



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: November 14, 2006, 6:30 p.m.**

**LOCATION: SELECTMEN'S CONFERENCE ROOM**

The meeting was called to order at 6:30 p.m. by Vice Chairman Dennis Houle. Also attending were Commissioners Peter Sampou, Scott Blazis, Larry Morin and Tom Lee. Chairman John Abodeely and Commissioner John Parker were absent. Darcy Karle, Conservation Agent, assisted.

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

### **I MINUTES FOR APPROVAL**

A. October 10, 2006

B. October 17, 2006

A motion was made to approve the minutes of October 10<sup>th</sup> and October 17<sup>th</sup> as amended.

Seconded and voted unanimously.

C. October 24, 2006

A motion was made to approve the minutes as read.

Seconded and voted unanimously.

### **II REQUESTS FOR DETERMINATION**

**Town of Barnstable/Conservation Division.** Construct a 500-ft. by 4-ft. wide handicap accessible loop trail with a 5-ft. by 6-ft. pull-off from the trail for viewing area. Work will include vista pruning at #0 School St. (Santuit River Conservation Area), Cotuit as shown on Assessors Map 020 Parcel 004. **DA-06090**

The applicant was represented by Darcy Karle, Conservation Agent.

Discussion: Mr. White from 25 Oxford Drive, Cotuit, raised some questions on the scope of the project and how it relates to the possible existence of Indian artifacts in the area.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Joseph Kennedy III.** Construct a 12-ft. x 20-ft. addition to rear of house for swim x pool at 246 Fifth Ave., Hyannisport as shown on Assessors Map 135 Parcel 001. **DA-06088**

The applicant was represented by Toby Leary.

(Kennedy, cont'd.)

Discussion: Scott Blazis raised some concerns regarding drawn-down.

A motion was made to issue a negative determination with special a condition that, if the pool should need to be drained, the water will be pumped into a truck and taken off site.

Seconded and voted unanimously.

**John M. Sloane, Tr.** Vista pruning at 20 Stanley Place, Hyannis as shown on Assessors Map 325 Parcel 005. **DA-06089**

The applicant was represented by Wayne Tavares.

Discussion: Mr. Tavares stated that there was a mistake on the plan. The red cedar will not be cut, and the pitch pine, black cherry, and black oak would only be limbed, – not cut to three feet, as described on the plans.

A motion was made to issue a negative determination, provided that a revised plan be submitted showing the following: 1) A fence on the east side of the property; 2) the buffer on the north side to be allowed to grow back thicker; and, 3) correct notes regarding the trees. The special conditions work in Zones I and II is to be done in consultation with staff. Pruning will be undulating, in keeping with vista pruning guidelines. Staff will be given flexibility with regard to work described in Zone II, since work entails the cutting of invasive species.

**Fred Thimme.** To permit existing path and maintain path at 4-ft. wide at 377 Wheeler Rd., Marstons Mills as shown on Assessors Map 081 Parcel 002. **DA-06092**

Mr. Thimme represented himself.

Discussion: Darcy gave a brief description of how this application pertains to an enforcement order (amended) issued September 19, 2006.

A motion was made to issue a negative determination with the following conditions: that the sections of path which fall within the wetland and 50-foot buffer shall be maintained at a width no greater than four (4) feet; sections of path outside of the 50-foot buffer may be wider than four feet in certain areas. The landscape timbers do not need to be removed or cut back in size.

Seconded and voted unanimously.

**Daniel V. Bakinowski,Tr.** Vista pruning on the back side of property to restore views of the harbor and Sandy Neck at 304 Bone Hill Rd., Barnstable as shown on Assessors Map 337 Parcel 014. **DA-06079 Withdrawn**

Vice Chairman Houle read a letter into the record stating that the property owners request to withdraw the RDA application.

### **III NOTICES OF INTENT**

**Mark Burton.** Remove existing stone wall and replace with proposed stone revetment at 370 North Bay Rd., Osterville as shown on Assessors Map 072 Parcel 002. **SE3-4574**

The applicant was represented by Peter Sullivan.

Discussion: Peter Sullivan stated that there is an emergency order issued for sandbags.

Dennis read a memo from the Department of Marine Fisheries and Tom Marcotti's comments.

Scott Blazis was concerned about work going beyond the footprint.

Peter Sampou was concerned that such a strong revetment was to be constructed in an area that is not usually subject to storm action.

(Burton, cont'd.)

Peter Sullivan stated that, if the whole project was moved back, it would disturb the bank. Peter Sullivan explained to Scott Blazis that the toe stone is actually set below 0.0 NGVD. Peter Sullivan offered that a sand veneer be planted with beach grass.

A motion was made to approve the project with special conditions to include receipt of a revised plan showing placement of the sand veneer, as well as the necessity of consultation with staff when planting vegetation; both conditions to remain in perpetuity.

Seconded and voted unanimously.

**Patriot Builders.** Raze and remove two existing dwellings and a shed; construct a single-family dwelling and drive at 14 Bay View Rd., Barnstable as shown on Assessors Map 319 Parcel 039. **SE3-4576**

The applicant was represented by Lynne Hamlyn.

Discussion: The project is located in a flood plain only. The Commission did not raise any questions or concerns.

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

Seconded and voted unanimously.

