



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

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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: NOVEMBER 6, 2018 @ 3:00 PM**

**LOCATION: Hearing Room – 367 Main St., 2<sup>nd</sup> Floor, Hyannis, MA 02601**

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.

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 Commissioner George Gillmore. Commissioners John Abodeely, Pete Sampou, and Larry Morin were away.

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

**3:00 PM AGENDA**

**I CERTIFICATES OF COMPLIANCE**

(? = no staff recommendation) (\* = on-going conditions)

A. Fair SE3-5282 (coc, ?) construct seasonal pier \*  
1001 West Main Street, Centerville Long Pond

Mr. Fair was represented by John O’Dea, P.E. of Sullivan Engineering & Consulting.

This seasonal pier on Long Pond has several solar powered lights mounted on the walking surface. There is no condition in the Order of Conditions regarding lighting.

The unapproved lights were discussed. Mr. O’Dea informed the Commission that there are eight lights, flush-mounted to the pier surface, solar powered, and six lumens of intensity each.

A motion was made to approve the Certificate of Compliance. The Certificate of Compliance may be released upon receipt of a revised plan showing the lights.

Seconded and approved unanimously.

**II REVISED PLAN REQUESTS**

**Project type**

**Revision**

A. Henry SE3-5464 sfd addition, garage, deck add stoop, walkway, drywell, etc.  
15 Piney Point, Centerville

(Continued from 10/9/18)

Ms. Henry was accompanied by Brian Wallace of JC Engineering.

This is a single family dwelling fronting on Long Pond in Centerville. The project included construction of an addition, razing and constructing a detached garage, expanding a deck, and upgrading the septic system.

This revised plan request follows a compliance inspection performed on 8/23/18, during which several issues were noted:

1. Extra stairs constructed off the deck that are in the 50-ft. buffer. This should be noted on the revised plan.
2. Drywells or graveled trenches along the drip lines not installed to accommodate roof-runoff for the family room addition which is in the 50-100-ft. buffer. A corner of the garage roof is also in the 50-ft. buffer.
3. Two in-ground sprinkler heads in the 50-ft. buffer.
4. A 28" oak tree shown on the approved plans in the 50-ft. buffer is not there now.
5. Unpermitted lights strung between two trees in the 50-ft. buffer – the owner says these have been removed.

In addition to addressing the above issues, the revised plan also requests the removal of two large oak trees and replacing path steps in the 50-ft. buffer. A stoop and stone steps are proposed to be added in the 50 – 100-ft. buffer.

A motion was made to approve the revised plan, contingent upon further revision to show that: 1) the extra stairs off the rear deck are “proposed”; 2) the gravel trench will be expanded to reach the end of the garage; 3) the two existing sprinkler heads will be removed from the 50-ft. buffer; and, 4) three native trees of 2 – 3” caliper will be shown on the plan and appropriately sited to replace the three trees removed.

Once the revised plan is approved by staff, the agent may request another compliance inspection via cover letter and a \$50 fee.

Seconded and voted unanimously.

B. Goss (formerly Longfields) SE3-4470 sfd house footprint; pool  
288 Clamshell Cove Rd., Cotuit

The applicant was represented by Arlene Wilson, PWS.

A motion was made to approve the revised plan.

Seconded and approved unanimously.

C. Atkinson SE3-5390 Retaining walls, pier As built pier, wall returns  
25 Heath Row, Marstons Mills

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

Mr. O’Dea stated that the small triangular piece is used to connect and stabilize the two dock sections.

A motion was made to approve the revised plan, as submitted.

Seconded and approved unanimously.

D. 347 Eel River Rd. R. T. SE3-5582 decking, stairs, walkways improvements to sfd  
347 Eel River Rd., Osterville

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

A motion was made to approve the revised plan, as submitted.

Seconded and approved unanimously.

### III ENFORCEMENT ORDERS

A. **George P. Haseotes** – 312 Long Beach Rd., Centerville – Alteration of wetland resource area buffer, Centerville River, by cutting vegetation. Pruning cedar tree understory and dumping lawn clippings. Failure to obtain Certificate of Compliance for Superseding Order of Conditions (SE3-0864).

