



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

DATE: OCTOBER 2, 2018 @ 6:30 PM

LOCATION: 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, Commissioners John E. Abodeely, Pete Sampou, Larry Morin, and George Gillmore.

Conservation Administrator, Darcy Karle, assisted, along with Claudette Bookbinder, Conservation Administrative Assistant.

### I REQUEST FOR DETERMINATION

**Eileen M. Ward.** Propose several 2.5-foot± additions to kitchen, dining and living rooms at 201 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 036-004. **DA-18044**

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

Issues:

- Project is in the flood zone only
- The project under SE3-4629 needs to be closed out with a certificate of compliance.

A motion was made to approve a negative determination.

Seconded and approved unanimously.

**Charles C. & Susan L. Penta.** Construct pool cabana and patio area at 115 Pinquickset Cove Cir., Cotuit as shown on Assessor's Map 017 Parcel 026-001. **DA-18045**

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

Issues:

- Project would be near a state bank

A motion was made to approve a negative determination.

Seconded and approved unanimously.

## II NOTICES OF INTENT

**Tami L. Bane, Tr., SBF Realty Trust.** Construct a 4-bedroom, single-family dwelling with attached garage, partial paved & pervious driveway, drainage basin, retaining wall, vegetated swale, Title-5 septic system and associated utilities & grading at 45 Lake Ave., Hyannisport as shown on Assessor's Map 287 Parcel 146. **SE3-5612**

The applicant was represented by Brian Wallace of JC Engineering.

Issues discussed:

- Site is on a private road.
- Swale should be constructed to accept runoff; site has been cleared for permitting.
- A violation occurred in 2015 by Glenn Anderson; the drive had become a "mud bath," and needed to be addressed with a protocol of hay bales and crushed stone
- Staff submitted photos and suggested to the contractor that they add another base layer of stone
- They should pitch the road toward the swale (one large enough to accommodate runoff) and, perhaps, be paved
- The Commission asked where all the gravel had gone to; whether it had washed away
- A French drain was suggested to reduce erosion
- Mr. Wallace was asked to give the size of the slope: 4' over 15'.
- Swale doesn't look sufficiently deep – need a revised plan for runoff
- A parking protocol needed, and the need to look at better erosion control. But there is limited parking (not on road)
- The Chair will review the calculations
- The parking protocol should be revised to include signage.
- The need to close out SE3-5228 within 30 days.

Comments:

- Karen Anderson-Smith representing Robert Anderson, who owns properties on this pond, complained about topography of the road; she commended the town for treating the pond and adding a solar bee. The project, she thought the project would create a large impact on this small private road (one lane); the house would be too big to accommodate a road this size, and the cost of a gas line/repairs etc. She mentioned a letter from Karen Malkus addressing the problem of runoff. Ms. Anderson-Smith thought the town should accept responsibility for road maintenance along the buffer zone.

A motion was made to approve the project subject to receipt of a revised plan, the revised plan will allow for a paved driveway in its entirety, it will require:

1. Drainage trench along the eastern side of the driveway, and a drainage structure across the entire driveway connecting to a revised swale at the bottom, to be reviewed by the Chair in terms of its depth to handle sufficient water coming off the driveway, and a soil test to make the determination.
2. There is to be no parking on Lake Ave. during construction of this property. Signs are to be posted, along the frontage of this property, facing Lake Ave., stating there is to be no worker vehicles or construction vehicles parked on Lake Ave. at any time.
3. The applicant must close out file SE3-5228 within 30 days of the issuance of this order.
4. There shall be crushed stone placed on the driveway prior to construction vehicle access to prevent erosion.
5. The parking protocol shall be revised to reflect changes discussed.

Seconded and voted unanimously.

**John B. Lazor, Tr., John B. Lazor Revocable Trust of 2008.** Construct timber coastal bulkhead and a detached garage at 60 Great Bay Rd., Osterville as shown on Assessor's Map 093 Parcel 075. **SE3-5611**

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

Issues discussed:

- House dates to the 1850's – bulkhead gone, so need a new one
- Abutter will be notified regarding tying into the bulkhead.
- Couple of trees removed but not replaced; landscape plan prior to construction; kayak rack to be included
- The Chair read a letter from MA Division of Marine Fisheries .
- Old remnants will be removed.
- Work done from upland side; construction protocol has not been done (is to be conditioned)
- Proposed garage flood zone only.

A motion was made to approve the project subject to following conditions to be met prior to start of work:

1. There must be an abutter sign-off letter before this bulkhead can be connected to the bulkhead to the west.
2. Landscape plan incorporating the changes mentioned (two or three hardwoods trees to be planted and foundation plantings), including construction of a kayak rack
3. Construction protocol is to be submitted to staff for review and approval.

Seconded and approved unanimously.

