



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: August 21, 2018 @ 6:30 PM

LOCATION: 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, and Larry Morin. Commissioners John Abodeely and George Gillmore were away.

Darcy Karle, Conservation Administrator, assisted.

I REQUESTS FOR DETERMINATION

Phyllis G. Collins. Remove approx. 13 mature but overgrown trees; request for flush cutting or stump grinding at 15 Lakeside Drive East, Centerville as shown on Assessor's Map 252 Parcel 100. **DA-18041**

Eileen Wojdag represented the applicant.

Issues discussed:

- Proposal to remove trees is due to a safety issue
- Commission would support the stump grinding in this case.
- Applicant willing to add plantings
- Ms. Karle requested that brush (she noticed off to the left) be removed.

Public Comment – Mr. and Mrs. Cronig of 47 Lakeside Drive East (abutter) supports the project.

A motion was made to approve a negative determination, with approved stump grinding and planting to be done in consultation with staff.

Seconded and approved unanimously.

[Item taken out of order – Continuance, Stone RDA taken up here]

II NOTICES OF INTENT

Margery & Elizabeth Eagan. Permit and maintain existing steps and pile-supported pier at 88 Connors Rd., Centerville as shown on Assessor's Map 251 Parcel 021. **SE3-5601**

The applicants were represented by Daniel Ojala, P.E. of Down Cape Engineering.

Exhibit A – photos from 1979

Issues discussed:

- Requesting to permit an existing pier.
- Project falls within NHESP territory. However, Emily Holt was consulted since no work is proposed, and no filing is required.
- Pier has been in place a long time and was rebuilt in 2010.
- Commission would prefer the dock to meet the freshwater dock guidelines, therefore, they will need to add a provision that when it needs to be reconstructed, it will require a filing.
- Access under Chapter 91 is available to step up and over, and they are willing to place a sign on it to say so.

A motion was made to approve the project as submitted with a special condition stating when maintenance is required a new filing shall be submitted to bring dock into compliance with the Commission's freshwater guidelines, particularly addressing materials used.

Seconded and approved unanimously.

Jill F. G. Mitchell. Proposed repair/replacement of approx. 172 linear feet of bulkhead at 345 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 007-001. **SE3-_____**

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

Correspondence: Email from MA Division of Marine Fisheries, 8/14/18; email submitted by George Gillmore dated 8/20/18.

Issues discussed:

- Construction protocol.
- Construction protocol to be established prior to start of work.
- A Commissioner noticed two trees were being cut down during site visit.
- Question on maintenance of sand area.

A motion was made to approve the project as submitted with a special condition requiring that a construction protocol be submitted for staff review and approval prior to start of work.

Seconded and approved unanimously.

Kevin M. & Leslie F. McCafferty. Demolish and rebuild a single-family dwelling and associated appurtenances, and replace pool at 40 Windrush Ln., Osterville as shown on Assessor's Map 093 Parcel 070. **SE3-_____**

The applicants were represented Chuck Rowland, P.E. and Jimmy Bowes of Bayside Building.

- Commissioner Morin recused himself from this matter.
- Question raised as to whether the complete project could be removed from the 50' buffer, in particular the deck around the pool.
- As they are not razing and rebuilding on an existing foundation, the Commission feels that mitigation should be provided.
- Staff raised a question about moving the pool equipment back.
- Applicant would be willing to move existing garden 150 sq. ft.; move pool equipment near house and pull pool two feet back; and reduce patio by two feet.
- Idea of planting on other side of fence.

A motion was made to approve the project subject to the submission of a revised plan indicating location of pool moved two feet landward toward Windrush Land; patio around pool to be narrowed to four feet in the 50-foot buffer, with the overall width six feet; garden will be removed and replanted with native shrubs, pool equipment moving outside of the 50-foot buffer and replanted with native shrubs; a pathway seaward of wall, running east and west, and planted with native shrubs.

Seconded and voted: 3 votes = Aye; 1 vote = Nay. The motion carried.

III REQUESTS FOR AMENDED ORDER

Stacey Sheehan. Amend Order of Conditions **SE3-5467** to revise previously-approved drainage and grading, and address area of erosion at 61 Cedar Tree Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 015.

The applicant was represented by Raul Lizardi-Rivera.

