



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: August 22, 2006, 6:30 p.m.

LOCATION: TOWN HALL HEARING ROOM

The meeting was called to order at 6:33 p.m. by Chairman John Abodeely. Also attending were Vice-Chairman Dennis Houle and Commissioners John Parker, Peter Sampou, Scott Blazis, Larry Morin, and Tom Lee. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, Hyannis, MA.

I MINUTES FOR APPROVAL

July 25, 2006

A motion was made to approve the minutes of July 25, 2006.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Keith Williams. Convert open deck to enclosed three-season room (patio room); sono tubes to be added or replaced, if necessary; existing footprint to remain unchanged at 15 Haviland Way, Centerville as shown on Assessors Map 193 Parcel 246. **06062**

The applicant was represented by David Flaherty.

Discussion: Drip line leaching will be provided.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Massachusetts Highway. Install leaching basin, catch basins, and culvert replacement to improve water quality and prevent flooding of adjacent properties at Route 6A, vicinity of White Cap Ln., Barnstable. **DA-06061**

The applicant was represented by Tom Maguire, P.E., and Branden O'Malley.

Discussion: A blocked culvert prompted the filing. The new culvert will be set at the same elevation. A tree on the north side of the street will not be affected.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Longfields, LLC. Install landscape berm with partial terracing and woody landscape materials at 288 Clamshell Cove Rd., Cotuit as shown on Assessors Map 005 Parcel 001. **DA-06064**

(Longfields, cont'd.)

The applicant was represented by Attorney Brian Wall and Arlene Wilson.

Discussion: Commissioner Larry Morin recused himself and left the podium. A packet of various related information was placed on the record by the applicant. Ms. Wilson outlined the project. No berming or terracing will occur within the 50-foot buffer.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Scott and Jennifer Mullin. Construct in-law apartment off kitchen at northern portion of house at 90 Alderbrook Ln., W. Barnstable as shown on Assessors Map 132 Parcel 045. **DA-06063**

The applicants attended.

Discussion: Tom Lee asked if the septic system was adequate to accommodate the flows from the new addition. They said it was.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Three Bays Preservation, Inc. Maintenance dredging in Dam Pond, Osterville (Dam Pond Entrance Channel) and placement of the dredge spoil on Dead Neck in the beneficial re-use area as shown on submitted plan. **SE3-4540**

The applicant was represented by John O'Dea, E.I.T.

Discussion: The same area was dredged back in 1983. Letters from the Town Shellfish Biologist, the Town Mooring Officer, and the Division of Marine Fisheries were read into the record. The requested turbidity monitoring will be included in the Order of Conditions.

The Chair expressed concern for potential over-dredge. Pete Sampou expressed a concern for continued maintenance of the substrate type.

A motion was made to approve the project with special conditions.

Seconded and voted unanimously.

Wianno Club. Construct a 3,223 sq. ft. casual dining area along with porch and terrace dining, two small additions and landscaping at 107 Sea View Ave., Osterville as shown on Assessors Map 162 Parcel 024. **SE3-4541**

The applicant was represented by Attorney John Alger and Peter Sullivan, P.E.

Discussion: Mr. Sullivan outlined the project. The Tiffany cottage will be disconnected from the large septic system across the street to compensate for the new addition. Stormwater improvements were also proposed.

A keen discussion ensued over mitigation in the buffer zone.

A five-foot (5') buffer was requested by the Commission in the grassed dining area. The Club found that problematic, given the use profile of the area. A 3:1 planting concept elsewhere on the property was accepted as an alternative.

A motion was made to approve the project with special conditions.

(Wianno Club, cont'd.)

Seconded and voted. The motion carried: 5 votes "Aye;" 1 vote "Nay," the Chair voting against.

Adam J. Hostetter and Robert Birmingham, Trs., Hostetter Birmingham Realty Trust. Construct addition, patio, and porch to existing single-family dwelling at 80 Blue Heron Dr., Osterville as shown on Assessors Map 117 Parcel 010. **SE3-4544**

The applicant was represented by John O'Dea, E.I.T.

Discussion: Dennis Houle requested that the old boat storage area be reclaimed.

A motion was made to approve the project with special conditions.

Seconded and voted unanimously.

