



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 MEETING

DATE: JANUARY 9, 2007, 6:30 p.m.

LOCATION: TOWN HALL HEARING ROOM

The meeting was called to order at 6:30 p.m. by Chairman Dennis Houle. Also attending were Vice-Chairman John Abodeely 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

A. Minutes of December 12, 2006.

A motion was made to approve the minutes of December 12, 2006, public session only. The executive session minutes of the same date were deferred until the next executive session.

Seconded and voted unanimously.

B. Executive session minutes of 4/03/01, 7/24/01, 7/31/01, 8/14/01, 9/18/01, 11/12/02, 12/03/02, 02/25/03, 03/25/03, 7/15/03, 8/19/03, 11/12/03, 11/25/03, 3/23/04, 4/13/04, 3/08/05, 6/28/05, 8/02/05, 9/27/05, 11/08/05, 12/13/05, 1/10/06, 8/08/06.

A motion was made to approve and release the executive session minutes.

Seconded and voted unanimously.

II CONTINUANCES

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 Attorney Pat Butler, Doris Schofield and Peter Sullivan, P.E.

Discussion: The pier was proposed for non-motorized craft only. Mr. Sullivan presented a case for a permanent pier. Scott said that, with a seasonal pier, the Commission's ability to enforce the motorcraft exclusion would be enhanced. Attorney Butler said only the Order of Conditions is enforceable. Pete Sampou agreed with Scott. Dennis said the Commission has clearly been looking to seasonal piers as least impacting on the resource areas. John Abodeely disagreed with seasonal piers as having better enforceability. However, he supported a seasonal pier for aesthetic and other reasons.

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

Seconded and voted unanimously.

Shallow Pond Professional LLC. Raze existing motel; remove septic systems; construct office building with parking lot and landscaping at 1471 Route 132 (Rainbow Motel), Hyannis as shown on Assessors Map 253 Parcel 014-X01. **SE3-4533**

The applicant was represented by Attorney Pat Butler and Stephen Wilson, P.E.

Discussion: The building footprint has been removed from the 50-foot buffer. The drainage system capacity has been increased to accommodate the 100-year storm. The Growth Management Department requested that several “friendly” conditions be inserted in the Order.

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

Seconded and voted unanimously.

Red Horse, LLC. Construct single-family house, stable, and landscaping at 330 Olde Homestead Dr., Marstons Mills, Barnstable as shown on Assessors Map 044 Parcel 009-001. **SE3-4583**

The applicant was represented by Attorney Pat Butler and Stephen Wilson, P.E.

A revised plan was submitted, moving the house further from the 50-foot arc. Landscaping enhancements to the 50-foot buffer were proposed.

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

Seconded and voted unanimously.

~7:30 pm The Barnstable Conservation Commission will hold a public hearing to discuss on-going management problems at the Crocker Neck conservation area in Cotuit. A possible outcome of this hearing may be the revising of the Commission's land management plan for the parcel to enable the permanent closure of the main gate located a short distance down the entrance road. Public comment is welcome.

Vice Chairman John Abodeely provided a requested bit of background.

Public Comment: Scott Belman said a gate closure would mean the loss of his mooring which he has held since the mid-1960's. He cited the conservation division's boathouse removal work as the most damaging to the resources.

Gerard Ganey of Tracy Road spoke in favor of keeping the gate locked.

Cindy Tufts said she uses a dolly to bring her dolly to the beach. Gate closure has meant less abuse of the land.

King Lowe of Tracy Road, said the difference between Crocker Neck and Sandy Neck is that Sandy Neck is patrolled by Natural Resource Officers.

Spiro Campus of Tracy Road, said it is the fires that his neighbors are concerned about, not with keeping the public out.

Delores Lowe of Tracy Road said she is interested in protecting the parcel, not in keeping the public out. She said the road could stand some maintenance, even with the gate closed.

Clayton Lane, Clamshell Cove Road, supported the gate closure.

Janet Joakim, Town Council President, read a letter into the record. She relayed that only three complaints were made to the Police Department regarding late night revelling. Locking the gates punishes all taxpayers, she said. She asked who we are protecting the property from. Better access, via an improved access road might be the solution, enabling access by Police Department cruisers.

(Crocker Neck, cont'd.)

Dennis Houle said that staff recommends against improving the road because of reduced safety to hikers. He supported keeping the gate closed until such time as a better alternative is brought forward.

