



Town of Barnstable Conservation Commission

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Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: May 29, 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 Clerk Dennis R. Houle and Commissioners John E. Abodeely, Peter Sampou, Scott Blazis, and Larry Morin. Vice-Chair Louise R. Foster was away.

Conservation Administrator, Darcy Karle, assisted.

I REQUESTS FOR DETERMINATION

Seaside Park Improvement Association, Inc. Install flagpole with upward lighting; control poison ivy; install well and irrigation; improve walking area around kayak rack at 3 Beach St., W. Hyannisport as shown on Assessor's Map 245 Parcel 035. **DA-18023**

The applicant was represented by Charles Cormay.

Exhibit A – Packet with revised plan dated May 24, 2018

Issues discussed:

- Plan being considered was revised plan May 24, 2018
- Flag will be illuminated following Commission guidelines
- Poison ivy will be treated with Rodeo by Joyce Landscape
- Replacement planting if treatment of poison ivy kills other vegetation
- Concern was raised regarding proposed irrigation near bulkhead.
- Possibility of using sprinklers (temporary system) instead of irrigation system
- No fertilizer should be used in this area, but area could be seeded with Cape Cod mix

A motion was made to approve a negative determination subject to a revised plan, indicating hose and sprinkler system to be used instead of an irrigation system, and the following:

1. Any native vegetation killed by poison ivy treatment to be replaced;
2. Allow a hose and sprinkler system from June – August;
3. Seed mix permitted in bare areas, but at no time is fertilizer permitted.

Seconded and voted unanimously.

Stephen C. & Elizabeth W. Mecke. Proposed installation of spa at 51 East Ave., Osterville as shown on Assessor's Map 139 Parcel 062. **DA-18025**

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

Issues discussed:

- The 50' buffer will be enhanced with additional vegetation under the prior house filing (SE3-5221). A planting plan dated 5/29/18 was submitted and will be placed in (SE3-5221) file.

A motion was made to approve a negative determination.

Seconded and voted unanimously.

II NOTICES OF INTENT

Town of Barnstable/Department of Public Works. Stormwater retrofits are proposed for four locations within the Three Bays watershed. These stormwater solutions consist of bioretentions, gravel wetlands and vegetated swales designed to improve capture and treatment with the least amount of impact to the resource areas. The goal of the project is to improve water quality of Three Bays by reducing pollution from stormwater runoff at 85 Old Shore Rd., Cotuit; 590 Cordwood Rd., Cotuit; 2 Little River Rd., Cotuit; 0 Prince Ave., Marstons Mills as shown on Assessor's Map/Parcel 035-072, 054-012, 053-011, 076-012. **SE3-5574**

The applicant was represented by Dale Saad, PhD, Special Projects Manager of DPW, as well as Tara Lewis and Michelle West of Horsley Witten Group.

Chair Tom Lee recused himself.

Issues discussed:

- Question raised re: Ropes Beach: Will these improvements require maintenance, and who will be responsible? The answer is the Town
- Grating dimensions for walkway should be indicated on the Ropes Beach plan
- Question was raised on loss of parking area at Little River
- Discussion on loss of pavement in flat area. May lose two spaces. Approximately eight feet where it narrows down, but increasing pavement where there is gravel. There will still be a wider turn-around area at the bottom.
- Projects benefit shellfishery, which may outweigh the loss of a couple of spaces.
- Will need to carry boats over ramp at Little River
- Question was raised on width access of Cordwood Landing
- Boring B4 log should be indicated on Cordwood landing plan.
- Timing will be construction in fall, one site at a time, wrapping up at end of year.

Public Comment:

- Patricia Farinha, BARS Committee, questioned how many bid projects were reviewed. She brought up comments submitted by Stuart Rapp, and submitted copies of a letters. Concern with potential loss of parking at Little River, and with losing another boat launch access at Little River;
- Mike Eagan of Barnstable Clean Water Coalition, in support of these projects.

Correspondance:

- TOB Shellfish Committee dated May 29, 2018 signed by Stuart Rapp
- Letter from Law Offices of Stuart Rapp dated May 29, 2018.

A motion was made to approve the project subject to receipt of two plan revisions as follows:

1. Locate Boring B4 on Cordwood plan
2. Dimension of grated walkway on Ropes Beach plan should be indicated (4'wide)

Seconded and voted unanimously.

Joseph R. Jenkins, Tr., South Bluff Realty Trust of 1997. Continued bank management to include existing pollarding with proposed coppicing, leader management and native plantings for increased density and height diversification at 195 Seapuit River Rd., Osterville as shown on Assessor's Map 070 Parcel 015. **SE3-5570**

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

Correspondence: Letter from Sullivan Engineering requesting a continuance to June 26th.

