



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: FEBRUARY 19, 2019 @ 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 Pete Sampou, and Larry Morin. Commissioners George Gillmore and John E. Abodeely were absent.

Darcy Karle, Conservation Administrator assisted along with Kim Cavanaugh, Administrative Assistant.

I REVISED PLANS

Project type:

Revisions:

A.	Marsh House Nom. Tr. SE3-5050 82 Hummock Ln., Cotuit	sfd, addition	generator, AC units, etc.
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The applicant was represented by Amy Ball, CWS of Horsley Witten Group.
Chairman Lee recused himself.

Issues discussed:

- At the Certificate of Compliance inspection a propane tank, AC units, generator, and a small timber wall were found on the property that had not been on the approved plan. They were placed partially in the 50' buffer.
- The owner is requesting to pay an "in lieu fee" for additional required mitigation plantings.
- The additional mitigation plantings would amount to approximately 850 square feet.
- Original mitigation was garden plantings. There is very limited area on the property for mitigation.

Request to continue in order to determine if there is area available for mitigation.

A motion was made to approve a continuance to 3/12/19.
Seconded and approved unanimously.

II EXTENSION REQUESTS

Project type:

Time Requested:

A.	MCC Oyster, LLC SE3-5352 79 Pirates Cove Rd, Osterville	Raze/rebuild sfd	1 st request; 3 years
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A motion was made to approve the extension request.
Seconded and approved unanimously.

B. Kingfish/Chrisjen R.T. SE3-5373 Stone & timber groins 1st request; 3 years
81 & 86 Sand Point, Osterville

A motion was made to approve the extension request.
Seconded and approved unanimously.

III NOTICES OF INTENT

William LeBlanc. To permit an after-the-fact seasonal aluminum dock and ramp with larger footprint than approved under SE3-2367; to permit after-the-fact landscape improvements (landscape timber and granite step installations) at 276 Holly Point Rd., Centerville as shown on Assessor's Map 232 Parcel 029-003. **SE3-5648**

The applicant was represented by Mike Ball, P.E. of Baxter Nye Engineering.

Issues discussed:

- At the COC inspection the dock was found to be larger than the approved plan by 140 square feet.
- The original permit was granted to the previous owner. The applicant purchased the property in May, 2017.
- The dock was in place at the time of purchase.
- The new owner replaced ramp and put in two landscape timbers to create a level surface for the ramp.
- Dock appears to be in compliance with fresh water guidelines other than the aluminum sections that are 5 feet wide. The guidelines are four feet wide.
- No deviations of concern.

Exhibit 1 - Letter from Baxter Nye Engineering dated 2/12/19

A motion was made to approve as submitted with a condition that in the future when it becomes time for replacement, it will be a 4 foot dock.
Seconded and approved unanimously.

Yasmine Realty, Limited. Permit maintenance dredging and maintain existing ramp and floats at 253 Seapuit River Rd., Osterville as shown on Assessor's Map 051 Parcel 002. **SE3-5650**

A motion was made to continue to 3/5/19 without testimony.
Seconded and approved unanimously.

Scott Smith/Hyannisport Club, Inc. Raze and replace existing commercial building at 2 Irving Ave., Hyannisport as shown on Assessor's Map 266 Parcel 031. **SE3_____**

A motion was made to continue to 3/5/19 without testimony.
Seconded and approved unanimously.

Wendy L. Garthwaite. Construct 2 boardwalks with a storage box and kayak rack; landscaping with stepping treads; remove invasive species including phragmites with revegetation at 11 Maywood Ave., Hyannis as shown on Assessor's Map 287 Parcel 130. **SE3-5651**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering, and Peter Hansen of Peter Hansen Design.

Issues discussed:

- Some abutters have rights on road. Owner requesting they use boardwalk instead of trampling beach grass and dune. Would be better for area.
- Steps are for safety.
- The boardwalks are approx. 4 ½ ft elevated off ground. Would not be removed in winter months. Wants six ft. walks instead of four for safety. The current foot path is 10 ft. wide.

- Eastern boardwalk will be off of abutter's property and placed onto the paper road. It will be in a vegetated area and will meander between two lots. The path would be abandoned.
- The applicant is requesting two sets of steps because they have a great deal of visitors in summer months. Should only be one set of steps. The steps could be centered in between the two that are proposed.
- There are currently two large wooden recliners with wheels on the beach. They should be stored in winter months not left on the beach.
- The project will remove approximately three to five trees. Canopy trees will remain. Putting in some red cedars. Essentially putting in a natural hedge.

