



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: APRIL 2, 2019 @ 6:30 PM

LOCATION: Selectmen's Conference 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 Larry Morin and George Gillmore. Commissioners John E. Abodeely and Pete Sampou were away.

Darcy Karle, Conservation Administrator, assisted, along with Claudette Bookbinder, Administrative Assistant.

I REQUESTS FOR DETERMINATION

Edward & Christiane Caldwell. Construct 2-car detached garage with 1 bedroom above; construct driveway for access; new septic tank at 10 Eel River Rd., Osterville as shown on Assessor's Map 116 Parcel 088. **DA-19014**

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

Issues discussed:

- The number of bedrooms will remain the same.

Comments:

- Neil Sweeney, of 223 W. Bay Rd., was concerned that the project was in the flood zone, and because it floods constantly;
- Barbara Sweeney (of same address) confirmed her husband's comments. She added that the Town does not clean out [the culvert] regularly, and thought the driveway would present a problem.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

Jane M. Davis, Trustee. Replace existing wood deck with stone or masonry patio in same footprint and add bulkhead at Unit 19, Harbor Village condominiums, 160 Marston Ave., Hyannis as shown on Assessor's Map 288 Parcel 180/00S. **DA-19015**

The applicant was represented by Arlene Wilson of A. M. Wilson Associates.

Issues discussed:

- The cottage pre-dates the Wetlands Protection Act;
- The project will help eliminate ventilation concerns.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

II NOTICE OF INTENT

Kathleen Adams, Tr., Acorn Realty Trust. Re-build 2 decks, including 1 deck/stairs within existing footprint; re-build and expand the smaller of two decks by 15 sf; construct addition within footprint of dwelling at 57 Snow Creek Dr., Hyannis as shown on Assessor's Map 325 Parcel 151. **SE3-5665**

The applicant was represented by Daniel Ojala, P.E. and John Sambogna, contractor.

Issues discussed:

- Contractor and staff will determine whether there are permits for the AC and shower units.
- The slab holding the AC and shower units represent additional hardscape.
- Mitigation should be moved along the lawn
- The difference between a "shower" and a "rinse station."
- Trees not shown on the plan, and the possibility of mitigation between the two trees.
- To be handled separately under enforcement
- The boardwalk was an issue;
- A fire pit in the lawn was in the buffer.

A motion was made to approve the project subject to receipt of a revised plan indicating: the AC/rinse station pad; increased mitigation for the AC/rinse station pad, and for the fire pit. One-half of the proposed mitigation to be moved to the edge of lawn facing Snow's Creek, between the two trees, and the addition of 3-gallon bayberry plants to the mitigation.

Seconded and approved unanimously.

Steven Musselman. Construct kayak rack and boat storage shed with patio; construct 5-foot-wide handicap-accessible gravel paths for access to pond and to boat storage shed; vista pruning; hand-cutting and removal of catbriar, poison ivy and dead trees at 131 Round Pond Rd., Marstons Mills as shown on Assessor's Map 124 Parcel 012-003. **SE3-5666**

The applicant attended, and was represented by Daniel Ojala, P.E.

Exhibit A – Email and letter submitted by Carolyn and Dietrich Hohn to the Commission via Charles Tempinski

Issues discussed:

- Priority habitat falls under the Building Commissioner.
- A question of why the path extends to various areas. The answer was for golf cart accessibility in the 0 – 50-foot buffer; also, the width was needed for the cart.
- The plan should show that the 5' gravel path goes to the shed

Comments:

- Charles Tempinski of 68 Liberty Lane, Marstons Mills, representing Dietrich and Carolyn Hoehn, also of Liberty Lane, thought the 100-foot buffer should be "pristine." The Commission stated that the 50-foot buffer, if disturbed, needs mitigation, but that this area is undisturbed.
- Steve Nye of 11 Liberty Lane, representing other abutters, said the gravel path was a concern, and thought that no adverse impact should be permitted within 100-feet of the pond.
- Mr. Ojala said the boatshed was 100 feet from Round Pond, and less from an intermittent stream. He said he checked Land Court records to see if there were any deed restrictions, and found none.
- The Commission expressed the opinion that this was a normal project, i.e. nothing out of the ordinary.

A motion was made to establish a finding that the Commission is allowing a 5-foot gravel path in the 50-foot buffer down to the pond for handicap access for as long as there is a demonstrated need, or until the property is transferred or sold. If the handicap condition ceases to exist, then the path will be restored to its natural state, and no wider than four feet.

Seconded and voted unanimously.

A motion was made to approve the project as submitted.

Seconded and approved unanimously.

James & Cynthia Harrington/The CLH Revocable Living Trust. Installation of fiber rolls for erosion control; permit/construct a seasonal dock at 568 Shootflying Hill Rd., Centerville as shown on Assessor's Map 193 Parcel 032. **SE3-5667**

The applicants were represented by Mark Burgess of Shorefront Consultants. Mr. Harrington, applicant, attended.

Issues discussed:

- It was thought that the dingy could be stored where it is.
- To prevent erosion where the grass is, a question arose as to of what could be planted.
- Staff thought that it should stay as is, sacrificial sand.

