



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: January 14, 2020 @ 3:30 PM

LOCATION: James H. Crocker, Jr. Hearing Room – 367 Main St., 2nd 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 3:30 p.m. by Vice Chair Louise R. Foster. Also attending were Clerk Dennis Houle, and Commissioners Larry Morin and George Gillmore. Chair F.P. (Tom) Lee and Commissioners John E. Abodeely and Pete Sampou were absent.

Darcy Karle, Conservation Administrator, assisted along with Ed Hoopes, Conservation Agent.

3:30 PM AGENDA

I REVISED PLANS

Project type:

Revisions:

A. Lisa N. Mingolla
1462 Main Street, Cotuit SE3-5638

Demo/construct SFD
detached garage.

Add patio areas/steppingstone
walkway/remove garage.

The applicant was represented by John O’Dea of Sullivan Engineering & Consulting.

A motion was made to approve the revised plan.
Seconded and voted unanimously.

B. Diane L. Currier, Trustee
SE3-5584
1071 Old Post Rd, Marstons Mills

Accessory structure, pool,
patios, landscape walls

Clarification of approved
storage below area

The applicant was represented by John O’Dea of Sullivan Engineering & Consulting.

A motion was made to approve the revised plan.
Seconded and voted unanimously.

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

- | | | | | |
|----|----------------------------|----------|-----------|--|
| A. | Barr | SE3-5324 | (coc, ez) | rebuild boat house * |
| | 49 Main Street, Osterville | | - | Centerville River |
| B. | Barr | SE3-5338 | (coc, ez) | construct boardwalk, pier, ramp, & float * |
| | 49 Main Street, Osterville | | - | Centerville River |

A motion was made to approve A and B.
Seconded and voted unanimously.

III WARNING LETTERS

- A. Arthur & Elizabeth Beatty – 699 Cotuit Rd./Rte 149, Marstons Mills – Abandoned boat in Hamblin Pond

The Commission voted unanimously to approve the Warning Letter as issued.

IV OLD AND NEW BUSINESS

- A. Charles and Carole Pieper – 721 Old Post Road, Cotuit – Map 054 Parcel 011.002 Review of arborists report and management plan resulting from a previous enforcement order (Alteration of a resource area – coastal bank – by cutting/topping trees on a coastal bank).

Exhibits

- A. Photos of current site conditions
- B. Photos showing five tree-management strategies for site
- C. Restoration Planting Plan by Wilkinson Ecological Design dated 1/7/2020
- D. Arborist's report

The Pieper's were represented by Caitrin Higgins and Steve LaBranche of Wilkinson Ecological Design and John O'Dea, Sullivan Engineering

Issues discussed:

- There are five management strategies for the coastal bank
- 20 trees on the coastal bank will be managed
- Supplemental planting of 24 shrubs on the coastal bank

The Commission voted unanimously to approve the restoration planting plan and accept the arborist's report with the following condition: If there is any change in consultants, that must be approved by the Conservation staff before any future work goes into effect.

- B. Hans Keijser – Barnstable New Source Exploration Program Test Well Locations and Access.
Rep Hans Keijser Director of Town of Barnstable Water Supply Division

Exhibit A - power point – New Well Exploration Test Well Drill Plan

- Mr. Keijser gave a brief summary of the seven proposed test wells sites
- Conservation staff has some concerns with the access for Bridge Creek Conservation Area as it is surrounded by wetlands on either side of the trails
- Conservation Agent Ed Hoopes will walk any areas of concern with Mr. Keijser
- Permitting questions can be addressed after site visits.

- C. Bio Blitz at West Barnstable Conservation Area

- Noted

4:30 PM AGENDA

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V NOTICES OF INTENT

Hyannis Rotary, LLC. Demolish and replace most of existing seawall, proposed repairs to southern free-standing wall; repairs to the western portion of seawall; pool/patio construction; construction of boardwalk at 10 Hyannis Avenue, Hyannis Port as shown on Assessor's Map 287 Parcel 131. **SE3-5752.**

The applicant was represented by Dan O'jala of Down Cape Engineering Inc. along with Caitrin Higgins of Wilkinson Ecological Design, Attorney Michael Ford, Craig Ashworth and Tim O'Neil from EB Norris.