Exhibit A – photos submitted by Darcy Karle, taken 8/20/18

Issues discussed:

- Question was raised regarding the crushed-stone area
- Property is subject to much run-off from the (private) road
- This amended order is to help address additional run-off coming from driveway and road.
- Ms. Karle asked why someone drove over the bank toward the dock and encouraged the applicant to move forward on this project, as soon as possible, due to the increased-run off. Erosion controls should be checked often until work can take place

A motion was made to approve the amended order.

Seconded and voted unanimously.

Myles A. Walton & Annalisa L. Weigel. Amend Order of Conditions **SE3-5350** to include the removal and management control of heavy Phragmites growth between the new dwelling and Barnstable Harbor at 139 Freezer Rd., Barnstable as shown on Assessor's Map 300 Parcel 019.

The applicants were represented by Dan Ojala, P.E. and Angela Crawford.

Issues discussed:

- Question raised on work limit for treatment.

A motion was made to approve the amended order subject to receipt of a revised plan indicating the marked limit of the treatment area.

Seconded and voted unanimously.

IV CONTINUANCES

Louis N. & Zacharie H. Vinios. Repair or replace existing stone revetment and groin, and nourish beach at 47 Sea View Ave., Osterville as shown on Assessor's Map 162 Parcel 025. **SE3-5593**
(Continued for NHESP only)

Correspondence: Email from Chuck Rowland dated 8/21/18.

A motion was made to continue the project to September 18th for comments from NHESP, which had requested additional information.

Seconded and approved unanimously. No testimony was taken.

Hilary M. Stone, Tr., Malpass Trust. Reconfigure/relocate existing fence; maintain short path to pond; remove selective shade trees for garden at 75 & 94 Indian Trail, Barnstable as shown on Assessor's Map 336 Parcels 002 & 015. **DA-18030**

The applicant was represented by Rob Anderson.

Exhibits:

- A – Revised plan date 8/21/18
- B – Photos of flags

C – Commissioner Houle’s sworn statement under confirmation of evidential review.

Issues discussed:

- Quorum now consists of five Commissioners, with the addition of Clerk Houle (see Exh. C, above).
- Property owner is requesting to move a wire fence on the other side of some trees.
- Mr. Anderson is willing to make some cuts in the wire fencing to allow migration of animals.
- Neighbors and friends would be welcome to walk on the path.
- Garden would be approximately 50' x 50'.
- Applicant may hand-clip invasives.

A motion was made to approve a negative determination based upon a revised plan dated 8/21/18.

Seconded and approved unanimously.

William Kanarick. Install outdoor hot tub and associated drywell for seasonal shutdown-and- maintenance draining at 571 South Main St., Centerville as shown on Assessor’s Map 186 Parcel 078. **SE3-5595**

The applicant was represented by Ed Pesce, P.E.

Issues discussed:

- Quorum of all Commissioners present.
- Revised plan of 8/16/18 was discussed
- Shrub size needs to be indicated on the revised plan

A motion was made to approve the project subject to a revised plan indicating the use of 3-5 gallon shrubs.

Seconded and approved unanimously.

Tim & Mary Ball. Install seasonal removable dock on Lake Wequaquet at 379 Lakeside Drive West, Centerville as shown on Assessor’s Map 232 Parcel 048. **SE3-_____**

Correspondence: Request for continuance to 9/4/18

Issues discussed:

- Still awaiting NHESP comments.

A motion was made to approve a continuance to 9/4/18.

Seconded and voted unanimously. No testimony was taken.

James Pinho. Construct additions to a single-family home, including new garage, link, decks, and relocation of existing rinse station; existing structures and impervious surfaces are to be removed at 65 Short Beach Rd., Centerville as shown on Assessor’s Map 206 Parcel 105. **SE3-5576**

The applicant was represented by Kieran Healy of BSC Group.

Exhibit A – Revised plan dated 8/21/18 with project description.

Issues discussed:

- Quorum of all Commissioners present
- The plants will be gallon-size, as indicated on revised plan, not as described in letter.
- Plantings will done in the spring

A motion was made to approve the project as submitted, based on the revised plan of 8/21/18, with a special condition requiring annual reports on mitigation planting for three years.

Seconded and voted unanimously.

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

- A. Genest SE3-5578 (coc, ez) permit as-built patio *
116 Scudder's Lane, Barnstable Barnstable Harbor
- B. Mattie SE3-5288 (coc, ez) construct patio, deck, & stairs *
729 South Main Street, Centerville Centerville River

A motion was made to approve certificates A & B.

Seconded and approved unanimously.

VI MINUTES

- A. 7/24/18

A motion was made to approve the minutes.

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and approved unanimously.

The time was 8:15 p.m.