



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: December 22, 2020 6:30 PM

This meeting of the Barnstable Conservation Commission is being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.

The Conservation Commission's Public Hearing will be held by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting

<https://zoom.us/j/91045230324>

Meeting ID: 910 4523 0324

888 475 4499 US Toll-free

3. Applicants, their representatives and individuals required or entitled to appear before the Conservation Commission may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Darcy.Karle@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

The meeting was called to order at 6:30 p.m. with roll call. Chair Tom Lee was present along with Vice Chair Louise R. Foster and Clerk Dennis Houle. Commissioners John Abodeely, George Gillmore, Pete Sampou and Larry Morin were also present.

Conservation Administrator, Darcy Karle, assisted along with Administrative Assistant, Kim Cavanaugh.

I. REQUESTS FOR DETERMINATION

- A. **Isabella Realty Trust.** Proposed deck and stairs at 135 Point Isabella Road, Cotuit as shown on Assessor's Map 073 Parcel 021. DA-20047

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

Issues discussed:

- Photographs submitted by John O’Dea were reviewed.
- There were three (3) pine trees cut in the area that need to be addressed.
- There was discussion about the health of the tree near the stairs and if it is being damaged by bricks being built up around the trunk.

There was no public comment.

A motion was made to approve a negative determination.

Seconded and voted unanimously by roll call.

- B. Raquel M. Rodriguez & Christopher M. Lynch.** To reconfigure existing floats and tie off piles at 315 and 325 Baxters Neck Road, Marstons Mills as shown on Assessor’s Map 075 Parcels 008 001 and 002. DA-20048

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

Issues discussed:

- There are normally 4 boats tied up at the dock. Two are the owners’ boats.
- The position and size of the floats was discussed.
- The square footage is the same for the new floats as the current configuration.
- There are currently no limitations for the boats at this dock. This is not a substantial expansion so new restrictions can be placed on the pier and floats.
- There is more water under the floats with the new configuration.

There was no public comment.

A motion was made to approve a negative determination.

Seconded and voted unanimously by roll call.

II. NOTICES OF INTENT

- A. David and Tara Brown.** Construct additions, expansion and renovations at 101 Deacon Court, Barnstable as shown on Assessor’s Map 300 Parcel 61. SE3-5831

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

Issues discussed:

- The silt fence invades the 50’ buffer at the end and should be adjusted.
- Demarcation should be defined with the size of the rocks or posts. Rocks should be 12-18 “ above the grade.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan indicating stone size (12”-18” high, 15’ on center) for demarcation and correcting silt fence location.

Seconded and voted unanimously by roll call.

- B. Ropes Farm, LLC.** Proposed Land Management to include tree removal, invasive species removal and installation of native plantings at 135 Putnam Avenue, Cotuit as shown on Assessor’s Map 036 Parcel 040-001.

The applicant was represented by Sean Reilly of Coastal Engineering and Jennifer Crawford from Crawford Land Management.

Issues discussed:

- A DEP file number and/or comments has not been issued.
- There was discussion that some non-native species are not invasive. The English Oak are not native but are not invasive and a question was raised if they should they be removed.
- Sizes of the trees will be provided at the next hearing.

- The diversity of the project was noted.
- A question was raised if there is protocol on taking out so many trees on a bank. The majority are in the upland. Most are in the upper and lower sections of the bank not in the middle.
- The company background, experience, and certifications were discussed.
- There should be 3 year monitoring reports submitted.
- The black locusts on other projects had to be taken out because they were killing the native trees. There was discussion on native and invasive species trees.
- The bank is extremely steep so it will be hard to try to replace any trees on the bank.
- The English Oak will be looked at to get a DBH and health status before the next hearing.

A continuance was requested until January 5, 2021.
There were no public comments.

A motion was made to approve the continuance request to January 5, 2021
Seconded and voted unanimously by roll call.

- C. David and Claire Anderson.** Garage reconstruction (12' X 25') in coastal dune buffer zone, provide native plantings as impact mitigation at 158 Estey Avenue, Hyannis as shown on Assessor's Map 306 Parcel 194. SE3-5832

The applicant was represented by Mike Ball, P.E. of Baxter Nye Engineering.