A motion was made to approve the project, as submitted, with a special condition that the sacrificial sand over the fiber roll shall be maintained as an ongoing condition, and the dingy and dock is to be stored upland, off season.

Seconded and approved unanimously.

Francis O'Brien. Permitting of existing floats and maintenance dredging for existing permitted pier at 90 Bay Shore Dr., Hyannis as shown on Assessor's Map 325 Parcel 076. **SE3-5669**

The applicant attended, and was represented by Mark Burgess.

Mr. Burgess thanked the Commission for its cooperation.

Issues discussed:

- The revised plan of 3/28/19, showing the dredge area and all maintenance dredging, includes area under the float;
- Dredging would total under 100 cubic yards
- A time-of-year (TOY) restriction would apply, from 1/15 – 5/31.
- Floats on concrete should not be a problem.
- The Commission stated that soundings on the plan would be helpful.
- Staff said that a bathymetric survey is needed, as well as the area being flagged and staked out.
- The Commission would like to see information on pilings, as there is a new product available.

A motion was made to establish a finding that the change in the length of the floats does not constitute a substantial change under Chapter 703 of the Town regulations.

Seconded and approved unanimously.

A motion was made to approve the project as submitted, based on the above finding, subject to receipt of a revised plan showing pre-dredge elevations, and special conditions requiring a post-dredge survey, staking of the dredge area prior to dredging, and a time-of-year restriction of January 15th to May 31st.

Seconded and approved unanimously.

Janice J. Scullin & John R. Scullin, Trs., The 2005 John Robert Scullin Trust and The 2005 Janice Josephine Scullin Trust. Construct and maintain a timber boardwalk, pier, ramp and float at 144 Pinquickset Cove Cir., Cotuit as shown on Assessor's Map 005 Parcel 069. **SE3-5671**

The applicants were represented by John C. O'Dea, P.E.

Issues discussed:

- A waiver was requested for the location.
- It would be a non-motorized dock.

A motion was made to establish a finding that the Commission is granting an “L” waiver, minimizing the length of the boardwalk.

Seconded and approved unanimously.

A motion was made to approve the project as submitted, based on the above finding, and to continue the project to April 30, 2019 solely for the receipt of a letter from Natural Heritage and Endangered Species Program.

Seconded and approved unanimously.

Kris Lowe. Reconfiguration of existing impervious terrace (existing hardscape); concrete pavers and concrete slab (471 sf) to be removed; new blue stone pavers (446 sf) to be installed at 69 Snow Creek Dr., Hyannis as shown on Assessor’s Map 325 Parcel 153. **SE3-5668**

The applicant was represented by George Gakidis of GS Design Group, Inc.

Issues discussed:

- Reducing hardscape
- Concrete steps will be removed and grass planted.
- A question of whether the boardwalk was permitted – an enforcement order had been issued in 2005.
- Whether the shower on the side of the house was permitted. There was no information; it had been there since the house was built.
- The Commission stated that clearing and mowing in the wetland must cease, and the area should be demarcated.

A motion was made to approve the project subject to receipt of a revised plan showing the “no mow” area between wetland flags #3 and #4, and for the area to be demarcated, in consultation with staff.

Seconded and approved unanimously.

III CONTINUANCE

Margaret L. & Michael T. Kerr, Trs., Kerr Family Trust. Construct and maintain a timber pier, ramp and float at 25 Maywood Ave., Hyannis as shown on Assessor’s Map 287 Parcel 156. **SE3-5655**

The applicants were represented by John C. O’Dea, P.E.

Issues discussed:

- The project had opened on March 5th, and a quorum was present.
- The Commission referred this matter to the Town Attorney’s office and the Massachusetts D.E.P.
- The matter was settled.
- 18" float stops were not a problem, nor was a kayak rack; a revised plan would have to be submitted for these items.

Comments:

- Atty. Bill Riley, representing the Garthwaites of 11 Maywood Ave., said his clients were concerned with the number of docks in the area, and that the length of the pier was thought to be excessive for a non-motorized vessel. The Commission replied that the dinghy-dock size was fine.

A motion was made to approve the project as submitted, subject to the receipt of a revised plan indicating the final path location, 18" float stops, and the location of a kayak rack.

Seconded and approved unanimously.

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

- A. Fair SE3-5006 (coc, ez) replace patio & wall; manage invasive plants *
1343 Falmouth Road, Centerville Long Pond
- B. Trade Winds SE3-4939 (coc, ez) construct pier *
780 Craigville Beach Road , Centerville Lake Elizabeth
- C. Brady SE3-5555 (coc, ez) construct single family dwelling *
18 Waterside Drive, Centerville bvw to Centerville River

A motion was made to approve the certificates (A - C).

Seconded and approved unanimously.

V MINUTES

- A. March 12, 2019

A motion was made to approve the minutes.

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 7:48 p.m.

UP-COMING MEETINGS:

Month	6:30 P. M.	3:00 PM
April	16, 30	9
May	14, 28	7
June	11, 25	4