



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

FAX: 508-778-2412

## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: December 12, 2017 @ 6:30 PM**

**LOCATION: TOWN HALL HEARING ROOM, 367 Main Street 2<sup>ND</sup> 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](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 Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners John E. Abodeely, Peter Sampou, Scott Blazis, and Larry Morin.

Conservation Administrator, Darcy Karle, assisted.

### I NOTICES OF INTENT

**Sean Moloney.** Construct first and second-floor additions to existing house and mitigation planting. A waiver of the Commission's 0-50' undisturbed buffer regulation is being requested for this work at 118 Bay Ln., Centerville as shown on Assessor's Map 186 Parcel 033. **SE3-5536**

The applicant was represented by Stephen A. Wilson, P.E. of Baxter Nye Engineering and Peter Hansen of Peter Hansen Design.

Issues discussed:

- Prior permit SE3-4843 on this parcel has not been closed out. Mr. Wilson said he would request the certificate of compliance shortly
- Mr. Wilson is requesting the removal of the concrete pad from prior filing SE3-4843 to be credited as mitigation to this NOI.
- The only construction that took place under a prior filing was construction of the back deck and rinse station.
- Concern was raised about the proposed location of mitigation planting. A suggestion was made to adjust or add additional mitigation in order to plant at the top of the bank in the vicinity of the proposed addition. Mr. Wilson stated that they are willing to add mitigation.
- Question was raised on what mitigation was required under the prior permit that has not closed out. Planting, at that time, was required at a 3:1 ratio, but there was a question of whether the plan was ever submitted. This is a compliance issue which will need to be addressed prior to obtaining a building permit. The deck would require a 3:1 ratio under the permit issued in 2009.
- Question was raised about roof runoff. Current drainage issues would need to be addressed under the certificate of compliance request. Drywells or leaching trenches will be required.
- Question as to whether the proposed addition is closer to the bordering vegetative wetland (BVW) than the old concrete pad that was removed. The pad was 20' from the BVW, and the proposed addition is 21' from the BVW.
- Concern was raised regarding a white PVC pipe running toward the wetland at the northwest corner of the deck.
- Other items currently on the ground are not shown on the proposed plan: a 4' x 8' area for a grill, edged in granite blocks filled with shell, and a fire pit. Mr. Wilson stated that these would be removed. The grill would be moved to the deck, and the fire pit removed.
- The old slab mentioned in a prior filing was most likely built with the house, which dates back to the 1950's.

- Concern was raised regarding the path width. Mr. Wilson stated that they would be willing to have the path grow back to a four foot width, and would stake it.

Public comment: Mary Voget was concerned with improvement of the cart path abutting this parcel, and improvement to an old shack which, she said, has been approved. The abutting parcel is owned by Sean Moloney.

A motion was made to approve the project as submitted, subject to receipt of a revised plan indicating: and the following special conditions:

1. A mitigation planting plan, spreading mitigation out along the work-limit line closest to new construction;
2. Drywells or drip trenches for roof runoff from construction;
3. Narrowing the path in the rear to four feet wide;
4. Removal of pipes going into the wetland;
5. Removal of grill pad and fire pit near the work-limit line;
6. Denial of a building permit sign-off until a certificate of compliance is issued for SE3-4843, which requires additional mitigation planting, as discussed, and drainage issues corrected.

Further discussion ensued to include in the motion:

7. Additional mitigation to be added along the work-limit line, in consultation with staff, regarding the width of added plantings and the submission of a unified planting plan.

Seconded and voted unanimously.

**Richard K. Bendetson.** Relocate licensed pier approximately 18' away from property line and attach an existing float with a proposed ramp and landing at 245 Ocean View Ave., Cotuit as shown on Assessor's Map 033 Parcel 019-001. **SE3-5535**

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

Issues discussed:

- Mr. O'Dea stated that he is willing to add the berthing location of the vessels
- No comment has yet been received from the Waterways Committee
- Currently there exists solar lights, but Mr. O'Dea stated that they were not requesting them at this time. He said he would check into this and would address this issue under a revised plan request
- The number of piles being requested and maintained was questioned. One pile is allowed under general maintenance, but is not currently in place. They want to add a pile, so John O'Dea stated that they wish to keep the same square footage and pile count, so this is not a substantial change.
- This most likely does not meet the definition of substantial expansion. They are not rebuilding the structure, but merely requesting to move it away from the property line. The only change would be the ramp. They are not required to bring it under current regulations, but are willing to accept the depth, signage, and lighting requirements. This was considered a fair offer – to allow the pier to be brought into compliance, even though the whole structure is not. This offer seemed desirable, as it would move the pier away from property line.
- Waivers would not be required, as the Commission does not recognizing this as an *expansion*.

Public Comment: Abutter Scott Blizzard of 243 Ocean Avenue was in support of the project. The current location of the applicant's boat is on his (Mr. Blizzard's) property.