Exhibits:

- A. Photos and map
- B. Minutes from 10/9/2018
- C. Order of Conditions SE3-0864

Daniel Ojala, P.E. represented the property owner.

The Commission questioned the extent of the tree trimming and whether any groundcover plants previously existed. Mr. Ojala suggested that his client is willing to plant some native shrubs and ground cover in the area.

A motion was made to approve the enforcement order, as written.

Seconded and approved unanimously.

### IV OLD AND NEW BUSINESS

A. **Otis Atwood Conservation Area, West Barnstable** – Proposed re-route of two trail sections due to erosion problems. Current eroded trails will be permanently closed to allow re-forestation efforts.

Exhibit A – Photos, maps, and technical re-forestation guidance

A motion was made to approve the substantial changes in the trail route.

Seconded and approved unanimously.

B. Review of local by-laws pertaining to land subject to coastal storm flowage (LSCSF).

Issues discussed:

- This item will be placed on the Nov. 13<sup>th</sup> agenda to allow the chance for missing Commissioners to make comments, with a possible workshop to take place on Nov. 27<sup>th</sup> if the Commission is interested in perusing an adoption of a LSCSF by-law.
- Commission Clerk Houle read a sample of the LSCSF by-law of Wellfleet
- Darcy will place the local by-laws, CZM/DEP PowerPoint on LSCSF, and the Coastal Resource Manual on the Conservation website.

### 4:30 PM AGENDA

### V NOTICES OF INTENT

**Thomas J. Swan III.** Construct addition to single-family dwelling and carriage house; replace existing beach access stairs at 215 Sea View Ave., Osterville as shown on Assessor's Map 138 Parcel 017. **SE3-5619**

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

Issues discussed:

- Trees on bank should be located on a revised plan
- Stairs were replaced once in 2000
- Staff mentioned during the site visit trees seemed to be pruned in the past, and that vegetation on the bank is being trimmed over the fence and around the base of trees.

- Possible addition of a tree, most easterly corner of mitigation
- Fence should be relocated landward in front of the mitigation
- There is a sprinkler head in the area of the proposed mitigation
- The rest of existing irrigation in 50' buffer may remain
- John will have additional planting beyond the fence where there is currently a bare area/grass area. This will be in addition to any required mitigation.
- No mowing/weed-wacking beyond the fence or limbing of trees shall be permitted.

A motion was made to approve the project as submitted, subject to receipt of a revised plan locating existing trees on the bank, and a tree to be added, in consultation with staff, to the easterly corner to offset the pine that is currently dead on the bank; additional vegetation will be added beyond the current fence to fill in bare areas. The fence will be relocated to landward edge of mitigation. Also, a special condition stating that there is to be no cutting/trimming of ground vegetation, or limbing of trees beyond the fence unless approved by Conservation staff; irrigation within the mitigation area shall only be temporary.

Seconded and approved unanimously.

**Christina Corsiglia & Sarah Alger, Trs., 65 Waterman Farm Realty Trust & 65 Waterman Farm Remainder Realty Trust.** Construct and maintain a boardwalk, ramp and float at 65 Waterman Farm Rd., Centerville as shown on Assessor's Map 206 Parcel 072. **SE3-5618**

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

Exhibit A – photos of creek that boardwalk will span over

Correspondence read into the record: Division of Marine Fisheries, dated 11/2/18

Issues discussed:

- Would need J4 and L waivers
- Proposed for non-motorized craft only
- Float stops should be used
- DMF recommends 1.5:1 H:W ratio. This would put the boardwalk almost 6 to 7 feet above the marsh.
- Question raised, is the creek they are crossing a navigable creek?
- In response to DMF comments, a Commissioner said they are north/south orientation with grating
- Shellfish rating: 2
- Application hasn't gone before Water Ways Committee yet

A motion was made to approve the project, as submitted, with two waivers: J4 and L, for a non-motorized dingy dock.

Seconded and approved unanimously.

## **VI MINUTES**

10/16/2018

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 4:57 p.m.**