



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

DATE: November 1, 2016 @ 6:30 PM

LOCATION: Town Hall Hearing Room, 367 Main Street 2ND Fl., 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 the Chair, F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners Peter Sampou, Scott Blazis, and Larry Morin. Commissioner John E. Abodeely was away.

Conservation Administrator, Darcy Karle, assisted.

I REQUESTS FOR DETERMINATION

Priscilla L. Bergles. Vista pruning/clearing to reduce saplings to 6'-8' and crown-reduce limbs on left and right side of vista. Remove 18' risk pine and split leader of risk oak at 185 Riverview Ln., Centerville as shown on Assessor's Map 227 Parcel 094-001. Also, remove limbs of two oaks at 180 Riverview Ln., Centerville as shown on Assessor's Map 228 Parcel 169. **DA-16068**

The applicant attended, and was represented by Jason Carlaton of Save-A-Tree.

Exhibits:

A – Four photos submitted by Ms. Bergles

Issues discussed:

- The property is in NHESP habitat;
- The applicant was requesting a waiver from normal vista guidelines within the vista corridor, an area cut over twenty to thirty years ago;
- A pine leaning towards the road and a leader on an oak west of the vista corridor needs to be removed for safety issues;
- The Commission was concerned with continuing crown-reducing in the vista corridor, but was amendable to selective leader-management on stumps to bring trees back, and would then allow normal vista pruning techniques.

A motion was made to issue a negative determination, following standard vista pruning guidelines; stump leader-management is allowed, in consultation with staff.

Seconded and voted unanimously.

The Roman Catholic Bishop of Fall River. Trimming of hedges for a view corridor behind house and selective limb removal on surrounding trees at 97 Hayes Rd., Centerville as shown on Assessor's Map 210 Parcel 089. **DA-16069**

The applicant was represented by Tom Palanza.

Exhibits:

A – Photo submitted by Ms. Karle

(The R. C. Bishop of Fall River, continued)

Issues discussed:

- Width of requested vista corridor (Ms. Karle recommended that the width be reduced);
- The Commission was concerned with the applicant's request to continue to maintain the understory in the vista corridor at a three-foot height;
- Ms. Karle read an enforcement action report by Martin Wunderly, Town Conservation Agent;
- The Commission recommended planting native shrubs in the 50-foot buffer, instead of a wire fence to control geese.

A motion was made to issue a negative determination subject to reducing the vista corridor to that shown in Exhibit A (photo) following standard vista pruning guidelines, allowing understory beyond wire fence to grow back, unimpeded, then the area is subject to standard vista pruning guidelines. The Commission recommends planting native shrubs in the 50-ft. buffer; if the understory impedes the view, then, at a later date, the applicant may seek a revision to the Determination.

Seconded and approved: 5 votes = Aye; 1 vote = Nay.

Nicholas A. Souza. Raise house three feet; renovate existing house; add front porch to replace front deck; replace step off back of house; re-seed existing lawn at 68 Packet Landing Way, W. Barnstable as shown on Assessor's Map 179 Parcel 017. **DA-16065**

The applicant attended.

Exhibits:

A – GIS plan, defining Conservation jurisdiction, dated 10/31/16 with attached 1938 aerial photo, submitted by Ms. Karle.

Issues discussed:

- After-the-fact filing;
- Ms. Karle referred to the hand dug ditch behind the house, stating that it is not subject to Conservation jurisdiction. She estimated that wetlands on the abutting parcel were 80 – 90-feet away. Thus, the proposed step on the back of the house and the front porch, were out of Conservation jurisdiction. Only raising the house was subject to Commission review.

A motion was made to issue a negative determination with a special condition that a French gravel drip-drains or drywell be installed to accommodate roof run-off.

Seconded and voted unanimously.

Stephen T. B. Miller, Trustee of Breezy Bluff Realty Trust. Construct 20' x 34' garage, 11-foot-wide stone circle driveway, and entrance gate at 135 & 145 Bridge St., Osterville as shown on Assessor's Map 093 Parcels 034 & 035. **DA-16070**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering, Inc.

Issues discussed:

- This was a floodplain project only;
- No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

II NOTICE OF INTENT

Town of Barnstable/D.P.W. Roadway improvements requiring temporary and permanent alteration to previously developed 100-foot Buffer Zone to Bordering Vegetated Wetlands associated with Fawcetts Pond: Roadway improvements consist of

widening of West Main Street to include 4-foot wide bicycle lanes, and replacement of existing sidewalks. Permanent impacts (Town of Barnstable/D.P.W., continued)

consist of an increase of 440 square feet (sf) of impervious surface within the 50-foot Buffer Zone, and 1,184 sf of impervious surface in the 50-100 foot Buffer Zone, for a total net increase of 1,624 sf. Temporary impacts will result from grading to the north of the proposed roadway widening, and the installation of sedimentation and erosion controls during construction on West Main Street, east of Pitchers Way and south of Fawcetts Pond, as shown on Assessor's Map 290, Parcels various. **SE3-5423**

The applicant was represented by Lori Benoit of Stantec, and Clay Schofield of the Barnstable D.P.W.

