



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

DATE: May 1, 2018 @ 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 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 Abodeely was away.

Conservation Administrator, Darcy Karle, assisted.

I OLD & NEW BUSINESS

A. Conservation restriction for purchase of land by the Barnstable Land Trust (BLT) of 2.2 acres at 3600 Rte. 28; Mark Robinson represented the BLT.

Exhibit A – maps

Issues discussed

- BLT is proposing to purchase the property.
- LAPC is supporting this purchase.
- Off State waiting list to purchase the property now. End of June deadline to satisfy state grant.
- Looking for recommendation from Commission to support the use of CPC funds
- Questions raised regarding management of the property
- Parking at herring run should be sufficient

A motion was made to have Chair send a letter to Town Manager and Town Council stating the Commission's recommendation for this conservation restriction.

Seconded and voted unanimously.

B. Conservation restriction for purchase of two lots on Peppercorn Lane in Cotuit by BLT of 4 acres. Mark Robinson represented the BLT.

Issues discussed:

- Pozen's are donating (2) 8 acre parcels of land to BLT and they would receive a state tax credit if there is a conservation restriction held. CR running from BLT to the Compact.
- Question raised if there is public access
- LAPC supports this conservation restriction

A motion was made to request the Chair to send a letter to Town Council and Town Manager, voicing Commission's recommendation to support the conservation restriction.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Town of Barnstable/Marine & Environmental Affairs (M.E.A.). Remove small dead pine trees along Sandy Neck Road between the Gatehouse and the parking lots in West Barnstable at Sandy Neck Beach Park, 425 Sandy Neck Rd., W. Barnstable as shown on Assessor's Map 263 Parcel 001. **DA-18015**

No one appeared at the meeting.

A motion was made to continue this to May 8th end of first session. No testimony.

A motion was made to reopen hearing with Nina Coleman's arrival.

Seconded and voted unanimously.

Issues discussed:

- Request for maintenance under the RDA

A motion was made to approve negative determination.

Seconded and voted unanimously.

Robert P. & Alexena T. Frazee. Vista pruning per town Guidelines, cutting back vegetation along canoe rail, remove three trees, continue historic maintenance of blueberry at terminus of canoe rail at 380 Wheeler Rd., Marstons Mills as shown on Assessor's Map 081 Parcel 017. **DA-18016**

Robert and Alexena Frazee represented themselves.

Issues discussed:

- Question was raised on need for 3 view corridors
- Majority of Commissioners view this as a unique situation, a large parcel heavily treed that has been well cared for, great stewardship
- Some concern raised on size of corridor 3.

A motion was made to approve the project with a negative determination.

Seconded and voted: 5 votes = Aye; 1 vote = Nay. The vote carried.

III NOTICES OF INTENT

Lance Thomas. Raze and rebuild existing garage consisting of two joined sheds (existing garage is 681 sf and the proposed is 660 sf) at 1248 Craigville Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 082. **SE3-5564**

The applicant was represented by Bob Gray, P.W.S. of Sabatia.

Issues discussed:

- Concern was raised regarding the dumping behind the garage
- Question was raised regarding what will happen in area where hardscape will be removed
- Additional planting should go in area where hardscape is being removed
- Roof run should go into drywells
- Possibility of using grass pavers for parking area/turn around

A motion was made to approve project subject to receipt of a revised plan showing installation of drywells, the asphalt north of proposed garage shall be changed to grass pavers, replanting area where garage has been removed with native shrubs in consultation with staff and leaf pile clean up.

Paul & Carol Embree. Construct, license and maintain a non-motorized 3'W x 40'L elevated timber stairs and landings; a 4' x 90' pier with kayak rack and access stairs, a 3' x 15' ramp, 8' x 18' float; also, remove existing timber steps/replace with 4'W granite stone steps; reconstruct existing patio within same footprint and abandon and plant existing footpath on coastal bank with native shrubs at 624 Popponesett Rd., Cotuit as shown on Assessor's Map 007 Parcel 001. **SE3-5561**

The applicants were represented by Raul Lizardi-Rivera, P.E. of Cape & Islands Engineering.

Issues discussed:

- Mooring needs to be indicated on revised plan
- Non-motorized dock
- Question raised why there are some trees flagged
- Question raised on plastic compost bin
- Possibility of shortening the structure by one bent
- Float stops will be used at 18"
- Concern raised pertaining to current design, large piles beyond MLW and potential ice damage
- Possibility of using seasonal piles at the 2 bents beyond MLW
- 10" to support float has a chance of not surviving ice either, perhaps use smaller pilings

Correspondence read : Letters from DMF dated April 25; Waterways April 26 2018, stating the mooring should be shown on revised plan; Tom Marcotti's email dated May 1, 2018

A motion was made to approve the project subject to submission of a revised plan indicating seasonal pier shortened by one bent and pilings will be changed from 10" piles to seasonal, seaward of MLW.

Seconded and voted unanimously.

*Nina Coleman arrived so Chair opened RDA here.

Joshua & Alexis Kouri. Construct 3'W x 3.7' L timber stairs leading to a 4'W x 61'L elevated walkway with timber stairs at the terminus; construct, license, and maintain a 3'W x 5.5'L timber stairs leading to a 4'W x 150'L non-motorized pier with a 5.5' x 20' "T" End structure in addition to abandoning a portion of the existing walking path at 45 Hornbeam Ave., Centerville as shown on Assessor's Map 206 Parcel 066. **SE3-5563**

The applicants were represented by Raul Lizardi-Rivera, P.E.