Issues discussed:

- There was a question raised about the drainage.
- The location of the mitigation plantings was discussed.

There was no public comment.
A motion was made to approve the project as submitted.
Seconded and voted unanimously by roll call.

III. AMENDED ORDERS

Peter J. & Maria G. Smail. To amend the Order of Conditions to construct an extension of the previously approved stone revetment at 339 Eel River Road, Osterville as shown on Assessor's Map 115 Parcel 030. SE3-5420

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

Issues discussed:

- Amy Croteau, Senior Natural Resource Officer and Shellfish Constable in the Town of Barnstable spoke regarding the project. A barge should not be allowed to do this extension and the equipment should be brought over the land.
- There was discussion about limiting access to a specific point and maintaining a certain amount of water under the barge while doing the project.
- No work is being done from the barge. It is only being used to bring materials in. Materials could be brought in done at high tide in a single area with minimal impact.
- There was discussion of any other options available to unload materials. It does not appear going over land is an option because of space.
- There is room to store the materials once they are there.
- An onsite meeting with contractor, Engineer, Darcy Karle, Amy Croteau, DNR and George Gillmore would be the best way to work out the logistics.
- Stock piling of materials was discussed.
- The barge should have 30" instead of 12" clearance under it when anchored off shore.

There was no public comment.
A motion was made to approve the amended order with the following special conditions: a written construction protocol shall be submitted to Conservation agent and Shellfish Biologist four (4) weeks prior to preconstruction meeting. The preconstruction meeting to include Conservation Agent, project engineer, contractor, Shellfish Biologist (or designated shellfish staff member)

and Commissioner Gillmore. Access and work limit line shall be staked and maintained at all times, no storage of material in intertidal zone, natural granite rock shall be used, elevation of toe stone to be confirmed by engineer/surveyor for COC request, anchoring of barge offshore between material deliveries shall provide 30" of clearance above the substrate. Seconded and voted unanimously by roll call.

IV. CONTINUANCES

- A. **Donald J. MacKinnon, Trustee, MCCM Realty Trust.** Removal of 3,000 s.f. of an existing historic, solid fill wharf (first licensed in 1874), construction of low vinyl bulkheads along 300 s.f. portion to remain, the landward relocation of existing rock revetment, installation of replacement pier, ramp, floats and appurtenances, establishment of halophytic marsh species in intertidal zone, and installation of seasonal town office building on 15'x30' deck at 33 Oyster Place Road, Cotuit Map 035 Parcel 101 and 910 Main Street, Cotuit Map 035 Parcel 090 . **Applicant is seeking a further continuance.**

A continuance was requested to 1/19/21 without testimony.
The quorum has not been established.
This is the 3rd continuance request. It will have to open on January 19th.

A motion was made to approve the 3rd and final continuance request to 1/19/21 with no testimony, and applicant must re-advertise (pay for legal ad fee).
Seconded and voted unanimously by roll call.

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

- | | | | | |
|----|------------------------|----------------|-----------|------------------------------------------------|
| A. | Lehman | SE3-5181 | (coc, ez) | add fender pilings to existing dock (not done) |
| | 240 Baxters Neck Road, | Marstons Mills | - | Prince Cove |
| B. | Crook | SE3-4650 | (coc, ez) | construct single family dwelling (not done) |
| | 115 Bog Road, | Marstons Mills | - | cranberry bog |
| C. | Drago | BCC-0195 | (coc, ez) | construct single family dwelling * |
| | 90 Bay View Road, | Barnstable | - | bordering vegetated wetland |

A motion was made to approve A-C
Seconded and voted unanimously by roll call.

VI. MINUTES

- A. December 1, 2020
- B. December 8, 2020

A motion was made to approve A and B as submitted.
Seconded and voted unanimously by roll call.

VII.COMMISSION ELECTION

- A. Election of Commissioner George Gilmore as Clerk for 2021.

Thank you to Dennis Houle for his service.

A motion was made to approve the election of George Gillmore to Clerk effective January 1, 2021.
Seconded and voted unanimously by roll call.

A motion was made to adjourn.
Seconded and voted unanimously by roll call.
The time was 8:05 p.m.