



Town of Barnstable Conservation Commission

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MINUTES– CONSERVATION COMMISSION HEARING

DATE: November 12, 2019 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street 2nd Fl., Hyannis, MA

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 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, George Gillmore, and John E. Abodeely. Commissioner Pete Sampou was absent.

Darcy Karle, Conservation Administrator was present along with Grayce Rogers, Administrative Assistant.

I NOTICES OF INTENT

Brett A. Quinn. Maintenance of existing retaining wall at 108 Bay Road, Cotuit as shown on Assessor's Map 007 Parcel 022. **SE3-5735**

The applicant was represented by Arlene Wilson of Wilson & Associates.

Issues discussed:

- Photo of new wall in background looks like an additional smaller wall.
- It is shown on the site plan and has existed since house was constructed.
- Site has a lot of slope to it.

There were no public comments.

A motion was made to approve the project as submitted.
Seconded and voted unanimously.

II CONTINUANCES

Brian Buttrick. Construct a 20' X 20' attached breezeway and garage at 220 Horseshoe Lane, Centerville as shown on Assessor's Map 207 Parcel 135. **DA-19044 Continued from 10/01/19.**

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

Issues discussed:

- A revised plan was requested at the prior hearing. The position of the garage was a concern for the Commission.
- A revised plan dated 11/08/19 was submitted that shows the driveway, grading, and elevations.

There was no public comment.

A motion was made to approve a negative determination.
Seconded and voted unanimously.

Benjamin S. & Linda M. Butcher. Construct a pool and patio with associated mitigation at 410 Wianno Avenue, Osterville as shown on Assessor's Map 163 Parcel 023. **SE3-5727 Continued from 10/29/19**

The applicant was represented by Chuck Rowland of Sullivan Engineering.
The quorum is everyone except Commissioner Abodeely.

Issues discussed:

- A revised plan was submitted to Commissioners with the requested changes in orange.
- Health Department gave him a letter stating the project meets their regulations.
- Pool fence is pulled back.
- Copy of plan is to be given to the abutter, Michael Stepanek.
- A construction protocol was requested. Chuck would prefer it be written by the Contractor.

Public comment:

Michael Stepanek of 311 East Bay Road.

- Proposed draw down pit may be interfering with ground level water. It will end up draining onto his property.
- The equipment pad is already extremely noisy, especially at night. He would like a sound barrier if the pool has to go in this location.
- Concerned if FEMA zone line is an issue. Would like clarification of what that line indicates.
- There is no proposed patio on east side of pool which would allow for water to be drained away from the pool. There is an extreme slope from this property onto his property.
- There is an existing hedgerow of arborvitaes. Could that be allowed to remain as a noise barrier?

Chuck Rowland responded. The patio on the plan has a 500 gallon pit with stone and should be enough. There is a 3 to 1 pitch after 10 feet which meets Title 5 requirements. They could put a double lined insulated fence around the pool equipment for noise insulation. The arborvitaes will remain along the property line.

A motion was made to approve the project as submitted, subject to receipt of a revised plan showing sound damping fence around equipment pad. Prior to start of work, a construction protocol is to be submitted by the contractor (detailing protection of the soil absorption system).

Seconded and voted unanimously.

Douglas and Tina Crook. Construction of a new single family dwelling with a drive under garage, grading, utilities, an accessory building, and a new septic system at 115 Bog Road, Marstons Mills as shown on Assessor's Map 045 Parcel 016-005. **SE3-5730 Continued from 10/29/19**

The applicant was represented by Kieran Healy of BSC Group, and the owner.

Issues discussed:

- The wall, grading, drywells and driveway runoff were to be revised. A revised plan was submitted dated 11/5/2019. 3 Drywells were added to plan,
- Driveway water is sloped away from resource area.
- The wall in the back of the building has been removed.
- Some grading and a 5' strip of plants has replaced the wall along the 50' buffer line.
- There will be no hardscape under the deck.

There was no public comment.

A motion was made to approve the project based on the revised plan dated 11/5/2019.
Seconded and voted unanimously.

III OLD AND NEW BUSINESS

- A. Thomas Munsell. Raze existing dwelling. Construct new 3 bedroom dwelling and new septic system (no increase in flow) at 15 Circuit Avenue, Centerville as shown on Assessor's Map 226 Parcel 178 **Reopen hearing for discussion on intermittent vs. perennial stream. Originally heard 10/29/19. SE3-5736**

A comment letter from Mosquito Control was received and read into record, which changes the status of the stream from the previous hearing.

The quorum is everyone except Commissioner Abodeely.

A motion was made to re-open the hearing.

Seconded and voted unanimously.

The applicant was represented by Dan Ojala of Sullivan Engineering.

Issues discussed:

- Mr. Munsell disagrees with the assessment and says the stream regularly dries up.
- The performance standards are met under the Rivers Act. Because the lot pre-dates the Rivers Act and there is a road between the property and the stream it should be considered a re-development within a previously developed river front area.
- The filing has been amended to reflect the issues.
- There should be a revised section to the NOI application checking off river front.
- Behind shed the brush should be cleaned out. He will work with staff to clean that up.
- The bump out for the turnaround edge should be indicated in red. There is 11" overlap into BLT property. They can adjust the work limit line so it does not go onto BLT property.
- The new tree location has been noted on plan.

There was no public comment.

A motion was made to approve the revised plan dated 11/7/2019 with two requirements, submit the number of pages necessary in the NOI application to reflect the river front designation and small plan indicating road layout in red.

Seconded and voted unanimously.

- B. Barnstable County Fire and Rescue Training Academy – Presentation of proposed capping and storm water systems design, and comprehensive sampling plan for Flint Rock Pond.

The presentation was given by Roger Thibault, P.E., Todd Undzis of BETA Group, Inc., and Steve Tebo, Barnstable County Assistant Administrator. This is an informational presentation addressing special conditions for the Order of Conditions and to give an initial presentation.

Mass Dep has demanded Immediate Response Action plan modifications.

Exhibit A – Presentation of the Proposed Capping and Stormwater System Design and Flintrock Pond Assessment Plan dated November 12, 2019.

In addition to the presentation issues were discussed relating to:

- The removal of the contaminated soil from the site and cost involved.
- Material to be used to cap the area, asphalt vs. poly or cement.
- Demolishing of the buildings.
- The need to treat the storm water run-off, if the area is capped.

Second part of presentation - Sampling plan

Issues discussed:

- There are going to be different sampling sites going forward. They should continue sampling some of the existing locations for historical purposes.
- Documentation should be submitted on the procedure for taking the samples.
- A request for a COC on SE3-5606 has been submitted. There are ongoing conditions in the order and the first annual report has not been received. The request for a COC will be withdrawn.
- There were trailers observed on the site which were not on the original plan. They should be added to the plan or removed. If removed they could enlarge the capping area.

Public comment:

Thomas Cambareri - resident of Hyannis

Tonight is raining and snowing. The PFAS are transferring into the water table and into the aquifer at this time. He has worked for the County for 30 years managing the site. There are high concentrations of PFAS in the soil as determined in the testing done by BETA. If the entire site is contaminated the whole site should be capped, not a partial cap. The storm water treatment apparatus is not needed and may exacerbate the problem.

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

A. Kouri SE3-5563 (coc, ez) construct walkway, pier, ramp, & float *

45 Hornbeam Lane, Centerville - Centerville River

A motion was made to approve the certificate of compliance.

Seconded and voted unanimously.

V MINUTES

A. October 29, 2019

A motion as made to approve the minutes as submitted.

Seconded and voted unanimously.

A motion was made to adjourn.

Adjourned at 8:40 p.m.