A motion was made to approve project subject to special conditions to reduce the width of both boardwalks to four feet wide and submit a revised plan to identify the trees to be removed. Additional conditions, any change in contractor for the management plan must be approved by staff. Annual reports must be submitted for three years. To have one set of timber stairs coming down the Town coastal bank at an intermittent location between the two shown on the current plan. A note to be added to the site plan; the existing path that goes onto the abutter's property will be abandoned. The two recliners on the beach will be taken up off the beach grass and stored in an upright position in the off season.

Seconded and approved unanimously.

Jane Nober/Moss Hollow Enterprises, LLC. Supplement and enhance existing stone riprap as a mitigation measure to prevent further erosion caused by coastal storms at 145 Salten Point Rd., Barnstable as shown on Assessor's Map 301 Parcel 001 6D. **SE3-5653**

The applicant was represented by Mike Borselli, P.E., of Falmouth Engineering Inc.

Issues discussed:

- Frontage of the property is on Barnstable Harbor.
- Last winter the owners experienced significant storms which damaged the property. Erosion occurred on the end. There will be wave over wash in future storms.
- No dewatering will be necessary to complete project.
- End of existing boulder wall will be realigned to match up with abutter property. They are eliminating the small gap.
- Wall will be supplemented by a back slope planting of a 10 ft. wide vegetated area.
- Refilling voids with stone.

A motion was made to approve the project subject to the receipt of a revised plan with the SE3 number referenced for the permit of the existing revetment; a note on the plan relating to the work on the stone ramp, and submission of a construction protocol for the staffs' approval prior to the start of work.

Note by Chair: Tom Marcotti has no objections to the project, via email of February 19, 2019.

Seconded and approved unanimously.

Gregory & Cynthia Conigliaro. Install concrete block retaining wall as mitigation to prevent further erosion caused by coastal storms at 155 Salten Point Rd., Barnstable as shown on Assessor's Map 301 Parcel 002. **SE3-5652**

The applicant was represented by Mike Borselli, P.E., of Falmouth Engineering Inc.

Issues discussed:

- Storms of last winter created significant erosion.
- Owner would like to install erosion control measures.
- Proposed to be installed in lawn area to link up with abutting property wall.
- Concern about materials used in project.
- Concrete block instead of rip rap because he can purchase at a reduced cost. Owner is proposing same plant material as abutting property.
- Concrete block is an esthetic issue. They could add veneer stone to front of wall for esthetic value.
- Should have a stone revetment in the most vulnerable spot.

- Concerns of what project may do to other properties.
- There is a natural vegetation buffer, and salt marsh vegetation.
- Needs to be some enhancement on backside of wall like neighbors project.
- Shoreline has migrated landward. Velocity zone is behind proposed wall. No existing saltmarsh to protect area.
- Will consult with client. Would like a natural face and back slope protection.

A continuance in order to consult with client on materials to be used and back slope protection was requested.

A motion was made to approve continuance to 03/19/2019.
 Seconded and approved unanimously.

IV CHAIR'S EXECUTIVE REVIEW

In consultation with 1st Asst. Town Attorney T. David Houghton, the Chair is taking the following actions:

- A. Approve and retain the executive session minutes of December 11, 2018 which are related to the matter of Kenneth and Melissa Fish Crane vs. The Barnstable Conservation Commission, as litigation is still ongoing.
- B. Approve and retain the executive session minutes of January 22, 2019 which are related to the matter of Kenneth and Melissa Fish Crane vs. The Barnstable Conservation Commission, as litigation is still ongoing.

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

A.	O'Connell 126 Meadow Lane, West Barnstable	SE3-5440	(coc, ez)	construct single-family dwelling* Smith Creek, Great Marshes
B.	48 Magnolia Av., LLC 48 Magnolia Avenue, Centerville	SE3-5415	(coc, ez)	construct pool & patio * Centerville Harbor
C. *	Lloyd 19 Indian Trail, Osterville	SE3-5027	(coc, ez)	replace pool & construct pool equipment shed Seapuit River

A motion was made to approve all certificates.
 Seconded and approved unanimously.

VI MINUTES

- A. February 5, 2019

A motion was made to approve the minutes.
 Seconded and approved unanimously.

TIME ADJOURNED: 8:16 PM