

# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

DATE: SEPTEMBER 13, 2016 @ 3:00 PM

LOCATION: HEARING ROOM – 367 Main St., 2<sup>nd</sup> Floor, 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 6:30 p.m. by Vice-Chair Louise R. Foster. Also attending was Clerk Dennis R. Houle, and Commissioners John E. Abodeely, Peter Sampou, and Scott Blazis. F. P. (Tom) Lee, Chair, and Commissioner Larry Morin, were away.

Conservation Administrator, Darcy Karle, assisted.

### 3:00 PM AGENDA

#### I CERTIFICATES OF COMPLIANCE

- A. Town of Barnstable/Conservation SE3-5095 (coc,ez) management of hydrilla \*  
at Mystic Lake – Marstons Mills

A motion was made to approve the certificate.

Seconded and voted unanimously.

#### II REVISED PLANS

##### Project type:

##### Revision:

- A. Cape Cod Docks SE3-5277 seasonal "T" dock better stability

The applicant was represented by Larry Demers.

Exhibits:

- A – Helical anchor information/pamphlet

Issues discussed:

- The use of helical anchors in fresh water ponds
- Concern that helical anchors will limit/prevent relocation of freshwater dock at times of seasonal low water
- Concern with top part of anchor being exposed, and possible hazard when dock is not installed (off-season)
- Why stability is an issue now, after so many years.

A motion was made to table this matter, under the Vice-Chair's accord, until 10/11/16.

Seconded and voted unanimously.

- B. Gilson DA-16042 clear underbrush & trees use of herbicide

The applicant attended.

(Gilson, continued)

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Montgomery SE3-5371 additions; patio chimney; stairs

The applicant was represented by Danny Gonsalves, E.I.T. of Down Cape Engineering.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Koleman SE3-5311 addition; drive; ret. walls add pavers, trench drain, etc.

The applicant was represented by Ronald Silvia.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Hirsch SE3-5353 raze/rebuild sfd shift & lengthen house; deck

The applicant was represented by John C. O’Dea, P.E. of Sullivan Engineering & Consulting.

A motion was made to approve the revised plan.

Seconded and voted unanimously

**III EXTENSION REQUESTS**

**Project type:**

**Time requested:**

A. Gaudreau SE3-5111 garage, addition, etc. 1<sup>st</sup> Request; 3 years

The applicant was represented by Danny Gonsalves, E.I.T.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

B. Callahan SE3-5119 repair/maintain revetment 1<sup>st</sup> Request; 3 years

No one attended the meeting.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

**IV ENFORCEMENT ORDER RESPONSE PLAN**

A. **Shea – 483 Elliot Rd., Centerville.** Alteration of a resource area, and alteration of the 50' undisturbed buffer from a wetland, Centerville River salt marsh, by removing trees and shrubs and grinding stumps below ground.

The Shea’s were represented by Andrew Garulay.

Exhibits:

A – Revised planting plan dated 9/13/16, by Andrew Garulay

(Shea, continued)

B – Two photos dated 2008 and packet of photos, including one dated 10/28/14 used for discussion.

Issues discussed:

- Mr. Garulay handed out a revised planting plan at the hearing, relocating the demarcation line to the top edge of the proposed meadow area just below the bottom of the bank. The plan had been requested by Ms. Karle prior to the hearing.
- Discussion ensued on the proposed location of the trees. A review of photos revealed the backyard prior to the violation.

A motion was made to approve the revised planting plan of 9/13/16.

Seconded and voted unanimously.

#### **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.

#### **V REQUESTS FOR DETERMINATION**

**Thomas & Ann Couite.** Permit an existing wooden bench to remain in position on existing beach path/dune at 0 Fairview St., Centerville as shown on Assessor's Map 245 Parcel 142. **DA-16059**

The applicant, Ann Couite, attended the hearing.

Issues discussed:

- This was a long-standing bench
- Association members have deeded rights to access this parcel and are welcome to use the bench
- The Commission found it more acceptable to approve keeping the bench at its current location because of its use by the Association.

Public comment:

- Tom Cxypoliski questioned who made the complaint.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Alberto & Christine Costa.** Reconstruct existing concrete and stone stairs; remove invasive plants between revetment and lawn at 71 Sunset Ln., Barnstable as shown on Assessor's Map 301 Parcel 024. **DA-16060**

The applicant was represented by Stephen Wilson, P.E.

Exhibits:

A – Photo showing PVC pipe in question at top of bank (was a section of old flag pole)

Issues discussed:

- Rosa rugose to remain on bank
- Protocol for invasive species management stated [by] hand-removal only

A motion was made to issue a negative determination with the condition that re-vegetation of bare areas after invasive species management is to be done in consultation with conservation staff.

