



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

DATE: January 7, 2020 6:30 PM

LOCATION: James H. Crocker Jr. Hearing Room, 367 Main Street 2<sup>nd</sup> Fl., Hyannis, MA

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The meeting was called to order at 6:30 p.m. by Chair F.P. Tom Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk Dennis Houle with Commissioners Pete Sampou, Larry Morin, John Abodeely, and George Gillmore.

Conservation Administrator Darcy Karle was present along with Administrative Assistant Kim Cavanaugh.

### I REQUESTS FOR DETERMINATION

**Richard M. Burnes.** Proposed 18” +/- kitchen addition at 1635 South County Road, Marstons Mills as shown on Assessor’s Map 097 Parcel 022-001. **DA-19062**

The applicant was represented by John Odea, of Sullivan Engineering.

- A corrected page two of the RDA was received on 12/20/2019.
- There were no questions from the Commission on the project.
- There was no public comment.

A motion was made to approve a negative determination.  
Seconded and voted unanimously.

### II NOTICES OF INTENT

**Michael Rolfe.** A proposed 846 sq. ft. addition is proposed to occur where a 798 sf. garage once stood in the 100 ft. buffer zone. Portions of gravel driveways, a new garage, and a semi-pervious patio are proposed within the 100 ft. buffer zone. These structures are all outside of the 50 ft. buffer zone except a deck replacement at 256 Bog Lane, Marstons Mills as shown on Assessor’s Map 046 Parcel 006.

The applicant was represented by Garret Tunison of Tunison Environmental Consultants.

- There was a revised plan submitted with drywell information. Plan has the same date as original plan submitted.
- Applicant is proposing 9,600 sf. ecological restoration to offset the impact to the buffer zone.
- Applicant is also proposing to put in 20 drywells to intercept the drainage.

Plan with drywells was submitted.

- Soil material is loamy sand and sand. Drywell height is only 24 – 28 inches.
- Usually use a multiplier of 3 not 2 ½ for mitigation. Additional plants could be added if requested.
- A 1 ½ gallon size is a very small tree. Commissioners would prefer trees be closer to the 3 gallon size, 18 – 24 inches.
- Commission would like 3 years of monitoring reports.
- The gravel walkway behind the house is not on the plan. It is being removed and planted with seed.
- On engineering plan the work limit line needs to be labeled.
- Area for the mitigation needs to be listed on the planting plan.
- Need to label the rinse station on the deck.
- Piles of debris and brush need to be put on plan or removed.

Owner, Michael Rolfe spoke.

- One of the debris piles is from the previous owner that used to whittle.
- There is a place where they split wood.
- They will remove if requested.
- The top soil pile will be spread.

Commissioners noted:

- There is a stone retaining wall in front of the shower and edge of lawn that needs to be added to the plan.
- With the amount of new hardscape being added in the 50' to 100' buffer zone there is a shortage of 2,040 sq. ft. of mitigation owed.
- Should be able to get additional mitigation area by taking out the piles and gravel driveway.
- Stones around the drywells should also be added to the plan.
- A question was raised regarding the two large holes between the dwelling and the grill area. They are for climbing wisteria that are going to be planted, however the owner was unable to purchase them this time of year.

There was no public comment.

A continuance to February 18<sup>th</sup> was requested.

A motion was made to approve a continuance until February 18<sup>th</sup>.  
Seconded and approved unanimously.

**Geoffrey S. and Laura A. Rehnert.** Modify existing pier by deleting 23' of fixed walk and fixed platform and replacing with ramp and float system extending 11' further from shore at 285 Seapuit Road, Osterville as shown on Assessor's Map 095 Parcel 007-001. **SE3-5747**

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

**Exhibit A** – Packet submitted by Arlene Wilson

- It is getting difficult for the owners to lower and raise the ladder to get to their boats.
- The extension would still meet the guidelines. However, a waiver is needed because it is 276 ft. of float instead of 200.
- They have three boats of their own and many friends come to visit by boat. That is why they need the extra space.

Comments from Waterways Committee and harbor master were read into record. There were no objections.

- Original permit was issued in 2004 so it is not under the current regulations.
- The 4' concrete float is much more stable than a wooden float.
- The float is designed to berth 4 vessels, one of which is a guest vessel.

- Normally the floats are granted based on the vessels proposed.
- There is concern to provide a special berth for guests as it will be difficult to supervise that the space is not being rented out.
- A variance is being requested for the size of the floats. A variance would not be required if a guest berth was not approved.
- Concrete floats left in year round would support exotic and invasive species.
- Allowing a guest berth could set a precedent for future applications.
- Tie off piles would more likely to be approved.
- The vessels need to be listed on a sign. Would not be able to list the guest vessel.

There was no public comment.

A motion was made for a finding that this proposed pier modification represents a substantial expansion. Seconded and voted unanimously.

