



**Town of Barnstable
Conservation Commission**
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Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: SEPTEMBER 12, 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 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 (arrived at 3:19 p.m.), and Larry Morin. Commissioner Scott Blazis was away.

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

[Note: The agenda was taken out of order: "Certificates of Compliance" were heard first; "Revised plans 'B' and 'C'" were heard second; "Old and New Business," was heard third; and "Revised plan 'A,'" was heard fourth]

3:00 PM AGENDA

I OLD & NEW BUSINESS

A. Concept plan for Parker's Pond restoration project

Applicant Sarah Turano-Flores attended, represented by John O'Dea, P.E. of Sullivan Engineering & Consulting, and Seth Wilkinson of Wilkinson Ecological Design.

Issues discussed:

- Seth Wilkinson mentioned that degraded salt ponds are allowed to be restored under the state act
- A request for salinity readings was made to support the claim that the locus appears to be a salt pond.
- Mr. Wilkinson reviewed project goals under this future proposed restoration project.
- A question was raised on the potential risk of a negative impact to East Bay, e.g., fine grain sediments moving down to East Bay, as an example of heavy nutrient flocculent mud.
- In reply, the conceptual design would include that the material be dewatered on site and then used to create banks on the Barnstable Land Bank parcel that could be planted.
- Reference to Stewarts Creek in a letter dated 8/30/17 from Applied Coastal Research and Engineering, Inc. needs to be changed.
- A question was raised on the height of the proposed pipe/ box culvert. The answer is a level culvert with the use of flash boards with a management plan approved by water management agencies
- A request was made for an alternative analysis
- Change in water height would only be about one-half foot, or six inches.

B. Guile & Judy W. Wood Trust – 49 Blue Heron Dr., Osterville, Update report on phragmites management plan for mowing in the wetland resource area and buffer zone, North Bay. **DA-11010**

The matter was tabled to 11/7/17.

II CERTIFICATES OF COMPLIANCE

A. Deveney SE3-0245 (coc, ez) construct single family dwelling *
4332 Main Street (Route 6A), Barnstable bordering vegetated wetland and unnamed pond

A motion was made to approve the certificate.

Seconded and voted unanimously.

B. Field SE3-4733 (coc, ?) repair house foundation (not done)
158 Long Beach Road, Centerville reconstruct dock & deck * - issues with float stops and plank spacing

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

Among the issues discussed was deck plank spacing and float stops.

A motion was made to approve the certificate, carrying-over special condition #16 of the order of conditions, requiring float stops as an on-going condition. The deck is exempted from special condition #12, requiring at least 3/4-inch plank spacing.

Seconded and voted unanimously.

III REVISED PLANS

Project type:

Revision:

A. Vellturo SE3-4646 seasonal dock permanent dock; add ramp, etc.

The applicant was represented by Arlene Wilson, P.W.S. of A.M. Wilson Associates, Inc.

Issues discussed:

- The new property owner had requested that the contractor put 6’x6’ dock posts deeper into the water.
- A commissioner wished to know why they could not use an aluminum seasonal pier at this location. The reason given was that, at the time the dock was approved (prior to the Commission’s freshwater guidelines), docks were constructed of wood with this design.
- The possibility that, as an on- going condition, when the pier needs reconstruction, a new NOI needs to be filed.

A motion was made to approve the revised plan with an on-going condition to be contained in a future certificate of compliance, stating that, “ ...in the case of major maintenance, i.e., pilings and bracing structures, the pier will need to be brought into compliance with a new notice of intent reflecting current fresh water pier and dock guidelines.”

Seconded and voted unanimously.

B. Guarco SE3-5238 raze/replace sfd retaining wall, knee wall, deck, landing

The applicant was represented by Matthew Creighton of BSC Group.

Issues discussed:

- Wall, retaining wall, stair landing, and covered porch.

A motion was made to approve the revised plan, subject to review of mitigation calculations with staff.

Seconded and voted unanimously.

C. Tradewinds SE3-4385 condos, pool, plantings staircase, 4’ path, restoration

The applicant was represented by Mathew Creighton of BSC Group.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. TOB/DPW SE3-4582 maintenance dredging change dredge & disposal methods

The applicant was represented by Christine Player of CLE Engineering, Inc.

Issues discussed:

- The town would like to get on a five-year dredging cycle.

A motion was made to approve the revised plan request

Seconded and voted unanimously. .

E. Feinberg SE3-5397 raze/replace cottage fire pit & handrail

The applicant was represented by Tarja McGrail.

Issues discussed:

- A question was raised on the need for the cable fence railing
- A fire pit is requested instead of a raised landscaping planter wall.

A motion was made to approve the revised plan request.

Seconded and voted: 4 votes = Aye; 2 votes = Nay. The motion carried.

IV ENFORCEMENT ORDERS

A. **Lorraine Rizzo and Marcia Benser - 22 Harrison Rd., Centerville** - Alteration of a resource area, Long Pond Centerville, - maintaining unpermitted dock, and Violation of an Order of Conditions - Failure to obtain Certificate of Compliance for landscape project (SE3-4656).

Lorraine Rizzo attended the hearing.

Exhibits:

- A – Photos and GIS aerial of dock
- B – Order of Conditions for SE3-4656 landscape project

A motion was made for Ms. Rizzo to remove the dock or have it permitted, and to apply for a certificate of compliance for SE3-4656.

Seconded and voted unanimously.

B. **William and Kathryn Carey - 171 Harbor Point Rd., Barnstable** - Alteration of a resource area, Mill Creek, by maintaining unpermitted dock, and mowing vegetation in wetland.

William Carey attended the hearing.