(Costa, continued)

Seconded and voted unanimously.

**T. A. Grauel.** Replacement of on-site sewage disposal system at 379 Lakeside Drive West, Centerville as shown on Assessor's Map 232 Parcel 048. **DA-16061**

The applicant was represented by Michael Ball, P.W.S. of Marsh Matters Environmental.

No issues arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

## **VI NOTICES OF INTENT**

**Joseph Scott, President/Barnstable Little League, Inc.** Upgrade of existing public school multi-purpose athletic field to construct new Little League Baseball field at 165 Bears's Way, Hyannis as shown on Assessor's Map 309 Parcel 008. **SE3-5409**

The applicant was represented by Ed Pesce, P.E., of Pesce Engineering and Joseph Scott, President of Barnstable Little League.

Exhibits

- A – Revised plan dated 9/9/16, submitted at the hearing
- B – Letter dated 9/13/16 from Michael Stephens, General Mgr. of Always Green of Cape Cod.

Issues discussed:

- Mr. Pesce submitted a revised plan (Exhibit A) at the request of staff, to attempt to pull the wall further from the bordering vegetated wetland;
- Mr. Pesce submitted a letter regarding the use of slow-release organic fertilizer that is currently being used.

A motion was made to find the site mitigation-constrained.

Seconded and voted unanimously.

A motion was made to waive the in-lieu fee, due to the use of the proposed fields by school programs and youth baseball.

Seconded and voted unanimously.

A motion was made to approve the project with special conditions.

Seconded and voted unanimously.

**Mark Drago.** Raze single-family dwelling and shed; construct new single-family dwelling with attached garage, patios and drive at 90 Bay View Rd., Barnstable as shown on Assessor's Map 319 Parcel 031. **BCC-195**

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

Exhibits:

A – A letter submitted at the hearing dated 9/13/16 from Daniel Ojala to the Commission regarding drainage patterns anticipated to result from the proposed project.

Issues discussed:

- Clarification of drainage patterns, as outlined in Exhibit A (above);
- Discussion of whether the project would impact the isolated wetland on abutters' property, and whether the applicant was allowed to direct drainage by the construction of the proposed swale;

(Drago, continued)

- Mr. Ojala stated that the legal standard for pre-development hydrograph and post-development hydrograph generally cannot change. He claimed that, as his letter demonstrates, post-development hydrograph will be the same or less, although a lot of water will still continue to drain into the isolated wetland from the neighborhood.

A motion was made to find the site mitigation-constrained.

Seconded and voted unanimously.

A motion was made to accept a fee of \$1,575.00, in lieu of mitigation.

Seconded and voted unanimously.

A motion was made to approve the project with special conditions: 1) field-adjusted roof drainage in consultation with staff depending on soil condition, or runoff volume cannot be increased; and, 2) demarcation posts or cobbles, in consultation with staff.

Seconded and voted unanimously.

**Lawrence Hurwitz.** Shoreline improvements to include replacement of approx. 18' of existing timber bulkhead, extension of approx. 379' of timber bulkhead, nourishment and revegetation areas at 95 Short Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 125. **SE3-5412**

The applicant was represented by John C. O'Dea, P.E.

Issues discussed:

- The best construction design for east-end of proposed bulkhead will be determined at a later date;
- The proposed work protocol and concern with potential damage to vegetation.

Correspondence: Email dated 9/12/16 from Michael Fitzgerald, abutter.

A motion was made to approve the project with special conditions: 1) a revised plan shall be submitted, showing detail of east-end construction of bulkhead; 2) a work protocol shall be worked out in consultation with conservation staff and submitted in writing prior to construction; 3) any native vegetation damaged during construction shall be replaced.

Seconded and voted unanimously.

**Edward B. & Elizabeth H. Baldini.** Demolish existing single-family dwelling and reconstruct new dwelling with pool, patio and all associated appurtenances at 18 Garrison Ln., Osterville as shown on Assessor's Map 114 Parcel 011. **SE3-5411**

The applicant was represented by John C. O'Dea, P.E.

Exhibits:

A – Elevation plan view (undated), submitted at hearing

Issues discussed:

- Concern with request to remove tree;
- Commission views ranged from: 1) proposed construction should be moved out of 50-ft. buffer, to: 2) having applicant offer to have project designed for environmental gain;
- Options that applicant could consider to make project more environmentally friendly, e.g., current plantings on bank, decrease patio or other hardscape requested at top of bank, improvements for reducing gullies on beach, possibly adding additional plantings.

A motion was made to continue the hearing to October 4, 2016.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 5:49 p.m.**