches;
- Origin of material;
- Does the amount of erosion warrant the project as submitted?

(NOI's, Lynch, continued)

- Current condition of slope;
- John O'Dea willing to scale project back, based on Tom Marcotti's comments;
- Concern that this project could set a precedent for others wanting a sandy beach;
- Current habitat three-dimensional;
- Lack of mitigation being offered;
- Possibility of scaling project back to a berm, 1' – 1.5' high by 5' – 10' wide, with a small recreational beach;
- Concern with possibility of sand berm affecting salt marsh grasses;
- Revise plan to create the berm at mean-high-water to bottom of bank.

Correspondence:

- Division of Marine Fisheries letter, 3/2/17;
- Tom Marcotti's email of 3/3/17 with photos;
- Waterways comment via email, 3/1/17.

A motion was made to continue the hearing to April 18th.

Seconded and voted unanimously.

Carlo A. & Hillary H. Von Schroeter, Trs., Von Schroeter Family Trust. Modify existing pier by adding 3'; replacing ramp with 3' x 30' ramp; repositioning float, and dredging in North Bay, Osterville as shown on Assessor's Map 093 Parcels 073 & 079. **SE3-5455**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

Issues discussed:

- Project is for improvement dredging;
- Existing channel leading to area proposed for improvement dredging was last dredged in the 1990's;
- The claim that the proposed project could improve water circulation and reduce anoxic conditions;
- Concern that if project were approved it would set a precedent for others who were granted only a dingy dock, now wanting improvement dredging also;
- Could the project add to nitrogen loading? North Bay is already impaired;
- Dredging basins increasing area for fine grain sediments to settle which, in turn, could be re-suspended by motorized vessels;
- As they were leaning toward denial, the Commission asked what additional information or ideas could be brought forward at a continued hearing, e.g., other cases the Commission has approved under similar circumstances.

Correspondence:

- Waterways email, 3/11/17
- Tom Marcotti's email, 3/7/17;
- Division of Marine Fisheries letter, 3/3/17;
- Email from Al Surprenant of 272 Bridge Street, Osterville, 3/7/17.

A motion was made to continue the hearing to March 21st.

Seconded and voted unanimously.

Elizabeth C. Logie, Tr., Muirkirk Realty Trust. Proposed coastal stabilization consisting of fiber rolls and sand-filled envelopes at 488 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 038. **SE3-5454**

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

Issues discussed:

- Work will be performed by land;
- The last large-scale bank stabilization project took place five years ago;
- The maximum life of fiber rolls is three years;

(NOI's, Logie continued)

- Possibility of reducing the number of trees requested to be removed;
- Seth Wilkinson said they could possibly reduce the number of trees slated for removal, saving 5, or maybe 8 to 10, trees if they do not use one of the lifts in the bank.

Correspondence:

- Tom Marcotti, 3/7/17;
- Waterways Committee, 3/1/17.

A motion was made to approve the project with special conditions subject to: 1) submission of annual reports for three years; 2) the minimization of tree removal in consultation with staff; 3) supplementary understory plantings and vegetation to be planted, are to remain in perpetuity.

Seconded and voted unanimously.

David Drake & Jacqueline Linas. Construct new pier, ramp and float on the Centerville River at 1112 Craigville Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 136. **SE3-5453**

An email was received from the applicants' agent requesting a continuance to 4/4/17.

A motion was made to continue the hearing to 4/4/17.

Seconded and voted unanimously.

No testimony was taken.

III CONTINUANCES

Mark M. Christopher, Tr., 27 Winfield Lane Realty Trust. Construct timber boardwalk, pier, ramp and float at 73 Eel River Rd., Osterville as shown on Assessor's Map 116 Parcel 100. **SE3-5437**

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

A request was made for a third continuance to 4/18/17.

A motion was made to continue the hearing to 4/18/17.

Seconded and voted unanimously.

No testimony was taken.

Adrian P. & Mary L. Pryshlak. Demolish existing single-family dwelling and construct new single-family dwelling with pool and patio area, driveway, walls, grading and all associated appurtenances at 48 Main St., Osterville as shown on Assessor's Map 185 Parcel 004. **SE3-5448**

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

Exhibits:

A – Revised landscape plan dated 3/7/17

Issues discussed:

- Revised landscape plan to address concerns raised by staff;
- Discussion of requested path width; 5' wide, instead of 4' wide;
- Engineering site plans – date needs correcting and initialing; plan reads "2016" instead of "2017."
- Location of draw-down for lap pool will go into one of the basins indicated on the plan.

A motion was made to approve the project with special conditions, using revised landscape plan dated 3/7/17.

(NOI's, Pryshlak, continued)

Seconded and voted unanimously, with one abstention.

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. **SE3-5450**

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

Exhibits:

- A – Mullen Rule form signed by Tom Lee;
- B – Revised packet, including revised plans (5 sheets) dated 2/28/17, and nitrogen calculations

Issues discussed:

- The Chair, Tom Lee, became a part of the quorum, having signed the Mullen Rule form;
- Dennis Houle reviewed responses from the Legal Department to questions raised by Commissioner Blazis at a prior hearing;
- Mr. O'Dea submitted a revised plan showing Unit #9 moved further from the resource area, as well as septic adjustment and the width of the biofiltration area narrowed.

A motion was made to approve the project with special conditions, using the revised plans (5 sheets) dated 2/28/17.

Seconded and voted unanimously.

Timothy Ball. Remove damaged & hazardous trees near house; seek approval for vista pruning; re-establish timber landscape features, including small sitting area near lake; pruning of shrubs and trees; mitigation planting at 379 Lakeside Drive West, Centerville as shown on Assessor's Map 232 Parcel 048. **SE3-5451**

The applicant attended, and was represented by Michael Ball of Marsh Matters Environmental.

Issues discussed:

- Concern for the number of trees being requested to be removed – one in front of house, three near lake, two near deck and one near stairs should remain;
- Possibility of landscape ties being removed from the proposal;
- Options for understory height in vista corridor and preference for undulating;
- Concern with the width of the vista corridor;
- Still awaiting NHESP comments;
- Material for stairs;
- Possibility of removing some understory in vista corridor and replanting with native groundcover;
- Applicant may keep and repair existing very small steps leading into the water.

A motion was made to continue the hearing to April 4th.

Seconded and voted unanimously.

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

A. Staniar SE3-4350 (coc,ez) Raze & construct single family dwelling (not done); construct garage, pool, & barn * at 236 Smoke Valley Road, Osterville – Marstons Mills River

The certificate was withdrawn by staff.

B. Town of Barnstable/DPW SE3-0395 (coc,ez) Create turnaround (abandoned) at end of road; construct 4-foot-wide path at end of Meadow Lane, West Barnstable – Great Marshes

C. DiGiovanni SE3-4676 (coc,ez) Construct single family dwelling *at 35 Short Beach Road, Centerville – Ctrvl. River

(Certificates, continued)

A motion was made to approve certificates B and C.

Seconded and voted unanimously.

V MINUTES FOR APPROVAL

A. 2/14/2017

A motion was made to approve the minutes.

Seconded and voted unanimously.

B. 2/21/2017

A motion was made to approve the minutes.

Seconded and voted unanimously, with one abstention.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:36 p.m.