Exhibits:

- A – Photo and GIS aerial of dock and mowing in wetland
- B – Email correspondence and historic photos of wetland
- C – Certificate of Compliance, Order of Conditions, and plan of record for SE3-3579
- D – Photos from property owner

A motion was made to approve an amended enforcement order to allow other methods to delineate the wetland border.

Seconded and voted unanimously.

V CITATIONS

- A. **William and Kathryn Carey – 171 Harbor Point Rd., Barnstable** – Violation of an Order of Conditions and Certificate of Compliance. **\$300.00**

Noted

4:30 PM AGENDA

VI REQUESTS FOR DETERMINATION

Nancy Pettibone. Septic system upgrade at 51 Stone Hedge Dr., Barnstable as shown on Assessor's Map 317 Parcel 058. **DA-17052**

The applicant was represented by Mike Pimental of JC Engineering.

Exhibit A – Revised plan dated 9/11/17

Issues discussed:

- Revised plan dated 9/11/17 indicated the missing 50-foot buffer on the plan

A motion was made to approve a negative determination, using revised plan 9/11/17.

Seconded and voted unanimously.

Ronald Hutcheson. Install a hoop house (similar to a greenhouse, but with plastic film instead of glass) on property - not a permanent structure - for growing vegetables year-round at 329 So. Main St., Centerville as shown on Assessor's Map 207 Parcel 082. **DA-17053**

Mr. Hutcheson attended.

Exhibits:

- A – Two aerial photos dated 2014 and 2008
- B – Copy of plan from prior filing dated March 11, 2010

- Ms. Karle submitted information showing a small tent shed off the edge of the driveway, very close to the wetlands, which she noticed during a site visit
- The Commission asked if Mr. Hutcheson would be willing to remove the tent structure. He said he was willing to request the current owner to remove the yellow tent structure.

A motion was made to approve a negative determination, with the condition that the tent structure within close proximity of the wetlands across the driveway be removed.

Seconded and voted unanimously.

William & Viola Fish. Pumping, filling and/or removing existing cesspools. A complete new septic system with septic tank, pump chamber and leach field is being proposed at 43 Silver Ln., Hyannis as shown on Assessor's Map 268 Parcel 157. **DA-17054**

The applicants were represented by Peter McEntee, P.E.

Issues discussed:

- Ms. Karle mentioned that she spoke to Mr. Fish and will send him a letter stating that he needs to refrain from dumping landscape debris in the wetland.
- The septic system will be reviewed at a Board of Health meeting on 9/26/17. Any revisions shall be submitted to Conservation as a revised plan.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

VII NOTICES OF INTENT

Joseph R. Jenkins, Tr., South Bluff Realty Trust of 1997. Permit and maintain existing timber walkway at 195 Seapuit River Rd., Osterville as shown on Assessor's Map 070 Parcel 015. **SE3-5507**

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

Issues discussed:

- This is an after-the-fact NOI filing resulting from an enforcement order. The Commission had ordered the boardwalk around an existing boat rack to be removed, or that the applicant file an NOI
- During the time of the Commission's site visit, it was determined that the existing rack was being undermined by higher tides and storm events where it resides at its current location.
- The property owner is willing to remove the current rack and boardwalk, and is open to the option of cantilevered racks off the pier, instead.

A motion was made to approve the project, as submitted, subject to receipt of a revised plan showing removal of the existing rack and boardwalk around the rack, with the placement of new, cantilevered racks off the pier, in consultation with staff.

Seconded and voted unanimously.

Town of Barnstable/D.P.W. Replace existing culvert under Pine Ridge Road; construct catch basins and leaching pits (3 sets) along Pine Ridge Road and at intersection of Pine Ridge & Rushy Marsh Roads; pave Pine Ridge Road and the intersection with Rushy Marsh Road, Cotuit as shown on Assessor's Maps 018 & 019 Parcels Various. **SE3-5511 Request for continuance to 10/3/17**

Correspondence requesting a continuance was read into the record.

A motion was made to approve a continuance to 10/3/17.

Seconded and voted unanimously.

No testimony was taken.

Jeffrey & Pamela Bishop. Remodel existing dwelling; construct front and rear dormers; construct deck with stairs. Rear porch to be removed and smaller addition built in its place; proposed front porch at 28 Harrison Rd., Centerville as shown on Assessor's Map 229 Parcel 071. **SE3-5510**

The applicants were represented by Daniel Ojala, P.E. of Down Cape Engineering, Inc. and Steve Cook of Cotuit Bay Design.

Exhibits:

- A – Revised plan dated 9/12/17
- B – Photos submitted by Darcy Karle dated 9/11/17

Issues discussed:

- The project is located in NHESP habitat. A notification letter has not been received.
- Mr. Ojala submitted a revised plan dated 9/12/17
- There is dire need for drainage improvements on the property to reduce surface runoff which is causing erosion all the way down to the wetlands.
- The consultant could add an area drain for the southeast drywell and increase size of berm at road edge near the driveway
- Request to revise planting assortment, possibility of trees and evergreen vegetation
- A question was raised regarding the location of mitigation flags and a protocol for mitigation planting, e.g., the need for erosion controls near edge of pond.
- A request to further revise the planting plan showing mitigation planting across the bottom of the property, allowing a 4-foot-wide path.

A motion was made to approve the project, as submitted, subject to receipt of a revised plan indicating addition of area drain for southeast drywell to reduce surface runoff, mitigation planting protocol to be reviewed by staff (including erosion control for planting area); revised planting assortment to be done in consultation with staff is to include a few evergreen shrubs or small trees (possibly hollies), with a continuance to October 3, 2017 for the sole purpose of reviewing the NHESP letter for any required conditions.

Seconded and voted unanimously.

VIII MINUTES

A. August 15, 2017

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 5:49 P.M.