



**Town of Barnstable
Conservation Commission**
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Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: JANUARY 17, 2017 @ 3:00 PM

LOCATION: HEARING ROOM – 367 Main St., 2nd 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), 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 Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners Peter Sampou, and Larry Morin. Commissioners John Abodeely and Scott Blazis were away.

Conservation Administrator, Darcy Karle, assisted, along with Conservation Agent, Martin Wunderly, and Fred Stepanis, Conservation Assistant.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA 02601

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

(coc = Certificate of compliance) (d = deviations, staff recommends denial) (* = on-going conditions)

- A. Trade Winds Inn SE3-4385 (revised plan only) landscape plan
780 Craigville Beach Road, Centerville – Lake Elizabeth & Red Lily Creek

The applicant was represented by Atty. Bernard Kilroy.

Issues discussed:

- Landscape plan – applicant wishes to wait, pending communication from the D.E.P.
- Stairs – applicant asked to keep them;
- Buffer below retaining wall – applicant proposes to stop mowing, but maintain a 4-foot-wide path.

A motion was made to table the matter until the February 14th hearing. A landscape plan is to be submitted prior to the meeting.

Seconded and voted unanimously.

II EXTENSION REQUESTS

Project type:

Time requested:

- A. TOB/Conservation SE3-4859 Sonar treatment (hydrilla) 1st Request; 3 years
Long Pond, Centerville

The applicant was represented by Darcy Karle.

Ms. Karle updated the Commission on the sonar treatment that took place in 2016. This permit was automatically extended under the State Permit Extension Act. This would be the last request for an additional three years.

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

Seconded and voted unanimously.

B.	Hyannisport Club SE3-5158 2 Irving Ave., Hyanisport	vegetation management	1 st Request; 3 years
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No one attended the hearing.

Ms. Karle stated that the representative was unable to attend. However, she had discussed the project with him, and supports this first extension request for the project.

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

Seconded and voted unanimously.

III REVISED PLANS

Project type:

Revision:

A.	Hyannisport Club SE3-5158 Marchants Mill Pond	veg. mgmt., hydro-raking	include upper pond
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A request for a continuance was received from BSC Group, Peter DeFusco.

The Chair, under prevue, tabled the matter to 2/14/17.

B.	Rehnert SE3-5316 285 Seapuit Rd., Osterville	planting; vista pruning	add fence
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The applicant was represented by Steve Wilson, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Miller SE3-5425 145 Bridge St., Osterville	pier, ramp, float	rotation of float
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The applicant was represented by John C. O’Dea, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D.	TOB/DPW SE3-5339 2377 Meetinghouse Way, W. B.	baseball field/playground	move closer to 50-ft. buffer
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The applicant was represented by Mark Marinaccio, A.I.A., Town Architect.

Issues discussed:

- A question was raised with regard to the distance between edge of the project to the 50-ft. buffer. Mr. Marinaccio stated that it was about 9-feet.

A motion was made to approve the revised plan: Mr. Marinaccio to indicate the distance between the project edge and the 50-foot buffer, and initial it on the office plan copy.

Seconded and voted unanimously.

E. Chuttani SE3-5364 additions, porch, deck replace structure near pool
255 Green Dunes Drive, Centerville

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

No issues arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Kariotis SE3-4365 raze/rebuild sfd footprints, house & drive
65 Pirates Cove, Oyster Harbors

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

Issues discussed:

- PVC grid material will be used under the proposed grass drive.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. Staniar SE3-4350 raze/rebuild sfd as-built; extend cobble edging
236 Smoke Valley Rd., Osterville

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

No issues arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. **George Haseotes and Kristen Williams – 158 and 168 Long Beach Rd., Centerville**, Construction of wood walkway between decks and failure to obtain certificate of compliance for permit # SE3-4733.

The applicants did not attend the hearing.