A motion was made to find that this is not a substantial expansion; therefore, Chapter 703-4 P does not come into play:

Seconded and voted unanimously.

A second motion was made to approve the project as submitted, with the following conditions offered by the applicant that the vessels will be specified and meet the depth requirement, proper signage requirement, and lighting requirement.

Seconded and voted unanimously.

Correspondence: MA Division of Marine Fisheries email dated 12/8/17; Town Shellfish Biologist Tom Marcotti's email dated 12/3/17.

## II CONTINUANCES

**923 Cape View, LLC.** Renovations to beach house to include windows, doors, siding, roof deck and 10-foot landward addition; all associated appurtenances including utilities, at 923 Sea View Ave., Osterville as shown on Assessor's Map 090 Parcel 005. **SE3-5527**

The applicant was represented by John C. O'Dea, P.E. and James Bowes of Bayside Building Co.

Exhibit A – Photos showing inside of current structure B

B – Elevation drawings and floor plans for different options

Issues discussed:

- Quorum present of all except Commissioners Abodeely and Sampou.
- Commission sees the current building as a bathhouse (showers and a toilet). Would allow for a small addition for utilities and roof (shed roof overhang) and wooden deck on top with railing.
- John O'Dea reviewed the different options for construction, contained in Exhibit B, that the Commission could consider.
- Concern was raised that Option #4 did not come close to what the Commission was expecting to see, which was a small shed roof overhang
- Commissioners gave their opinions on the different options presented.
- Applicant prefers Option #2.
- Commission was in agreement that many of the options lean toward a change in use, e.g., seating area, large storage area and kitchen
- Concern was raised regarding any expansion of the building, and lights and/or beyond what currently exist.
- Commission would consider a small mechanical room, such as 5' x 6'
- Commission would consider a modification of Option #4, a mechanical room reduced to no more than five ft. deep by six ft. wide; no large roof over patio; an exterior, as in Option #3 (less visual railings), a floor plan as in Option #4; no kitchen facilities; possibly a small canvas awning; modest downward lights for safety, with a deck and railing.

A motion was made to continue the project to January 9, 2018.

Seconded and voted unanimously.

**Richard Kniss.** Maintain historic lowering of shrubs/understory and vista pruning along marsh side of path at 7 Ocean View Ave., Cotuit as shown on Assessor's Map 034 Parcel 040. **DA-17068**

The applicant was represented by Cynthia Hayden.

Issues discussed:

- Quorum present of everyone except Commissioner Blazis.
- A continuance had been required to address the issue of too many houses requesting vistas in the application, and the request to cut along the path.
- A revised plan dated 11/29/17 clarifies that the vista being requested at #7 Ocean View is solely for the house located directly across the road at #1058 Main Street.
- Only standard vista pruning is being considered.
- No cutting along the path will be approved under this application.
- No cutting is required at this time, but is being requested for future vista pruning maintenance only.

A motion was made to approve a negative determination based on revised plan dated 11/29/17, with standard vista pruning within the corridor only, in consultation with staff.

Seconded and voted unanimously.

**David Turner.** Install new vertical wood bulkhead to stabilize existing concrete bulkhead at 108 Bay Shore Rd., Hyannis as shown on Assessor's Map 325 Parcel 078. **SE3-5530**

A letter dated 12/7/17 from Matt Creighton of BSC Group requested a continuance to January 9, 2018.

A motion was made to approve a continuance to January 9, 2018.

Seconded and voted unanimously.

No testimony was taken.

### **III CERTIFICATES OF COMPLIANCE**

- A. **Abbott, Trs, Cedarchip RT SE3-4784** (coc, ez) raze & construct SFD (not done)  
148 Windswept Way, Osterville – Cotuit Bay

A motion was made to approve the certificate.

Seconded and voted unanimously.

### **IV OLD & NEW BUSINESS**

- A. Discussion regarding flagpole lighting (tabled from 11/28/17)
- Commission discussed an example of a lit flagpole located at #524 Wianno Avenue
  - Commissioners offered differing opinions on what the [lighting] policy should be
  - General law of lighting a flag in the 50-foot buffer was discussed
  - Should designate light in “lumens” not “watts,” although in the 50-100' buffer it is not an issue
  - Commissioner Houle recommended, and used the example from, outdoor solarstore.com
  - Ms. Karle will add this policy to the Conservation counter guidelines, effective 12/13/17.

Public Comment: John O’Dea did not believe that two lights were enough to light a flag and also meet federal law.

A motion was made to establish a Commission policy allowing the lighting of a flagpole within the 0- 50 buffer, provided it is a top-of-pole light, downward casting, illuminating only the flag, and 120 lumens (plus or minus a few lumens).

Seconded and voted: 6 votes = Aye; 1 vote = Nay. The motion carried.

### **V MINUTES**

- A. November 14, 2017

A motion was made to approve the minutes.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:49 p.m.**