**Robin Schwartz.** Implement a vista management plan & restoration plan on a coastal bank and in a buffer zone to salt marsh for establishing two permanent view corridors at 240 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 024. **SE3-**\_\_\_\_\_

Louise Foster recused herself.

Exhibits:

A – Proposed view corridors

The applicant was represented by Mike Ball, P.W.S. of Baxter Nye Engineering& Seth Wilkinson of Wilkinson Environmental.

Issues discussed:

- New plan submitted “existing conditions” and proposed view corridors detailing vista pruning
- Design challenge to protect what is there and enhancement – how to best manage what is there now;
- Mature canopy trees in center; sides can be managed by coppicing; tight sapplings should be thinned
- Previous violations called for eastern red cedars and tupelo to be planted by August 2, 2018; Enforcement plantings should be separate from NOI.
- The Commission stated that [this] problem site used to be natural; almost all trees were cut down; all happened in recent years.
- Many issues at this property;
- Mr. Wilkinson handed out existing conditions plans showing two vistas comparing coppiced tree and a single-leader tree
- The Commission preferred using general vista pruning guidelines to coppicing.
- The Commission noted that the house was elevated, and asked what the rationale was for two vista corridors. Some Commissioners thought there was no justification for two.
- The Commission also stated that the trees have been cut
- Mr. Wilkinson said they were proposing to manage sapplings, e.g., via pollarding. The difference between topping trees versus pollarding was discussed.
- The Commission saw inconsistencies in the proposed vista corridors as presented, and did not want to see management *between* corridors. However, *within* corridors, it was a question of what to do –leader management was preferred over coppicing, etc.

Comments: Barry Lehman of 240 Baxters Neck Road said the prior owner of the house had topped all trees for a view. He thought the present owner should have the right to maintain the view.

It was mentioned that the subject property had been heavily treed before all the cutting.

A motion was made to continue the project to October 16<sup>th</sup>.

Seconded and approved unanimously.

### **III REQUEST FOR AMENDED ORDER**

**Susan Condrin & J. Paul Condrin III.** Propose to amend Order of Conditions **SE3-5233** to revise footprints/areas of dwelling and pool, and to permit a proposed pool cabana and shed at 270 Smoke Valley Rd., Marstons Mills as shown on Assessor's Map 097 Parcel 001-001.

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

Issues discussed:

- Revised plan dated 9/18/2018
- Pier has been approved

A motion was made to approve the project, based on the revised plan dated 9/18/18.

Seconded and approved unanimously.

### **IV CONTINUANCES**

**Arthur & Terrie R. Zeikel, Trs./The Terrie Zeikel Trust.** Remove and replace existing boardwalk, pier, ramp and float with new boardwalk, pier, ramp and float, extending approx. 6' further into river with 8' x 25' float L to west side at 129 Main St., Osterville as shown on Assessor's Map 165 Parcel 078. **SE3-5609**

A letter was received requesting a continuance to October 30<sup>th</sup>.

A motion was made to continue the project to 10/30/2018. No testimony was taken.

Seconded and approved unanimously.

**John T. Yunits, Commissioner, Barnstable County.** Interim stormwater management improvements at Barnstable County Fire and Rescue Training Academy located at 155 South Flint Rock Rd., Barnstable as shown on Assessor's Map 313 Parcel 007. **SE3-5606**  
(NHESP only)

A letter from Natural Heritage & Endangered Species (NHESP) dated 9/21/2018, indicating that the project would have no adverse impacts to wildlife.

A motion was made to close the public hearing and issue the Order within 21 days.

Seconded and approved unanimously.

### **V CERTIFICATES OF COMPLIANCE**

- |    |  |           |   |
|----|--|-----------|---|
| A. | Rehnert SE3-5316<br>285 Seapuit Road, Osterville | (coc, ez) | restore native plants; vista pruning *<br>North Bay & Dam Pond  |
| B. | ToB/CONS SE3-4961<br>Craigville (Centerville)    | (coc, ez) | aquatic vegetation management<br>Red Lily Pond & Lake Elizabeth |

- |    |  |          |           |  |
|----|--|----------|-----------|--|
| C. | Mattie<br>729 South Main Street, Centerville   | SE3-5346 | (coc, ez) | replace stone wall with vinyl bulkhead *<br>Centerville River          |
| D. | Scudlane LLC<br>120 Scudder's Lane, Barnstable | SE3-5524 | (coc, ez) | raze & reconstruct "cottage" boathouse *<br>Barnstable Harbor          |
| E. | TOB/DPW/WSD<br>4 locations, Hyannis            | SE3-4919 | (coc, ez) | minor site improvements at 4 locations<br>bordering vegetated wetlands |

A motion was made to approve all certificates (A - E).

Seconded and approved unanimously.

**VI MINUTES**

A. 9/11/2018

A motion was made to approve the minutes.

Seconded and approved unanimously.

**A motion was made to adjourn.**

**Seconded and approved unanimously.**

**The time was 8:29 p.m.**