



**Town of Barnstable
Conservation Commission**
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MINUTES – CONSERVATION COMMISSION MEETING

DATE: JANUARY 26, 2016 @ 6:30 PM

LOCATION: TOWN HALL HEARING ROOM, 2nd Floor – 367 Main Street, 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 Chairman F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle, and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise R. Foster. Commissioner John E. Abodeely was away.

Darcy Karle, Conservation Administrator, assisted.

I REQUESTS FOR DETERMINATION

Susan B. Wasch. Remove 10 – 14 feet of stone wall; rebuild stone wall to left of new opening along property line; construct 10 ft. wide bluestone driveway (accessed via paved Stoney Cove Lane) with 5 ft. flared cobblestone entryway. Any water runoff to be directed away from buffer area at 167 Stoney Cove Ln., Cummaquid as shown on Assessor's Map 351 Parcel 007-001. **DA-16004**

The applicant was represented by Robert Norton; Jeff Balenna, potential buyer of property, attended.

Issues discussed:

- Of the proposed house lot, only the driveway was reviewed by the Commission;
- The septic was outside of Conservation jurisdiction;
- Run-off from driveway flows North, away from resource.

A motion was made to issue a negative determination.

Seconded and approved unanimously.

II NOTICES OF INTENT

Sally A. Quinn, Tr., 313 Bridge Street Realty Trust. Construct garage, pool, and patio at 313 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 046. **SE3-5355**

The applicant was represented by Chuck Rowland, E.I.T., of Sullivan Engineering and Consulting, Inc.

Issues discussed:

- Direction of coastal storm flowage;
- Missing directional arrow showing true north on plan.

A motion was made to approve the project with standard and special conditions, including the submission of two copies of the plan to Conservation, showing a directional arrow drawn on plans and initialed.

(Quinn, continued)

Seconded and voted unanimously.

III TAKEN UNDER ADVISEMENT

Jill F. G. Mitchell. Eliminate existing float and install boat lift in its place at 345 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 007-001. **SE3-5341**

[Commissioner Scott Blazis was not part of the quorum]

Issues discussed:

- No new testimony or information taken, as the project was under advisement only;
- The Vice-Chair read from Page 5, #12 through #21 of the proposed findings, into the record;
- The core of the Commission's findings were discussed, based on the local ordinance, Chapter 237, Chapter 703;
- No issues raised under the State Act;
- Town By-Laws can be more stringent than those of the State.

A motion was made to adopt the six pages of findings in the Mitchell case.

Seconded and voted: 5 votes = Aye; 0 votes = Nay.

A motion was made to bifurcate the Mitchell decision.

Seconded and voted: 5 votes = Aye; 0 votes = Nay.

A motion was made to approve the application as submitted under the State Wetland Protection Act, Chapter 131, § 40.

Seconded and voted: 5 votes = Aye; 0 votes = Nay.

A motion was made to approve the application under the local (Town) ordinance.

Seconded and voted: 0 votes = Aye; 5 votes = Nay.

The project was denied unanimously under the local ordinance.

IV CONTINUANCES

William Walser, Tr., Wingaway Trust & Windsong II Trust. Construct and maintain boardwalk and relocate portion of fixed pier, ramp and floats from 315 to 325 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcels 008-001 & 008-002. **SE3-5304**

The matter was withdrawn.

Anthony & Josephine Tavilla. Reconstruct boardwalk; construct pier with ramp, float, and kayak racks at 103 Main St., Osterville as shown on Assessor's Map 185 Parcel 022-001. **SE3-5348**

The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed:

- Ms. Wilson addressed the Commission's concerns from a prior hearing in her supplemental document and Appendix A, both dated 1/21/2016;
- Ms. Wilson stated that the 2.6-foot-plus of water depth at the float shown in the approved plan would be sufficient for the proposed vessel drawing 16" with twin engines down;
- Waivers needed J1 (26' waiver to J1) and L (not centered) under Chapter 703;
- Commission still had an issue with the size of the proposed vessel and engine.

(Tavilla, continued)

A motion was made to continue the project to February 9th, 2016.

Seconded and voted unanimously.

Steven E. Hirsch. Dune and beach nourishment along approx. 85 feet of coastline to enhance existing resources and provide a more resilient shoreline at 0 Cross St., Cotuit as shown on Assessor’s Map 033 Parcel 031. **SE3-5320**

This project and the one following (See Evergreen/Pickwick) were opened simultaneously.

The applicant was represented by Leslie Fields of Woods Hole Group, and Atty. Sarah Turano-Flores.

All Commissioners present were part of the quorum.

Issues discussed:

- Information on modeling was sought by the Commission at the prior meeting;
- The Commission reviewed NOI supplemental information (modeling study), including a letter from Three-Bays;
- Some Commissioners had concerns with nourishment prior to the documented affect;
- Atty. Turano-Flores referred to a study showing that erosion is already occurring due to tidal flow being “pinched.”
- The need for pre – and post – documentation of contours.

A motion was made to approve the project with standard and special conditions as follows:

- a) Prior to any beach nourishment, both pre – and post – documentation of existing contours shall be submitted to the Conservation Division
- b) Beach nourishment no more than once annually over a three-year period.

Seconded and approved unanimously.

Evergreen 69 Realty Trust & Pickwick Realty Trust. Dune and beach nourishment along approx. 378 feet of coastline to enhance existing resources and provide a more resilient shoreline at 69 & 71 Ocean View Ave., Cotuit as shown on Assessor’s Map 034 Parcels 045 and 045-001. **SE3-5318**

The applicant was represented by Leslie Fields and Atty. Sarah Turano-Flores.

A motion was made to approve the project with standard and special conditions as follows:

- a) Prior to any beach nourishment, both pre – and post – documentation of existing contours shall be submitted to the Conservation Division
- b) Beach nourishment no more than once annually over a three-year period.

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE

(* = on-going conditions)

- | | | | | |
|----|---------|----------|------------------|--|
| A. | Babbitt | SE3-5206 | (coc,ez) | permit existing seasonal walk & pier * |
| B. | Haley | SE3-4645 | (partial coc,ez) | raze & construct house, pool, & retaining wall * |

A motion was made to approve the certificates.

Seconded and approved unanimously.

VI MINUTES FOR APPROVAL

- A. January 12, 2016

A motion was made to approve the minutes.

(Minutes, continued)

Seconded and approved unanimously.

B. January 19, 2016

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:29 p.m.