Pete Sampou stated that sheer frustration led him to vote for temporary gate closure. He was encouraged by the recent interest in the issue at the highest level of our Town government.

Scott Blazis said that Crocker Neck is listed as Town way-to-water #16 in the recent Town Report on "Ways. "

Scott said the Local Comprehensive Plan does not authorize the further restricting of water access. Rather, it speaks strongly for expanding access. He also said he would like to see the temporary closure (which he supports) have a sunset provision as of May 1st. He decried the loss of any moorings as a result of a permanent gate closure.

Scott said we need to address the illegal behavior, not reduce the public's access.

Larry Morin said he is glad that many minds are working on the solution. John Parker agreed, but suggested the imposition of a sunset date might reduce enthusiasm for finding a solution.

John Abodeely said the challenge for the Commission is allowing access while protecting an important an important environmental resource. He said as soon as a viable solution is brought forward, the Commission will revisit the gate closure for Crocker Neck.

A motion was made to maintain the interim policy of locking the gate until such time as the Town and Conservation Division bring forward a viable management solution.

Seconded and voted as follows: 4 votes "Aye;" 3 votes "Nay."

The motion carried.

III ADVISEMENT

Charles and Francene Rodgers. Construct pier with ramp and float; relocate existing boat rack; construct access walkway at 621 Old Post Rd., Cotuit as shown on Assessors Map 054 Parcel 015-001. **SE3-4585**

Chairman Houle pointed out that the public hearing was closed on December 20th.

Dennis asked for response to the following key issues:

- Large motor/shallow water sediment re-suspension close to important shellfish resources;
- Is this a shellfish reclassification area?
- Cumulative impacts;
- Seasonal construction;
- Conformance with regulations.

Pete Sampou said that a 700-hp boat will necessarily re-suspend sediment during docking maneuvers. He thinks this will affect shellfish in the adjacent and important recreational shellfish area.

John Abodeely agreed that that is a lot of boat. John said he would support a seasonal pier along the lines of Keally next door.

Staff pointed out that there was only a 2-hp allowance at Keally's, where available depth was much less.

Scott discussed a tender to be used to access the existing mooring.

Pete said the problem is not the pier, but the dock. Therefore, he said he would like to see prior Commission approval of the boat.

(Rodgers, cont'd.)

A motion was made to approve a seasonal pier with a requirement that the proposed boat receive the advance approval of the Conservation Commission and, if accepted, that the on-going litigation be dropped.

Seconded and voted unanimously.

IV REQUESTS FOR DETERMINATION

Adam Hostetter. Install retaining wall; place moveable ladder to access boat area/pond; vista pruning at 1293 Santuit-Newtown Rd. easement to 1350 Santuit-Newtown Rd., Cotuit as shown on Assessors Map 026 Parcel 039, and Map 025 Parcel 010. **DA-07001**

The applicant attended.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Philip N. Wallace. Install and/or move new paddock fencing at 305 Pine St., W. Barnstable as shown on Assessors Map 175 Parcel 034. **DA-07002**

The applicant attended.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Frederick and Barbara Cusick. Upgrade existing septic system and relocate existing well at 27 High St., W. Barnstable as shown on Assessors Map 133 Parcel 031. **DA-07003**

The applicant was represented by Lynne Hamlyn.

Discussion: The determination will be recorded, ensuring that wetland restoration work is undertaken.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Carol Onisko. Install in-ground 500-gal. propane tank; vista pruning on Hamblin and Middle Ponds at 250 Hollidge Hill Ln., Marstons Mills as shown on Assessors Map 081 Parcel 019-001. **DA-07004**

The applicant was represented by John Escandarian.

Discussion: Vista pruning guidelines will apply.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

David G. Mugar. Construct 12' x 22' pool house to rear (landward) of existing pool at 1619 Main St., Cotuit as shown on Assessors Map 004 Parcel 008. **DA-07005**

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

(Mugar, cont'd.)

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

V NOTICES OF INTENT

Ron Silvia/Silvia & Silvia. Propose sewage disposal system upgrade, associated utilities, and second-story addition within existing footprint at 116 Scudder Ln., Barnstable as shown on Assessors Map 259 Parcel 012. **SE3-4592**

The applicant was represented by John Schneible, R.S.

Discussion: The Commission requested staff to seek BOH guidance on whether the number of bedrooms is appropriate for the site (given the needed variances) and whether a I/A system is appropriate.

A motion was made to continue the project to February 13, 2007.