A motion was made to approve a continuance to June 26th with no testimony.

Seconded and voted unanimously.

Cape Beach House, LLC. Proposed revetment extension and beach nourishment at 27 Marchant Ave., Hyannisport as shown on Assessor's Map 286 Parcel 025. **SE3-5573**

The applicant was represented by John C. O'Dea, P.E. and Stan Humphries of LEC.

Issues discussed:

- The revetment as it extends west to east; slope will be softened to minimize impacts to neighboring property
- There will be a sand veneer on the revetment and beach nourishment
- Some material will be placed on existing revetment
- Sand veneer will serve as a sediment source and will diminish west to east, with veneer lasting only one to two years on the western end; eastern end may remain covered for five to ten years, based on erosion rates
- There will be 20 feet of sand in front of this revetment and coir envelopes at the east end.
- Question was raised on potential impact to the abutter's property (Kennedy Institute).

Correspondence: Waterways, Brian Taylor May 25, 2018

A motion was made to approve the project as submitted.

A motion was made to modify the prior motion to add a special condition stating that, if the eastern end of the revetment and coir envelopes remain exposed for three months, they must be re-covered by sand.

Seconded and voted unanimously.

Ocean Gate Condominium Association. Repair of existing damaged brick stairway with new granite steps at 21 Hawes Ave., Hyannis as shown on Assessor's Map 323 Parcel 002. **SE3-5572 \$15.33**

The applicant was represented by Ed Pesce, P.E. of Pesce Engineering & Associates.

Issues discussed:

- Falls in Natural Heritage & Endangered Species (NHESP) habitat; still awaiting comments from NHESP;
- Question of whether a handrail is desired.

Correspondence read into the record: MA Waterways Div. Email, 5/25/18; MA Div. of Marine Fisheries Letter, 5/23/18

A motion was made to approve the project as submitted, and a continuance to June 26th for the sole purpose of reviewing the NHESP letter for potential conditions.

Seconded and voted unanimously.

Brad Pheifer, President, Hyannis Athletic Association. Repair/rehab of existing baseball field to upgrade playing surface and dugouts; install drainage and irrigation at 116 High School Rd. & 365 Old Colony Rd., Hyannis as shown on Assessor's Map 326 Parcels 001 & 003. **SE3-5571**

The applicant was represented by Ed Pesce, P.E. and Brad Pheifer, President of Hyannis Athletic Association, and Judy Walden Scarafife.

Issues discussed:

- Currently there exists a well for irrigation
- A work order was submitted to help clear the perennial stream from brush and debris. Currently, the stream is at a standstill.
- Disturbance will be kept within current fence line
- A signature sheet was signed by Andy Clyburn, Assistant Town Manager
- Whether there is a possibility of using other grasses in the outfield to help fix nitrogen
- Grasses will be sod/turf grass; organic slow-release nitrogen fertilizer will be used, as is currently being used
- Whether there is any mitigation being offering
- There will be a fence around the forebay area. They are willing to add plantings around the forebay.
- Question was raised: should the Commission require a baseline monitoring of nitrogen on the site?
- Monitoring nitrogen in stream is ineffective since phytoplankton take it up.
- Possibility of using microbial nitrogen-fixing bacteria instead of organic fertilizer. Could this be used on the type of turf needed for the ballfield?
- Pre-and post-application nitrogen samples could be taken at wet areas and drain system where water is being discharged into stream. A sample could be taken at the nylopast drain.

A motion was made to approve the project as submitted, subject to following special conditions:

1. Some planting to be done around the forebay area, as discussed, in consultation with Conservation staff
2. Alternatives to turf in playing fields to be considered, in consultation with staff
3. Two samples to be taken per year of pre-and post-fertilizer applications for three years.

Seconded and voted unanimously.

St. Mary's Church/c/o Conserve Group, Inc. Construct addition; expand patio; construct brick walk, add trash bin and shed at 3055 Main St. (Rte. 6A), Barnstable as shown on Assessor's Map 279 Parcel 042. **SE3-**

The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering, Angela Cenzilla, and Roy Catignani.

Exhibits:

- A – Shed permit dates back to 1971
- B – Email dated May 29, 2018 from Dan Ojala, P.E.
- C – Revised plan dated May 29, 2018

Issues discussed:

- The shed permit dating back to 1971 (Exhibit A) indicates that the shed will not need to be removed.
- The area behind the shed will be cleaned up
- Question was raised on the age of the pad behind the existing shed
- Pear tree would benefit from a large limb removed
- Pipe entering ditch is a pressure-relief for the well. This is why there is a change of flow out of this pipe. The white PVC is a pipe from a sump pump from church building.

- Question was raised about understory clearing beyond the rock wall in memorial garden. Cutting will cease, and they are willing to add highbush blueberry
- The Commission was comfortable with a six-foot-wide pad
- The Chair will continue to review the stormwater report.

