



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

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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: DECEMBER 4, 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, Commissioners John E. Abodeely, Pete Sampou (arrived at 3:33 p.m.), Larry Morin, and George Gillmore.

Conservation Administrator, Darcy Karle, assisted.

**3:00 PM AGENDA**

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

- A. DeVesto SE3-4837 (coc, ez) modify existing dock \*  
835 Old Post Road, Cotuit - Cotuit Bay

A motion was made to approve the certificate.

Seconded and approved unanimously.

**II EXTENSION REQUESTS**

**Project type:**

**Time Requested:**

- A. Town of Barnstable SE3-5043 Herring Run 2<sup>nd</sup> Request; 3 years  
0 Flume Ave., Marstons Mills

The applicant was represented by Town engineer, Amanda Ruggiero, P.E.

Issues discussed:

- Amanda Ruggiero gave a brief history regarding the project, including grant-funding hurdles and increased projected costs. A future amended order will be submitted for a more permanent structure in the river, to encourage herring to take the sharp 90-degree turn and enter the herring run.

A motion was made to approve the extension request.

Seconded and approved unanimously.

- B. Hyannis Marina SE3-3958 Bldg., retaining walls, 2<sup>nd</sup> Request; 3 years  
110 School St., Hyannis dredge, floats

The applicant was represented by Carla Sullivan, assistant to Wayne Kurker, owner of the marina.

A motion was made to approve a 2<sup>nd</sup> extension request for 3 years.

Seconded and approved unanimously.

- C. Wayne Kurker SE3-4771 Power wash collection system, 2<sup>nd</sup> Request; 3 years  
1 Willow St., Hyannis dredge

The applicant was represented by Carla Sullivan.

A motion was made to approve a 2<sup>nd</sup> extension request for 3 years.

Seconded and approved unanimously.

### **III OLD AND NEW BUSINESS**

- A. Update on Shooting Range by DPW

Rob Steen of the Town DPW gave an update on the shooting range.

Exhibit A – Power point presentation

- Power point presentation by Rob Steen on the current status of the proposed range cleanup, notice of project change (land swap) and proposed design for Barnstable Police Department (BPD) asset/training.
- The proposed design is for police department training. The subject of opening up to other users, including the public, would be a policy decision, not covered under this update.
- Ms. Karle will have the presentation placed on the Town webpage

- B. Sandy Neck Annual Report for 2018 requirement under SE3-4712 and SE3-4713

Sandy Neck Chief Park Ranger Nina Colman gave her 2018 Sand Neck report.

Issues discussed:

- Requirement under SE3-4712 and SE3-4713
- The reduction in number of terns is an issue seen State-wide
- There are cold-stunned turtles showing up in 2018
- Major storms have impacted the wetland restoration efforts. High storm tides have impacted the delicate balance of these habitats, especially near Trail 5.
- They have started an APP that lets users know of beach closures, which has helped to reduce the frustration of people who would have normally been waiting in traffic.

- C. Vineyard Wind Surplus Land Declaration – Easement under Covell beach

Asst. Town Attorney Charlie McLaughlin and Nate Mayo of Vineyard Wind attended.

Exhibit A – Copy of Host Agreement, provided by Attorney McLaughlin.

Issues discussed:

- Atty. McLaughlin gave an update on the future Vineyard Wind project and the need for endorsement of the Chap. 97 language for the use of Covell beach parking lot for the cables to come ashore.
- The focus of the Town Manager signing the host agreement is to protect public drinking water at all times.

- Containment will be provided at a substation in order to protect water, at the highest standards, from the chance of contamination of dielectric fluids. Designs will be reviewed by experts. If an agreement is not reached by handshake, there will be a binding arbitration board established.
- Horizontal dredging will be used at Covell Beach to enable them to bring in two cables during Phase I and Phase II. This will be a solid-filled cable.
- The agreement will also provide repaving of the parking lot and \$80,000 to rebuild the bathhouse
- A notice of intent application will be submitted for the proposed project in 2019
- Discussion ensued of an opportunity to use the mitigation money to, perhaps, relocate Mary Dunn wells.
- The Commission is being requested to concur with the Town Manager's Declaration.

A motion was made to approve the following language for the Conservation Commission endorsement of the Ch. 97 language as set forth below:

The Barnstable Conservation Commission concurs with, and endorses, the Town Manager's Declaration that a portion of the subsurface of Covell Beach (shown on Assessors' Map 225 as Parcel 6), together with surface appurtenances for access to said subsurface which, together are under his custody and control and which, together, were the subject of the unanimous vote of the Barnstable Town Council on Item #2019-034 on October 18, 2018, are surplus to the municipal, conservation and open space needs of the Town of Barnstable.

Seconded and approved unanimously.