Seconded and voted unanimously.

Cheryl C. Nolan. Raze and replace existing dwelling; rebuild existing deck; install waterline; upgrade septic system; relocate existing drive at 97 Willow Run Dr., Centerville as shown on Assessors Map 210 Parcel 060. **SE3-4595**

The applicant was represented by Lynne Hamlyn and Steve Shuma.

Discussion: The discussion evolved around the Commission's interest in tree preservation for the site.

Moving the house landward was difficult because of an existing utility easement.

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

Seconded and voted unanimously.

Hyannis Harbor Tours, Inc. Terminal improvements and amenities to include two-story building with patio and roof deck. Site improvements to include drainage, HC ramps and landscaping at 220 & 230 Ocean St., and 40 Channel Point Rd., Hyannis as shown on Assessors Map 326 Parcels 070, 069 & 071-001. **SE3-_____**

The applicant was represented by Peter Sullivan, P.E. and Marty DeMartino

Discussion: The relevant jurisdiction was coastal floodplain.

A letter was received from Caroline Stewart, who felt the vacant parcel of the applicant was not being appropriately managed.

Mr. Mitchell asked about some problem trees.

Paul Wyman asked about pedestrian issues. The Chair said they were not pertinent to this hearing or this Board.

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

Seconded and voted unanimously.

Dennis and Susan Ausiello. Landscaping improvements including replacement of existing fence, re-setting of existing patio and brick walkway, and landscape plantings at 80 Cross St., Cotuit as shown on Assessors Map 033 Parcel 029. **SE3-4596**

The applicant was represented by Attorney Pat Butler and Amy Ball.
(Ausiello, cont'd.)

Discussion: Tom Lee recused himself due to a business relationship with the presenter (Ms. Ball).

A letter of “enthusiastic support” was received from an abutter.

No concerns arose.

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

Seconded and voted unanimously.

Herbert S. & Pamela R. Pheeny, and Matthew J. Mitchell. Construct a 4-foot-wide timber pile-supported pier for recreational boating. Pier to be shared by abutting waterfront properties at Sand Point, Osterville as shown on Assessors Map 073 Parcels 014-001 and 014-002. **SE3-4597**

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

A motion was made to continue the project until February 13, 2007.

Seconded and voted unanimously.

No testimony was taken.

VI REVISED PLANS

project

revision

A. Wade Staniar SE3-4350 sfd, cottage expansion landscaping master plan

The applicant was represented by Rick Lamb, R.L.S. and Peter Sullivan, P.E.

Discussion: A landscape master plan, incorporating over 250 individual specimens, was presented.

An invasive species control effort was incorporated. Scott asked for clarification for invasives control within the 50-foot buffer. Bittersweet, Wisteria and poison ivy were to be removed. Hydraulic improvements (ditch clearing by Mosquito Control) were proposed to address Phragmites.

John Abodeely objected to vista pruning for a driveway view. He also disagreed with the proposed pruning or moving of many of the trees. John also questioned the driveway layout on the proposed plan.

Chairman Houle cautioned about work within the 50-foot buffer.

Staff said they would like to work with Mr. Lamb and the owner to appropriately mold the proposal to the Commission’s regulations. Scott said work within the 50-foot buffer would be limited to “surgical” rather than wholesale pruning.

A motion was made to approve the revised plan involving portions:

- All work outside the 50-foot buffer zone
- Vistas excluding driveways
- Driveway entrance
- Climbers from specimens

(Staniar, cont'd.)

- Other “surgical” work.

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

A. Minor adjustments to pending Orders for SE3-4582 (Maraspin Cr. dredging) and SE3-4590 (Sroczenski)

Staff asked the Commission to consider a couple of proposed clarifications to the Order of Conditions.

Scott asked that nourishment sand be as coarse as possible. Pete clarified that Sandy Neck Beach sand may be trucked from Millway.

B. Other

February 20th and April 17th morning meetings were discussed. It was determined that a quorum will be available for those hearings.

No quorum will be available on March 20th. An evening meeting may, perhaps, be requested.

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

A.	Branca	SE3-0645	(coc,ez)	construct single-family dwelling (not done)
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B.	Quinlan	SE3-4378	(coc,ez)	construct in-ground pool *
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A motion was made to issue the Certificates of Compliance.

Seconded and voted unanimously.

A motion was made to adjourn the meeting.

Seconded and voted unanimously.

The time was 10:47 p.m.