Exhibits:

- A. Photos and aerial images of pre- and post-deck construction;
- B. Certificate of Compliance for permit #SE3-4587;
- C. Order of Conditions for permit # SE3-4733;
- D. Determination DA-12076 for 168 Long Beach Road;
- E. Photo of removed dock section from December, 2016 submitted by owners’ attorney.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- B. **James and Susan Kelleher – 39 Hilliard’s, Hayway, West Barnstable**, Alteration of the mitigation buffer from a wetland, Barnstable Great Marshes, by removing shrubs and other vegetation and converting designated wetland buffer area to lawn.

Ms. Susan Kelleher attended the hearing.

Exhibits:

- A. 12/2016 Photos of missing mitigation area;
- B. 9/2009 Compliance photos of planted area;
- C. Order of Conditions and Certificate of Compliance for permit # SE3-4654;
- D. Approved site plan and revised landscape plan from permit # SE3-4654.

A Commissioner was concerned with plant species to be replanted, but the Chair suggested the owner would be required to plant what was in the original mitigation plan from 2007.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- C. **Jamie Gutner, Robin Brenner, and Russell Delucia – 156 Point of Pines Ave., Centerville**, Alteration of a resource area, Wequaquet Lake, by maintaining non-compliant wood dock section and removing large pine trees from buffer zone.

Ms. Brenner and Ms. Gutner attended the hearing.

Exhibits:

- A. 12/2016 photos dock and trees;
- B. Order of Conditions, Certificate of Compliance, and plan for permit # SE3-2808;
- C. Recent building permit with reference to plan from permit # SE3-0155.

A Commissioner stressed that the replanted trees should be of a mixed diversity. Also, the dock can be replaced to match the approved dock in their permit or apply for changes.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- D. **Beach Point LLC – 501 Scudder Ave., Hyannis**, Alteration of a resource area, clearing vegetation in the 50' undisturbed buffer from a wetland, Schoolhouse Pond wooded swamp.

No one was attended the hearing.

Exhibits:

- A. 12/2016 Photos of cleared area in wetland buffer zones;
- B. Aerial image with delineated wetland and buffer zone lines;
- C. Site plan from 519 Scudder Ave. with wetland and buffer zone delineations.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

V OLD & NEW BUSINESS

- A. Informal discussion: Oceanside Performing Arts Center, 35 Scudder Ave., Hyannis.

The discussion was led out by Steven Wilson, P.E. of Baxter Nye Engineering, Inc., and Atty. Liza Cox, appearing as a volunteer board member for the performing arts.

The Commission was requested to review the preliminary engineering plan for access over current paved parking area for the hotel.

The Commission felt comfortable with the proposed plan, which will be filed at a later date along with a notice of intent application and storm water management report.

[Commissioner Sampou left the hearing at this point]

4:30 PM AGENDA

VI REQUESTS FOR DETERMINATION

None

VII NOTICES OF INTENT

George R. Valentgas. Renovate existing dwelling including construction of three dormers and a front-entry porch and landscaping to include a retaining wall with re-grading at 434 Eel River Rd., Osterville as shown on Assessor's Map 114 Parcel 025. **BCC-0196**

The applicant was represented by John C. O'Dea, P.E. and Chris Joyce, of Joyce Landscaping.

Issues discussed:

- Although the project was under review only under the Town By-Law as it pertains only to an isolated wetland, the Commission still felt it was important to protect the 50-foot buffer zone;
- A concern arose that more trees were flagged for removal than was indicated on the proposed plan;
- The Commission viewed this site as a "pristine 50-foot buffer," and felt that the scale of the project could be reduced, such as a) a smaller wall could be moved closer to the porch; b) removal of steps off the west side of the porch; and, c) a reduction in the number of trees being requested to be removed. The Commission would support removal of hazard trees near the house or garage;
- The possibility of Commissioner Blazis invoking the Mullen Rule in order to participate in future hearings.

A motion was made to continue the hearing to February 7th.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 5:06 p.m.