A motion was made to approve the project as submitted subject to the receipt of a revised plan eliminating the proposed interior 6'x14' float, the revised plan to show a float system not to exceed 200 sq.ft., and will allow the addition of tie off piles. Seconded and voted unanimously.

The finding was re-voted to add the language, "therefor subject to current regulations". Seconded and voted unanimously.

**James & Kerri Pinho.** Proposed maintenance dredging to -4 M.L.W. from an area roughly 90' x 90' around the existing pier at 65 Short Beach Road, Centerville as shown on Assessor's Map 206 Parcel 105.

The applicant was represented by John Odea of Sullivan Engineering.

- John Odea met with staff on mitigation issue. Edge of lawn was marked. Staff is happy with projects that have been done.
- Area was originally dredged in 1938. There is no paper trail of dredging since 1938.
- A question was raised if dredging has not been needed in 80 years should it be considered maintenance.

Comments were read into record:

- There are no objections by harbormaster or shellfish committee.
- Division of Marine Fisheries comments were read into record.
- A discussion of the DMF recommendation that the top of the dredge slope maintain a buffer from any bordering salt marsh of at least 25' can be achieved.

There was no public comment.

A motion was made to approve the project as submitted with a time of year restriction, no dredging between Jan. 15 – May 31<sup>st</sup>. 6 Aye 1 Nay. Motion carries.

**Jon and Nicole Campanelli, Trustees.** To construct a pool and cabana with all associated appurtenances at 323 Sea View Avenue, Osterville as shown on Assessor's Map 138 Parcel 022. **SE3-5748**

The applicant was represented by John Odea of Sullivan Engineering.

- A small portion of the patio and pool are within the 50' buffer.
- There is a very small yard. They have offered an in lieu fee instead of mitigation.
- Accessory structures or pools were not meant to be used for in lieu fees but are for a main dwelling.
- There is the opportunity to do mitigation instead of in lieu fee.
- Pool fencing is not shown on plan.

There was no public comment.

A motion was made to continue until 2/4/2020.

### III AMENDED ORDERS

**Oliver Berrett and Lisa Rudolph.** Replace existing and construct new pool decking, improve or reconstruct various landscape amenities including walls and fences, extend a pond access boardwalk, install a kayak storage rack, and provide additional native plantings at 521 Bumps River Road, Osterville as shown on Assessor's Map 143 Parcel 039. **SE3-5580**

The applicant was represented by Mike Ball of Baxter Nye Engineering and Tom Lee of TL Studio Inc.

- The Order of Conditions was issued in November of 2018.
- Wilkson is no longer working on the project.
- Tom Lee of TL Studio Inc. is now working on project.

**Exhibit A** - colored drawing of plan.

- Pool fence was a topic in original order. There will be more fencing along the wall.
- The wood deck on west side is new decking.
- A question was raised if changes in drainage are needed. There will be a trench drain which pitches away from pool.
- The elevated boardwalk will meet the existing boardwalk. It is just an extension as the water level has increased.
- The pool fence extends far beyond the pool area. Would like it be brought in closer to the pool area as it restrains wild life. There should be an area for animals to travel. Need to provide a wildlife corridor.
- Having the fence further away is an esthetic feature.
- There may be a precedent set if allowed to have such an expansive pool fence.

A motion was made to approve the project as submitted subject to submission of a revised plan showing the pool fence being pulled away from pump house allowing for a wildlife corridor along vehicle access.

Seconded and voted: 6 Aye, 1 Nay.

Motion carries.

**John Remondi.** Request to allow the permitted seasonal dinghy dock to remain in-place year round at 150 East Bay Road, Osterville as shown on Assessor's Map 140 Parcel 166. **SE3-5591**

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

- The fiberglass material proposed to construct the dinghy dock and platform is very heavy and would have to be picked up and carried through the marsh to be removed seasonally. This process would make a mess of the marsh area.
- This circumstance justifies the change.

There was no public comment.

A motion was made to approve the project as submitted.

Seconded and voted unanimously.

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

A.	Avery	SE3-5605	(coc, ez)	convert 3-season room to 4-season; permit existing patio & wall * near Centerville River
	170 Horseshoe Lane, Centerville		-	
B.	Barr	SE3-5491	(coc, ez)	construct path, boardwalk, ramp, pier & float *
	0 Long Beach Road, Osterville		-	Long Beach on Centerville River

- C. Lehman SE3-4761 (coc, ez) construct house addition & pool (none done)  
240 Baxters Neck Road, Marstons Mills - Prince Cove
- D. Gould SE3-5050 (coc, ez) construct house addition; relocate garage; upgrade septic \*  
82 Hummock Lane, Cotuit - Little River

A motion was made to approve A – D.  
Seconded and voted unanimously.

**V MINUTES**

- A. 12/10/2019
- B. 12/17/2019

A motion was made to approve both sets of minutes as submitted.  
Seconded and voted unanimously.

A motion was made to adjourn.  
The time was 8:48 pm.