



# Town of Barnstable Conservation Commission

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## MINUTES

### CONSERVATION COMMISSION MEETING

DATE: APRIL 12, 2016 @ 3:00 PM

LOCATION: TOWN HALL HEARING ROOM – 367 Main St., Hyannis, MA 02601

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](http://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 3:00 p.m. by Chairman F .P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle and Commissioners Peter Sampou (arrived at 3:20 p.m.), Scott Blazis, and Larry Morin. Commissioners John Abodeely and Louise Foster were away.

### 3:00 PM AGENDA

A motion was made to take items out of order, beginning with Old & New Business.

Seconded and voted unanimously.

### I OLD & NEW BUSINESS

- A. **Pratt SE3-1381** Construct addition & deck to single-family dwelling – Reconsider 9/22/15 denial of certificate of compliance at 630 South Main St., Centerville (BVD).

Carolyn Sheldrick, the current owner of the property, attended.

A motion was made to approve the certificate of compliance with conditions regarding the shed.

Seconded and voted: 3 votes = Aye; 1 vote = Nay. The motion carried.

### II REVISED PLANS

#### Project type:

#### Revision:

- A **TOB/DPW SE3-5322** water main replacement per NHESP comments  
656 Mary Dunn Rd., Hyannis

The applicant was represented by Amy Ball of Horsley Witten.

Chairman Lee recused himself.

Correspondence:

- Natural Heritage & Endanger Species Program (NHESP) letter of 3/3/16.

A motion was made to approve the revised plan, subject to conditions set forth in the NHESP letter; disturbed areas to be replanted in consultation with staff.

Seconded and voted unanimously.

- B. **Baxter SE3-4918** addition to sfld as-built conditions (Tabled from 3/15)  
69 Studley Rd., Hyannis

The applicant attended and was represented by Steve Wilson, P.E.

Issues discussed:

- Mitigation planting plan not yet submitted; needs to address 3:1 and 4:1 ratios for patio addition under deck;
- Applicant offered to use a drip trench as mitigation instead of a planting plan.

A motion was made to table this matter until the May 10<sup>th</sup> meeting to allow time for consultant to submit a proper mitigation planting plan.

Seconded and voted unanimously.

- C. **Bornstein SE3-5052** dredge, dock time of year restriction  
153 Freezer Rd., Barnstable

The applicant was represented by Matt Creighton of BSC Group.

Exhibits:

- A – Email from Ann Canedy dated 4/12/16;
- B – Letter from Barnstable Marine Service dated 4/12/16.

The request was to change the time-of-year restriction (TOY) set by the Town; applicant would like to work spring and early summer.

A motion was made to approve the request for a revised TOY restriction, contingent upon meeting the TOY restriction set in the Chapter 91 permit and a sign-off /approval by the Town Harbormaster.

Seconded and voted: 3 votes = Aye; 1 vote = Nay. The motion carried.

- D. **Fisher ART-0081** dock replace with aluminum dock  
164 Annable Point Road, Centerville

No one attended the meeting.

Ms. Karle explained that the property owner is requesting to swap out an approved wooden dock for an aluminum structure; dock section would increase from 3' to 4' in width.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

### **III ENFORCEMENT ORDERS**

- A. **Triantafillou – 336 Huckins Neck Rd.** - Alteration of a resource area, 50' undisturbed buffer from a wooded swamp, by removing vegetation.

Ms. Nafsika Triantafillou was present.

Exhibits:

- A. GIS drawing with wetland area, 50- foot buffer line and location of cutting;
- B. Photo of wetland area with cut sumac tree, 3/16/2016;
- C. Photo of wetland area with cut sumac tree, 3/16/2016;
- D. Photo of cut sumac tree, 3/16/2016;
- E. 2005 violation for cutting sumac on a coastal bank;
- F. 2009 Determination for allowing sumac eradication.

The Commission recommended that the property owner seek professional guidance for wetland delineation and tree removal when seeking a determination through a Request for Determination (RDA) application.

A motion was made to approve the enforcement order.

Seconded and voted: 4 votes = Aye; 1 vote = Nay. The motion carried.

- B. **Childs – 75 John Maki Rd.** - Alteration of a resource area, 50' undisturbed buffer and 100' buffer from a wooded swamp and stream, by removing vegetation.

Exhibits:

- A. Aerial GIS image of 75 John Maki Road with wetlands and area of concern;
- B. Series of photographs of vegetation clearing near wetland, 3/14/2016;
- C. Photos of garbage and re-growth of plants after cutting by property owner.

Mr. Paul Childs was present.

One of the commissioners was concerned with the type of machinery used to clear the land.

A motion was made to approve the enforcement order.

Seconded and voted: 4 votes = Aye; 0 votes = Nay. There was one abstention.

- C. **Siguencia and Montero - 338 Pitcher's Way** - Alteration of a wetland resource area, Fawcett's Pond, by constructing fence in wetland buffer zone.

Mr. Cesar Herrera represented Mr. Segundo Montero.

Exhibits:

- A. Photograph of stockade fence into buffer zone, 2/21/2016;
- B. GIS drawing showing edge of wetland buffer and fence placement.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- D. **Bradley – 1100 Old Falmouth Rd.** – Alteration of the 50' undisturbed buffer from a wooded swamp and stream, by removing vegetation.

Exhibits:

- A. GIS Aerial image of 1100 Old Falmouth Road with wetlands and buffer line;
- B. Photograph of vegetation clearing and cutting in 50- foot wetland buffer, 3/14/2016.

Mr. Justin Bradley was present.

It was recommended that the property owner consult with staff for in making improvements in the wetland buffer, and to move stored materials out of the buffer.

#### **4:30 PM AGENDA**

**REMINDER TO APPLICANTS:  
FEES FOR LEGAL ADS ARE DUE AT HEARING; YOUR FEE IS LISTED  
BELOW**

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.

#### **IV REQUESTS FOR DETERMINATION**

**Centco Nominee Trust.** Pave portion of existing gravel drive; remove cement pool; replace existing patio; add circular driveway; extend existing upper deck at 500 Huckins Neck Road, Centerville as shown on Assessor's Map 233 Parcel 029. **DA-16023**

The applicant was represented by Dennis Aceto.

Exhibits:

A – Photos submitted by the applicant

A question was raised about the need for erosion control. The property is relatively flat where the work is to be done.

Public comment:

- Tom Rugo requested to see a copy of the sketch plan, to confirm that the project would not impact the wetland.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

#### **V NOTICES OF INTENT**

**Sharon & Tom Rooney.** Construct deck and porch within 50-foot buffer to wetlands; landscape mitigation of meadow habitat and wetland buffer restoration at 261 Nyes Neck Rd., Centerville as shown on Assessor's Map 232 Parcel 004. **SE3-\_\_\_\_\_**

The applicant, Sharon Rooney attended.

The project was located in Natural Heritage & Endangered Species habitat.

The applicant was willing to submit a revised plan to add a kayak/boat rack.

A motion was made to approve the project with standard and special conditions, subject to the following: a) receipt of a revised plan showing a boat rack, and drywells or gravel drip trenches; and, b) comments by NHESP.

Seconded and voted unanimously.

**540 Main LLC.** Construct and maintain boardwalk, pier, ramp and float; rebuild or repair existing stairs and walkways at 803 South Main St., Centerville as shown on Assessor's Map 185 Parcel 016. **SE3-\_\_\_\_\_**

A request for a continuance to May 3<sup>rd</sup> was received via email from John O'Dea, P.E., to give Waterways a chance to review the project.

A motion was made to continue the hearing to May 3<sup>rd</sup>. No testimony taken.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 4:49 p.m.**