Exhibit A - revised plan dated 1/14/2020

Issues discussed:

- Pool with patio is proposed within a portion of the area that was to be utilized for a new septic system. Property owner would like to tie into sewer.
- Will need secondary access from Town of Barnstable to perform work. Attorney Ford is working with Legal, Town Manager and other departments for approval/full license agreement.
- A construction protocol was provided in application. Will meet onsite with staff prior to work to go over protocol.
- Question raised on flooding in area between walls and potential impact to plantings.
- Question raised on tower foundation. The tower will be raze and rebuild replica.
- Concern with request to mow area labeled eco-lawn grass over patio in lower planting area (southwest). Should it be labeled a patio thus impacting the mitigation calculation?
- Question raised on walk, bench and grill. What would be remaining southwest landscape area?
- Request for 3 year monitoring reports for planting plan.
- If pool is not constructed because they would need the septic installation, it would only require admin. approval of a revised plan.

A motion was made to approve project as submitted subject to a revised site plan and mitigation plan to indicate as discussed, removing rectangle (bench) and square (grill), clarify notes regarding walls to be repaired and reconstructed on engineering plan. On revised mitigation plan, removing some plants, note indicate walkway to be meadow with once (Oct) or twice mowing (Oct and July), to the east of main stairs going down to pier, there would be a note on both plans that would indicate "no mow" area. Prior to start of work a written agreement with the Town shall be submitted for secondary access. Pre-construction site visit required with contractor to review construction protocol. There will be monitoring reports submitted annually for 3 years. Any change in environmental contractor by property owner, will need to be submitted in writing to staff for review and approval. Seconded and voted unanimously.

Craig and Denise Coombs. Construction of four bedroom dwelling with paved driveway and subsurface Title 5 septic system at 0 Bumps River Road, Centerville as shown on Assessor's Map 144 Parcel 010-002. **SE3-5751.**

The applicant was represented by Dan O'jala of Down Cape Engineering, Inc.

Issues discussed:

- Last large parcel that includes the bog.
- Proposed single family dwelling is for cranberry bog owner.

- Work limit line does extend down into 50' buffer. Potential of pulling up work limit line and having natural area between that and bog road.
- Question raised on lawn vs. work limit. Should there be a condition requiring a single rail fence.
- Question on drywells. Note on plan indicated gravel drip edge of drywell.

A motion was made to approve a finding that this proposal represents a unique situation, a 9.3 acre bog parcel with associated bog owner home, therefor the Commission is allowing some flexibility in terms where the “do not touch zone” will be.

Seconded and voted unanimously.

Based on the finding, a motion was made to approve the project as submitted subject to a receipt of a revised plan indicating designated lawn area on finished grades and a single rail fence along the finished new 12' contour, that would represent a separation between the useable part of property for the homeowner and natural area between there and bog road.

Seconded and voted unanimously.

David and Diane Munsell. Move existing building 2 feet; construct new (attached) dwelling at 3075 and 3077 Main Street, Barnstable as shown on Assessor's Map 279 Parcels 040 and 041. **SE3-5750.**

The applicant was represented by Dan O'jala of Down Cape Engineering, Inc.

Issues discussed:

- Prior permitting. Was found to be a mitigation constrained site as an in-lieu fee charged.
- A second section of a parcel has merged with this parcel, allowing for a larger structure.
- What work was actually performed under the prior permit? COC has not issued yet.
- Was in-lieu fee paid under prior permitting?
- Hardscape that would require the in-lieu fee was never done.
- If applicant can prove the \$812.00 was paid the Commission could waive the new in-lieu fee.

Public comment :

Peter Scarafile representing St. Mary's Episcopal Church – supports the project.

John Stackhouse – President of Barnstable Historical Society – confirming conveyance of land was completed and supports the project.

A motion was made for a finding this is a constrained site under the Commission's buffer zone regulation.

Seconded and voted unanimously.

Based on the finding a motion was made to approve the project as submitted with two special conditions, the COC for SE3-5018 shall be issued prior to start of work under this new permit, and if the owner can document the 2012 in-lieu fee payment for a project that wasn't completed, that the Commission waive the in-lieu fee for this application.

Seconded and voted unanimously.

A motion was made to adjourn at 5:42 pm

Seconded and voted unanimously.