Issues discussed:

- The Chair stated that erosion controls should be done in consultation with staff;
- The Commission requested the clean-up of trash, and would welcome additional invasive species treatment and native plantings to enhance the project, though mitigation is not required;

Correspondence: Letter from Karen Malkus-Benjamin, Town Coastal Health Resource Coordinator, dated 10/24/16, with her recommendations.

A motion was made to approve the project with special conditions: a) installation of erosion controls, in consultation with staff; b) clean-up of trash in the buffer zone; and, c) invasives removal/treatment with planting of native species, in consultation with staff.

Seconded and voted unanimously.

Nancy L. Johnson, Trustee, Harbor Bluff QPRT. Alterations to existing structures: decks and porches, both lower and second story; addition between house and garage; landscape mitigation; approval of aluminum stairway to beach at 137 Harbor Bluff Rd., Hyannis as shown on Assessor's Map 325 Parcel 119. **SE3-5424**

The applicant was represented by attended, and was represented by Robin Wilcox of Sweetser Engineering and Philip Cheny, Landscape Architect.

Exhibits:

- A – Revised site plan dated 10/27/16
- B – Revised mitigation plan dated 10/27/16

Issues discussed:

- The need to check on connectors for aluminum stairs;
- Some Commissioners thought beach grass making up a majority of the planting plan along the front buffer area lacked vertical complexity; they would favor interspersing species, softening the view from the waterside;
- The fate of the existing invasive shrub and the possibility of substituting it with cedars.

A motion was made to approve the project with special conditions: a) subject to receipt of a revised planting plan showing three cedars in place of the invasive shrub; b) intersperse native shrubs into the beach grass area; c) must obtain a certificate of compliance for SE3-2358, once planting is complete.

Seconded and voted unanimously.

III CONTINUANCES

Jack Lyons. Repair and maintain existing pier with improved boat lift accessory to single-family home at 261 Sandy Neck, off Trail #5, West Barnstable as shown on Assessor's Map 303 Parcel 007. **SE3-4518**

The applicant attended the meeting, and was represented by Matt Creighton of BSC Group, and Atty. Leslie-Ann Morse.

Exhibits:

A – Land Court plan, aka “Exhibit B”

(Lyons, continued)

Issues discussed:

- Commissioner/Clerk Dennis Houle conducted the hearing;
- The continuance was allowed for the sole purpose of addressing current standards under Chapter 703-4, and listing required waivers;
- The Town Attorney’s office was reviewing a letter sent by Matt Creighton, dated 10/17/16. The Commission was awaiting their reply;
- Commissioner Sampou spoke about issues with proposed pilings being a place for invasive aquatic epibiotic species to settle on. This information was summarized in a packet that Mr. Sampou had submitted to the Commission.
- The Commission viewed Barnstable Harbor as a pristine habitat;
- Commissioner Blazis referred to articles given to the Commission earlier on diamond-back terrepins;
- Discussion of proposed pile size and material in ACEC;
- Commissioner Houle discussed interests under Chapter 237, one being wildlife, and referred to Nina Coleman’s comments in her letter to the Commission dated August 4, 2016, with attachments;
- Six or seven waivers would be needed for the proposed project;
- A follow-up would be made to the original findings of NHESP.

A motion was made to continue the project to December 13, 2016.

Seconded and voted unanimously.

IV CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|----------------|--|----------|--|
| A. | Bierwirth | SE3-5217 | (coc,ez) | construct seasonal dock * |
| | | at 351 Hollidge Hill Lane, Marstons Mills – Hamblin Pond | | |
| B. | Bierwirth | SE3-5218 | (coc,ez) | construct seasonal dock * |
| | | at 351 Hollidge Hill Lane, Marstons Mills – Middle Pond | | |
| C. | NSTAR Electric | BCC-0192 | (coc,ez) | construct new substation and access road * |
| | | at 661 Oak Street, West Barnstable – isolated wetland | | |
| D. | Morgado | SE3-5021 | (coc,ez) | construct single family dwelling * |
| | | at 20 Flowing Pond Circle, Osterville – Flowing Pond | | |

A motion was made to approve the certificates (A – D).

Seconded and voted unanimously.

V MINUTES FOR APPROVAL

A. October 11, 2016

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

Seconded and voted unanimously.

B. October 18, 2016

A motion was made to approve the minutes.

Seconded and approved: 5 votes = Aye; with one abstention.

(Conservation Commission Hearing of 11/1/16)

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:30 p.m.