



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

## MINUTES CONSERVATION COMMISSION HEARING

**DATE: July 9, 2019 @ 6:30 PM**

**LOCATION: Hearing Room, 367 Main Street 2<sup>nd</sup> Fl., Hyannis, MA**

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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 Larry Morin, John E. Abodeely, George Gillmore, and Peter Sampou.

### **I REQUESTS FOR DETERMINATION**

**Short Beach Realty, LLC.** Proposed shell driveway along 79 and 86 Short Beach Road, Centerville and proposed removal of invasives along northerly side and existing driveway as show on Assessor's Map 206 Parcels 103 and 124. **DA-19027**

Charles Rowland, P.E. of Sullivan Engineering represented the applicant.

#### **Issues discussed:**

- The proposed shell driveway is along the 50' buffer.
- The driveway would be used for car and boat storage.
- Changing of boat oil is a concern.
- The driveway entrance is a private road with public access.

There was no public comment.

A motion was made to approve a negative determination with two conditions. The new driveway is not to be used for changing oil on vessels, and invasive species treatment and removal shall be carried out only by an individual who has experience with invasive plant removal and holds a MA pesticide applicator license.

Seconded and approved unanimously.

**Charles S. Gaziano.** Establish and maintain a view shed by topping woody material at 86 Clamshell Point Lane, Cotuit as shown on Assessor's Map 6 Parcel 2. **DA-19028**

The applicant was represented by Arlene Wilson, PWS of A. M. Wilson Associates.

#### **Issues discussed:**

- The site was developed in 1964 before Commission requirements.
- There was a prior violation for topping vegetation. He has had 3 years of restoration and monitoring.
- Conservation agent has a letter saying they are currently in compliance.
- The applicant would like to be able to see their boat from the house for aesthetic and security reasons.
- Poison ivy grows up between the deck planks. They would like to be able to continue control of that.
- The main view shed is straight ahead of the deck. The large trees on either end of the deck will stay.
- If the oaks are not cut there will be no view in three years.
- The root mat on bank is very strong and the vegetation in lower banks will be allowed to grow.
- Vista pruning is usually more natural looking rather than flat across. The pruning will be done to look natural.
- Most of cutting is going to be at the top of the bank.

- This is a waiver request.

There was no public comment.

A motion was made to approve a negative determination. The Commission is granting a waiver allowing undulated topping of the vegetation in the view shed/corridor. Poison ivy control is allowed to continue, carried over from vegetated management plan dated June 19, 2015.

Seconded and approved unanimously.

## **II NOTICES OF INTENT**

**Vic Myer.** Construct and maintain a boardwalk, pier, ramp and float at 24 Bay Road, Cotuit as shown on Assessor's Map 020 Parcel 118. **SE3-5697**

The applicant was represented by Charles Rowland, P.E. of Sullivan Engineering.

**Comments:** Division of Marine Fisheries letter of 6/27/19; email from Tom Marcotti dated 7/09/19.

### **Issues discussed:**

- Not a significant shellfish habitat.
- The height suggested by DMF seems too high. Light penetration is more important than height.
- A question of whether this is over construction for just a dinghy dock. There is a large amount of ice that forms during winter months. The pilings need to be larger to hold better.
- Discussion of why is this not a seasonal dock application. Seasonal piers only get removed to a certain point. There would still be a boardwalk over the salt marsh. As you get off shore approximately 20' the muck gets very thick. There needs to be a substantial piling in order to hold. A prior project request changed from seasonal to permanent because no contractors will put in seasonal piers at this end.
- There is a concern about a trend of massive kayak docks.
- The float and ramp can be removed in the off season.

There were no public comments.

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

Seconded and approved unanimously.

**Cecilia Vieira Stone.** Proposed raze and replace single family home and vegetation restoration on beach parcel at 75 & 85 Harbor Bluffs Road, Hyannis as shown on Assessor's Map 325 Parcels 124 and 123. **SE3-5698**

A request was made for a continuance.

A motion was made to approve a continuance until 7/23/19 with no testimony.