A motion was made to approve the project subject to further revisions to plan dated 5/29/18 as follows:

1. labeled dimensions of shed and concrete pad, reducing pad width by two feet;
2. cleaned-up area beyond the shed;
3. deleted alternate trash bin area to be indicated on plan; and
4. additional plantings in memorial area to cover bare spots, in consultation with staff.

A motion was made to amend the prior motion, to give the Chair time to review the stormwater plan.

Seconded and voted unanimously.

III CONTINUANCES

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

Issues discussed:

- Continued for NHESP only
- NHESP correspondence read. No conditions mandated.
- Quorum of everyone except John Abodeely

A motion was made to close the public hearing and request staff to issue the order within 21 days.

Seconded and voted unanimously.

Oliver Berrett & Lisa Rudolph. Permit existing freshwater dock and boardwalk and repairs to structure; implement wetland buffer zone land management and restoration plan, at 521 Bumps River Rd., Osterville as shown on Assessor’s Map 143 Parcel 039. SE3-____ **Request for continuance to 6/26/18**

Correspondance read: Email request from Matthew Eddy, P.E. of Baxter Nye Engineering to continue the project to 6/26/18.

A motion was made to continue the project to June 26th, with no testimony.

Seconded and voted unanimously.

Carlo A. & Hillary H. Von Schroeter, Trs., Von Schroeter Family Trust. Modify existing pier by adding 3'; replacing ramp with 3' x 30' ramp; repositioning float, and dredging in North Bay, Osterville as shown on Assessor’s Map 093 Parcels 073 & 079. SE3-5455

Mr. Von Schroeter attended the hearing.

Exhibits:

- A – Signed statement by Commissioner Houle under Mullin Rule
- B – Packet submitted by Carlo Von Schroeter
- C – Document: “Impact of Dredging Works in Coastal Waters...” submitted by Commissioner Sampou

Issues discussed

- Quorum of everyone except Commissioner John Abodeely
- Commissioner Houle joined the quorum under the Mullin Rule (Exhibit A)

- Mr. Von Schroeter reviewed the package he submitted (Exhibit B) to show evidence to support his claim that there was prior dredging at this location
- Possible location of end float, angling float, and attempt to reduce scope of dredging required
- Would like to use a 28' power boat drawing under 2' with twin 250-hp's; depth under props would require a 3' depth
- Whether there was enough documentation to support maintenance (not improvement) dredging
- Eye-witness statement that Mosquito Control did subtidal dredging (depth below MLW)
- Applicant stated that prior property owner of the waterfront parcel would have had it dredged in 1991
- Plan must be updated to realign float to reduce amount of maintenance dredging required
- How does project rate under Chapter 703-4? Are waivers required? Project will need "J4" and "L" waivers.

A motion was made to establish a Finding, given the historical evidence presented by the applicant that this was clearly a commercial boating area, with a structure that spanned three parcels and was, likely, a site with maintenance dredging.

Seconded and voted: 3 votes = Aye; 2 votes = Nay.

A motion was made to grant approval of the project, based on the above Finding, including J4 and L waivers, subject to receipt of a revised plan showing a straightening and shortening of the ramp, with a resultant reduction of cubic yards of dredge footprint to be determined by the applicant, in consultation with Conservation staff. As well, boat specs must be submitted.

Seconded and voted: 3 votes = Aye; 2 votes = Nay. The project was approved.

IV CERTIFICATES OF COMPLIANCE

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|----|---|----------|---|
| A. | Markowitz & Fruitt
628 Poponessett Road, Cotuit | SE3-5248 | (coc, ez) additions to single family dwelling
– Shoestring Bay |
| B. | Morton
149 Millway, Barnstable | SE3-0474 | (coc, ez) addition to single family dwelling
– shrub swamp near Barnstable Harbor |
| C. | Cato
519 Scudder Avenue, Hyannisport | SE3-5160 | (coc, ez) addition to single family dwelling (not done)
– Schoolhouse Pond |
| D. | Red Lily Pond Project Assoc.
Lake Elizabeth Drive, Centerville | SE3-4617 | (coc, ez) replacement of fish ladder & three culverts (nothing done except one culvert & one foot bridge)
– Herring Run from Lake Elizabeth to Centerville River |
| E. | Brookbank
28 South Precinct Road, Centerville | SE3-0522 | (coc, ez) construct single family dwelling
– area of Weathervane Pond |

A motion was made to approve the certificates (A-E),

Seconded and voted unanimously.

V MINUTES

- A. 5/1/2018

A motion was made to approve the minutes.

Seconded and voted unanimously.

B. 5/8/2018

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

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:29 p.m.