James F. Cleary. Construct a 4'-wide 140-foot 4 x 4 pier with 3' x 14' ramp and 10' x 20' float extending in all 170' for mooring of private boats at 25 Cove Ln., Oyster Harbors, Barnstable as shown on Assessors Map 052 Parcel 009. **SE3-4545**

The applicant was represented by Attorney John Alger.

Discussion: The Chair and Vice-Chair pointed out several issues in need of clarification, to be discussed at the next hearing.

A motion was made to continue the project to October 10, 2006.

Seconded and voted unanimously.

No testimony was taken.

John Crowell, Jr. Construct single-family dwelling with attached garage, utilities and landscaping; maintenance of pre-existing footpath, and vista pruning at 96 Waters Edge, Marstons Mills as shown on Assessors Map 062 Parcel 046. **SE3-4546**

The applicant was represented by Arlene Wilson.

Discussion: No concerns arose, as the project had been approved twice before, with permits having expired prior to any work performed.

A motion was made to approve the project with special conditions.

Seconded and voted unanimously.

IV CONTINUANCES

Francis and Julia Keally. Construct seasonal pier with ramp, float and lateral access stairs at 635 Old Post Rd., Cotuit as shown on Assessors Map 054 Parcel 051-002. **SE3-4500**

The applicant was represented by Arlene Wilson.

Discussion: The Chair stated that this would be the last continuance allowed; it will have to go forward the next time it is scheduled on the docket. Ms. Wilson agreed.

A motion was made to continue the project to September 26, 2006.

(Keally, cont'd.)

Seconded and voted unanimously.

No testimony was taken.

VI OLD & NEW BUSINESS

A. Prior filing with the Board of Health

Staff presented a case for the Commission to cease the practice of postponing a hearing for lack of prior application to the Board of Health.

Scott Blazis disagreed, saying that, according to the Act, it is non-negotiable and makes for better plans and applications to the Conservation Commission.

John Parker favored more flexibility. However, if it is information that the Commission needs, the Commission must exercise its right to request and get it.

Dennis said that MACC expressly excludes Board of Health permits from its section dealing with necessary prior permits and applications.

Tom Lee stated that he agreed with John and Dennis, saying he believes in our view of projects. The Commission can obtain the information it needs.

Arlene Wilson provided a larger-range view as to why the Act reads the way it does. She said that the Board of Health benefits the most by Conservation acting first, setting resource area limits for septic system projects which, in the great majority of cases, reside outside the Commission's jurisdiction.

John Abodeely said that, from a practical point of view, it is not a good practice to require prior filing with the Board of Health. He said it is imperative, though, that the Commission obtain the information it needs on septic systems. John added that we clearly reserve the right to secure Board of Health input before issuing a decision, or even going forward.

A motion was made that the Commission no longer retain a blanket policy on requiring advance application with the Board of Health, with the clear understanding that the Commission has a right to seek and obtain Board of Health review on a case-by-case basis.

Seconded and voted unanimously.

B. Other

None.

VII REVISED PLANS

A. Town of Barnstable/ DPW SE3-3841 new flume wingwall correction

The applicant was represented by Doug Kalweit of Marine & Environmental Affairs.

Discussion: Besides the wingwall reconfiguration, Mr. Kalweit also proposed to re-do the first 140 feet of run with the traditional posts and boards.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

(Revised Plans, cont'd.)

B. Other

None.

VIII CERTIFICATES OF COMPLIANCE (ez = staff recommends approval) (* = on-going conditions)

A.	Three Bays Preservation, Inc.	SE3-4084	(coc,ez)	maintenance dredging (work not done)
B.	Holly Management & Supply	SE3-3293	(coc,ez)	raze & construct commercial building *
C.	Bayside Building (White & Riedell)	SE3-1583	(coc,ez)	construct single-family dwelling (work not done)
D.	Bayside Building (White & Riedell)	SE3-1584	(coc,ez)	construct single-family dwelling (work not done)
E.	Bayside Building (White & Riedell)	SE3-1585	(coc,ez)	construct single-family dwelling (work not done)
F.	Bayside Building (White & Riedell)	SE3-1593	(coc,ez)	construct roadway (work not done)

A motion was made to issue all of the certificates of compliance “A” – “F”.

Seconded and voted unanimously.

A motion was made to adjourn the meeting.

Seconded and voted unanimously.

The time was 9:12 p.m.