Seconded and approved unanimously.

## **III CONTINUANCES**

**Carlton C. & Christine A. Sands, Jr.** Construct dock system to include a 100-foot-long pier to a ramp at 16' leading onto a 6' x 16' floating dock; ramp and float will be seasonal, at 4 Bay Shore Rd., Hyannis as shown on Assessor's Map 326 Parcel 082. **SE3-5676**

A request was made for a continuance to 8/6/19.

A motion was made to approve a continuance until August 6, 2019 requiring re-notification to abutters, with no testimony.

Seconded and approved unanimously.

**Barbara & Randolph Noelle.** Construct, license, maintain and retain a 4' wide x 104' long (pier) with 10' x 20' "T" end pier; boat and water access ladder and kayak rack; remove or cut flush existing piles; abandon existing path over wetlands to the water and allow to naturally revegetate at 35 Short Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 030.

Applicant was represented by Raul Lizardi-Rivera, P.E. of Cape and Islands Engineering.

Comments from the Waterways Committee letter were read into record. They have no objections, however the Harbor Master does not agree. The Harbor Masters comments on 6/3/19 were that they do not support the project.

### **Issues discussed:**

- The proposed pier is 140 ft. long however most of it is over marsh.
- Plan shows existing depth of Centerville River. Shows 3 ft. or more of water.

- The channel stays at about 35 feet. The proposed pier does not reduce the channel any more than to the north.
- Need a J2 waiver which is the distance to the channel. Waterways hearings did not want a vessel with a greater beam than 6' 10". Waiver would have to include condition of beam of boat.
- Harbor Master feels vessel is on the edge of the channel. There needs to be 35' to edge of channel. It is not a marked channel.
- Harbor master feels most of uses to the north are kayaking. Do any motor vessels go under the bridge? Only a small Boston Whaler.
- An email was received from the Harbor Master on July 2<sup>nd</sup> reinstating they do not agree with this project.
- Centerville River dredging was not done in this area.
- There is a rock which forces vessels closer to this side of the channel. The rock is further to the west than the proposed pier. Water depth will meet the 12 inch rule from the bottom of boat.

There were no public comments.

A motion was made to approve the project as submitted, granting a J2 waiver (distance from an unmarked channel), and requiring that the vessel berthed at this pier have a beam no greater than 6' 10" and meet 12" draft requirement.

Seconded and approved unanimously with one abstention.

**Philip & Veronica Cote.** To construct and maintain a seasonal pier at 94 Waters Edge, Marstons Mills as shown on Assessor's Map 062 Parcel 045. **SE3-5693**

The quorum is everyone except Commissioner Morin.

The letter from NHESP received on 7/1/19 was read into record.

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

Seconded and approved unanimously.

**IV CERTIFICATES OF COMPLIANCE** (ez = no deviations, staff recommends approval) on-going conditions)

A.	Pane 30 Daisy Bluff Road, Hyannis	SE3-5565	(coc, ez)	construct stone landing * Hyannis Inner Harbor, Lewis Bay
B.	LeBlanc 276 Holly Point Road, Centerville	SE3-5648	(coc, ez)	modifications to existing permitted dock * Bears Pond & Lake Wequaquet
C.	Three Bays Preservation Dead Neck & Sampsons Island	SE3-3743	(coc, ez)	dredging & dune nourishment * Nantucket Sound & Cotuit Bay
D.	Samra, Weld, Redfield 265 & 267 Seapuit Road, Osterville	SE3-5518	(coc, ez)	replace bridge * Dam Pond & Middle Pond, North Bay
E.	Trade Winds Condominiums 780 Craigville Beach Road, Centerville	SE3-4385	(coc, ez)	raze motel; construct condos * Lake Elizabeth

A motion was made to approve A-E.  
Seconded and approved unanimously.

**V MINUTES**

A. June 25, 2019

A motion was made to approve the minutes as amended.  
Seconded and approved unanimously.

A motion was made to adjourn.

**Adjourned 7:26 PM**