**Kathleen Barrett.** Obtain permit for existing low stone wall, field stone path and steps at 652 Poponessett Rd., Cotuit as shown on Assessors Map 006 Parcel 017. **SE3-4575**

The applicant was represented by Steve Wilson, P.E.

Discussion: Vice Chairman Dennis Houle disclosed to the Commissioners and the public that he does, in fact, live in the vicinity of the project. However, he was not asked by either party to recuze himself.

Darcy proceeded to describe the project as it pertains to an enforcement order heard on July 18, 2006. She stated that the property owner planted a small sassafras tree to replace the tree which was cut illegally.

Steve Wilson offered to plant shrubs at a two-to-one ratio in the area between the top of the State coastal bank and the top of the slope, as shown on the proposed plan.

It was decided that a revised plan must be submitted showing a single-rail fence as a demarcation for a no-mow zone beyond the top of the State Coastal bank edge, as well as a mitigation planting in the same area, to be no less than 2:1.

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

Seconded and voted unanimously.

**Paul and Julie Brandes.** Proposed modifications to an existing licensed pier at 49 Oyster Way, Osterville as shown on Assessors Map 072 Parcel 039. **SE3-4577**

Discussion: Vice Chairman Dennis Houle read a letter into the record requesting a continuance.

A motion was made to continue the project to December 19, 2006.

Seconded and voted unanimously.

**Linda Gildea.** Proposed modifications to an existing licensed pier at 83 Oyster Way, Osterville as shown on Assessors Map 072 Parcel 043. **SE3-4578**

Discussion: Vice Chairman Dennis Houle read a letter into the record requesting a continuance.

(Gildea, cont'd.)

A motion was made to continue the project to December 19, 2006.

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**Joan DeHechavarria.** Construct elevator shaft and detached garage with drive expansion; install pond aerator; naturalize existing lawn area at 15 Hyannis Ave., Hyannisport as shown on Assessors Map 287 Parcel 118. **SE3-4539**

The applicant was represented by Lynne Hamlyn.

Discussion: Ms. Hamlyn gave an historic overview of the pond and wetlands.

Commissioner Morin mentioned how “spongy” the area is just below the proposed pavers. Commissioner Blazis said that the property owner should use only organic, low-nitrogen fertilizer in the backyard.

A motion was made to approve the project with following special conditions: 1) only organic low-nitrogen fertilizers to be used in the backyard; and, 2) footprint pavers to be expanded, if necessary, in consultation with staff.

Seconded and voted unanimously.

**Susan Mykrantz.** Construct dinghy dock (pier, ramp and float) to access water for recreational boating at 531 Main St., Osterville as shown on Assessors Map 141 Parcel 099. **SE3-4567**

The applicant was represented by Peter Sullivan, P.E.

Discussion: Vice Chairman Dennis Houle read a letter into the record requesting a continuance.

A motion was made to continue the project to January 9, 2007.

Seconded and voted unanimously.

#### **V EXTENSION PERMITS**

A.	RMR Nominee Trust	SE3-4206	sfd, cottage, garage, septic	3-yrs., 1 <sup>st</sup> ext.
B.	Oyster Harbors Golf Club	SE3-3738	manage aquatic veget. & algae	3-yrs., 2 <sup>nd</sup> ext.
C.	Indian Point, Inc.	SE3-3745	sand replenish. & grass planting	3-yrs., 2 <sup>nd</sup> ext.
D.	Canzano	SE3-4215	sfd, attached garage, driveway	3-yrs., 1 <sup>st</sup> ext.
E.	Bereznicki/Chaikovsky	SE3-4202	sfd, landscaping	3-yrs., 1 <sup>st</sup> ext.

A motion was made to approve the above (“A” through “E”) extensions.

Seconded and voted unanimously.

#### **VI CERTIFICATES OF COMPLIANCE (ez = staff recommends approval) (\* = on-going conditions)**

A.	Payson	SE3-4092	(coc,ez)	construct access road (not done)
B.	Shack	SE3-0835	(coc,ez)	construct pier, ramp, & float *
C.	Rust	SE3-4316	(coc,ez)	add jet skis float to existiong dock *

(Certificates of Compliance, cont'd.)

D.	Clancy	SE3-4025	(coc,ez)	permit existing ramp & dock *
E.	Shay	SE3-4243	(coc,ez)	construct patio & open porch *
F.	Hyannisport Club	SE3-4124	(coc,ez)	construct bulkhead at 18 <sup>th</sup> tee *
G.	Leslie	SE3-4058	(coc,ez)	construct pool & patio (not done)
H.	Seidner	SE3-4262	(coc,ez)	raze & construct single-family dwelling *
I.	Conway	SE3-4480	(coc,ez)	parking lot alterations

A motion was made to approve the above certificates of compliance (“A” through “I”).

Seconded and voted unanimously.

## **VII OLD AND NEW BUSINESS**

- A. Vice Chairman Houle announced that the next morning hearing of November 21<sup>st</sup> has been cancelled. All pending matters will be discussed at the December 5<sup>th</sup> morning hearing.
- B. Darcy stated that the Conservation Commission Network meeting is scheduled for Thursday, January 3, 2007, from 1:00-3:00 p.m., (Rooms 11 and 12), Superior Courthouse complex.

**A motion was made to adjourn the meeting.**

**Seconded and voted unanimously.**

**The time was 8:40 p.m.**