D. Land Subject to Coastal Storm Flowage (LSCSF), continuance of workshop

Issues discussed:

- The Clerk of the Commission reviewed the changes, as highlighted in Draft 3
- A copy to be placed on the Conservation website and sent to consultants, inviting them to a workshop on 12/11/18 to offer their input
- A public hearing will be advertised for the January 8<sup>th</sup>, 2019 Conservation Commission meeting.

**4:30 PM AGENDA**

**IV NOTICES OF INTENT**

**Eduardo M. Franco & Nathalie M. Badan.** To permit existing patio and koi pond, vista pruning, relocation of existing shed and replacement of existing boardwalk and pier at 46 Captain Lumbert Ln. & 0 Lumbert Mill Rd., Centerville as shown on Assessor's Map 147 Parcels 011-007 & 011-011. **SE3-5624 \$41.85**

Applicant Eduardo Franco attended the meeting, and was represented by John C. O'Dea, P.E.

Issues discussed:

- This is an after-the fact-filing
- Mitigation planting would be in close proximity to wetlands
- Mr. O'Dea said they are willing to place a fence, upon the request by staff, to demarcate the 50' buffer zone and increase the size of native plantings
- A question was raised about the elevation of the proposed boardwalk
- Clean-up on property
- Discussion of the requirements of a qualified landscaper, perhaps one with at least five years of experience
- Remove the request for vista pruning, as the only vegetation left is in the wetland
- Three-year annual reports on restoration plantings
- Boardwalk (timber) will stay, and float will be stored outside of the 50' buffer

Correspondence: A letter from Glen and Karen Anderson, abutters, dated 11/26/18.

A motion was made to approve the project, subject to receipt of a revised plan indicating the following: deletion of vista pruning; addition of elevation details of the dock; elevation of top of retaining wall; increased size of plantings requested by staff, annual planting report for three years; the project is to be supervised by a landscaper with at least five years of experience working with restoration near wetlands, in consultation with staff. A planting protocol is to be submitted by the landscaper prior to start of work for staff to review and approve; cobbles to be removed.

Seconded and approved unanimously.

**John T. Hailer.** To permit and maintain existing paddle board locker, boat shed and rinse station at 743 Old Post Rd., Cotuit as shown on Assessor's Map 054 Parcel 011-004. **SE3-\_\_\_\_\_**

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

Issues discussed:

- The justification for structures being allowed to remain
- Concern with gas being stored in one shed
- Review of definition of a "structure" in Town bylaw
- Concern with rinse station remaining, not a water-dependent structure
- Commission would have allowed some type of open racks if requested
- Possibility of relocation of the structures outside of the 50' buffer
- Replanting would be needed if structures moved
- Possibility of moving the rinse station up near the wall; the use of an open rack for paddle boards; relocation of the shed outside of the 50' buffer.

A motion was made to approve a continuance to 12/18/18.

Seconded and approved unanimously.

**Anna Tocci, Tr., 19 Magnolia Nominee Trust.** Replace saplings between the 50-foot buffer zone and retaining wall with native shrubs; maintain height of trees in view shed by pollarding between the 50-foot buffer and the boarding vegetated wetland; maintain pedestrian access along Newland Street at 19 & 45 Magnolia Ave., Centerville as shown on Assessor's Map 226 Parcels 142 & 143. **SE3-5627**

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

Exhibit A – Photo submitted by Arlene Wilson

Issues discussed:

- Revised plan dated 12/4/18, indicating shed line moved to protect existing full size trees
- Area is mixed with oak and cherry trees in proposed work area
- The request is to manage height of trees, already cut by prior owner (coppiced); a marked pollarding area on the revised plan, with cutting approximately every two years
- Concern was raised regarding level cutting, and the possibility of using undulated cutting, instead
- Possibility of standard cutting between 5' – 7' height; discussion of 6' – 12' height, and 25' height
- Possibility of also using coppicing in areas.
- Need for a certified arborist or a CERP to oversee the project.
- Need for a special condition requiring a letter from a retained certified arborist, and notification of a change of arborist, if one should occur.
- Demarcation of a view corridor with 4 x 4 fence posts and the 50' buffer

A motion was made to approve the project subject to receipt of a revised plan replacing the term "pollarding area" with "management area;" said area to be managed by a certified arborist using BMP to control the height of the deciduous tree only to a maximum of 6-12'. View corridor and 50' buffer to be demarcated. A special condition to require notification of retained certified arborist to oversee management of the area and a requirement that a letter

be submitted to the Conservation office notifying them of any change in party doing said work. In terms of best management practices, the Commission will allow a certified arborist to make those decisions. However, the Commission would encourage things such as coppicing, selective trimming and leader management to sustain the view in this area.

Seconded and voted: 5 votes = Aye; 2 votes = Nay. The motion carried.

**V MINUTES**

**A. 11/13/2018**

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 5:49 p.m.**

DRAFT