Issues discussed:

- Question raised on material being used for decking and possibility of construction of structure closure to grade, so grass could grow up through it since it is crossing such a large expanse
- Commission would prefer lower profile, however Army Corp has final say.

A motion was made to approve the project as submitted, allowing that the footprint of the boardwalk and pier be lowered and constructed without handrails if permitted by the Army Corp of Engineers.

Seconded and voted unanimously.

Correspondence: letter from the DMF, April 25, Waterways April 26, and Tom Marcotti May 1, 2018

William Pane/WDP Corporation. To permit an existing stone landing at 30 Daisy Bluff Ln., Hyannis as shown on Assessor's Map 326 Parcel 080. **SE3-5565**

The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering.

Exhibit A – revised plan submitted dated 4/26/18

Issues discussed:

- After the fact filing
- Dan mentioned abutter requested Rosa rugosa be saved
- Invasive to be removed by hand
- Commission request to leave wood vegetation
- It was noticed that two large cedars have been topped and the topping should cease.

Public comment: Mr. Scudder of 99 Channel Point Road – requests Rosa rugosa to remain

A motion was made to approve the project as submitted subject to a revised plan indicating Rosa rugosa to remain, cease and desist topping of two cedars, and any other native shrubs to remain.

Seconded and voted unanimously.

Elizabeth E. Sullivan, Tr., Elizabeth E. Sullivan Declaration of Trust. Construct deck, porch, shed, driveway, addition to existing dwelling; planting mitigation, at 17 6th Ave., Hyannis as shown on Assessor's Map 246 Parcel 146. **SE3-5569**

The applicant was represented by Elizabeth Sullivan, John Schnaible of Coastal Engineering, Jen from Jenick Studio.

Issues discussed:

- Question was raised regarding desire to remove catbriar
- They propose only to remove briar from areas where climbing trees

A motion was made to approve project subject to receipt of a revised engineering plan indicating 50' and 100' buffer from BVW.

Seconded and voted unanimously.

Nancy B. Samiljan, Assembly Required LLC. Construct elevated walkway and dock; remove existing walkway and dock at: Lot 2 (formerly 30 & 34 Gardiner Ln.) and 110 East Bay Rd., Osterville, as shown on Assessor's Map 141 Parcel 123-001 (110 E. Bay), Map 141 Parcel 123-002 (30 Gardiner), & Map 141 Parcel 104-005 (34 Gardiner). **SE3-5566**

The applicant was represented by Donald Munroe and Nate Jones of Coastal Engineering.

Issues discussed:

- NHESP habitat, and the letter has not come in yet
- Question raised on access to pier from 110 East Bay, path should be indicated on revised engineering plan
- A deed indicating that this is a shared pier would need to be recorded at the registry
- Question raised sequencing of removal of other pier (110 Gardiner)
- Non- motorized dock

Correspondence: DMF letter April 30, 2018; Waterways April 26th, Tom Marcotti May 1, 2018

A motion was made to approve the project as submitted, with a continuance for receipt of the NHESP letter, subject to receipt of a revised plan showing a path on 30 Gardiner Lane to pier with connecting path from 110 East Bay. Requiring a recorded deed indicating this is a shared pier between 30 Gardiner and 110 East Bay; deed to be submitted by applicant's counsel to Town Attorney's office for review.

Seconded and voted unanimously.

Emanuel & Andrea Alves, Trs., Emanuel and Andrea Living Trust. Demolish garage; construct addition in area of existing garage; construct sunroom and deck in place of existing sunroom and deck; construct separate garage at 1359 Falmouth Rd., Centerville as shown on Assessor's Map 229 Parcel 086. **SE3-5567**

Andrea Alves attended and was represented by Dan Ojala, P.E.

Issues discussed:

- NHESP habitat – letter has not arrived
- Question raised on need for additional support going down the steps
- Plan not clear on what is existing vs. what is being proposed.

A motion was made to approve project as submitted with a continuance to May 15, solely for review of NHESP letter.

Seconded and voted unanimously.

T. Mark & Pauline Bartley. Expand existing deck by 60 sf; rebuild deck stairs; kayak rack; install 16-foot-long seasonal aluminum dock at 83 Lake Dr., Centerville as shown on Assessor's Map 230 Parcel 084. **SE3-5568**

The applicants were represented by Dan Ojala, P.E.

Exhibit A – review of project compliance with fresh water dock guidelines

Issues discussed:

- This will be non-motorized dock

A motion was made to approve project as submitted as a non-motorized dock.

Seconded and voted unanimously.

IV CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|--|----------|-----------|--|
| A. | Cleary
25 Cove Lane, Oyster Harbors | SE3-4545 | (coc, ez) | construct pier, ramp, & float
Cotuit Bay |
| B. | Fish
81 & 86 Sand Point, Oyster Harbors | SE3-5256 | (coc, ez) | nourish beach and work on revetments & groins (nothing done)
North Bay |
| C. | Reeves
45 East Avenue, Osterville | SE3-5359 | (coc, ez) | construct single family dwelling (not done)
Flood zone in Crystal Lake area |

A motion was made to approve the certificates.

Seconded and voted unanimously.

V MINUTES

- A. 4/3/18

A motion was made to table the minutes to 5/8/18.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:00 p.m.