



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: January 23, 2007, 6:30 p.m.

LOCATION: SELECTMEN’S CONFERENCE ROOM

The meeting was called to order at 6:35 p.m. by Chairman Dennis Houle. Also attending were Commissioners Peter Sampou, Scott Blazis, Larry Morin and Tom Lee. Vice-Chairman John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

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

I REMEMBERING

A. Attorney John R. Alger

There was a moment of remembrance for the late Attorney John Alger. He was fondly recalled in comments by Chairman Houle and Commissioners Scott Blazis, Larry Morin and staff. He will be sadly missed.

II MINUTES FOR APPROVAL

A. December 19, 2006

Seconded and voted unanimously.

III CONTINUANCES

Kerry McNamara. Construct single-family home, to be connected to a new Title 5 septic system (existing); disconnect existing garage/dwelling from existing septic system, and use [building] as a garage and for storage at 18 Bay Lane, Centerville as shown on Assessors Map 186 Parcel 082. **SE3-4564**

The applicant was represented by Ed Pesce, P.E., and Norm Hayes.

Discussion: A revised plan was submitted. It showed a new limit of bordering land subject to flooding, and a revised house footprint. Compensatory flood storage areas were also provided. Additional wetland seeding and shrub planting was proposed. Failed catch basins which result in storm water runoff to the subject site have been listed for repair/replacement by the DPW.

Public Comment: Susan Nelligan summarized her letter, which had been submitted previously. Claire Morash also expressed concern for heightened flooding. Bill Murdock said the lot has been repeatedly pumped of standing water. Scott Blazis described the drainage issues as “profound.”

A motion was made to take the matter under advisement.

Seconded and voted unanimously.

IV IN APPRECIATION

A. Dedicated service of outgoing Commissioner and former Vice-Chairman John Parker, Cummaquid

The Chairman presented outgoing Commissioner John Parker with a plaque in appreciation of his years of service to the Commission. John has been a committed and reliable Commissioner during his tenure.

V REQUESTS FOR DETERMINATION

Michael A. and Maureen O. Champa. Seek confirmation of resource areas at 239 Eel River Rd., Osterville as shown on Assessors Map 115 Parcel 006. **DA-06100** (continued from 12/19/06)

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

Discussion: A revised plan was submitted.

A motion was made to issue a positive determination, confirming resource area delineations.

Seconded and voted unanimously.

George D. Jones III. Upgrade existing septic system for existing 7-bedroom dwelling to include installation of 2000 gallon septic tank, 6-500 gallon leaching chambers, and a distribution box; existing cesspool to be pumped and filled with clean sand at 265 Sea View Ave., Barnstable as shown on Assessors Map 138 Parcel 020. **DA-07006**

The applicant was represented by Mike Piminto.

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Christopher Kuhn. To confirm resource area delineation at 337 South Main St., Centerville as shown on Assessors Map 207 Parcel 068. **DA-07007**

The applicant was represented by Lynne Hamlyn.

Discussion: The wetland and bank were agreed to. The presence/absence of a continuous thread of the river emerged as the issue.

James Whitman said he felt it should be called a river. Ernest Whitman said it once was a herring run.

A motion was made to continue the project to February 27, 2007.

Seconded and voted unanimously.

Jill Mary Bryant. Pruning, including limbing; take-down of proximate/weaker trees, lifting tree canopy; removing dead and dying trees, leaving slash as wildlife habitat on certain area of owner's property, including vista crossing onto land at 122 Pinquisset Cove Circle; all work within Barnstable vista pruning guidelines at 110 Pinquisset Cove Cir., Cotuit as shown on Assessors Map 005 Parcel 067. **DA-07010**

The applicant was represented by Wayne Tavaras, R.L.A.

Discussion: Several Commissioners expressed concern for the scope (and width) of the vista.

A motion was made to issue a negative determination, allowing only so much as is permitted under the guidelines.

(Bryant, cont'd.)

Seconded and voted unanimously.

Dr. Jane Wickers. Install a 30-ft. x 14-ft. deck on west side of house; remove old patio and outdoor shower base of cement at 118 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 029. **DA-07011**

The applicant was represented by Vasco Nunez.

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

VI NOTICES OF INTENT

Jim Fox. Demolish existing single-family residence; construct new single-family residence within 100 feet of coastal bank. Proposed work limits will extend to top of coastal bank in one area of site at 22 Clamshell Cove Rd., Cotuit as shown on Assessors Map 006 Parcel 009-003. **SE3-4594**

Discussion: A continuance was requested via letter.

A motion was made to continue the project to February 27, 2007.

Seconded and voted unanimously.

Town of Barnstable/DPW. Reconstruct existing timber pier structures located at the end of Pleasant Street along Hyannis Inner Harbor at 174, 182 & 190 Pleasant St., Hyannis as shown on Assessors Map 326 Parcel 131-001, 131 & 146. **SE3-4598**

The applicant was represented by Town Engineer Bob Burgmann and Mike McGrath, P.L.S.

Discussion: No concerns arose. Scott Blazis requested a boat pumpout once the Town sewer is in operation. A revised plan showing a boat pumpout will be submitted.

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

Seconded and voted unanimously.

Barnstable Harbor Ventures. Construct retaining walls, pool and landscaping; conduct vista pruning at 140 Main St., Osterville as shown on Assessors Map 165 Parcel 074-001 & 074-002. **SE3-4601**

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

Discussion: The Commission was satisfied that the project would not produce down-slope impacts. A 60-foot undisturbed buffer will be provided.

Pete Sampou said the pool was placed in the worst environmental spot on the parcel. Steve Wilson offered to increase the pool deck leaching basins to accommodate a 50-year storm impact.

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

Seconded and voted: 4 votes "Aye;" 1 vote "Nay."

Jonah and Emma Mikutowicz. Remove existing barn; work on single-family lot with potable well, pervious driveway and regrading with associated fill and rock retaining walls at 57 Widgeon Way, W. Barnstable as shown on Assessors Map 132 Parcel 036-001. **SE3-4602**

The applicant was represented by Lynne Hamlyn.

Discussion: A revised plan was submitted showing a revised wetland line.

Public Comment: Pat Lamothe, abutter, wondered where cars would park, and how many trees would be lost. Also, she had concern about turning access for large vehicles. Tom Burgle also expressed concern for driveway access.

The applicant will try to save the sole specimen oak at the site.

David Ross wanted the white pine buffer protected. He also raised zoning issues, which the Chair cut short.

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

Seconded and voted: 4 votes "Aye;" 1 vote "Nay."

Patrick M. Butler, Tr., Audubon Acres Realty Trust. Install driveway/roadway with drainage structures, including associated utilities and grading at 2294 Main St., W. Barnstable as shown on Assessors Map 237 Parcel 017-002 (Lot 2B & Daffodil Lane Parcels). **SE3-4603**

The applicant was represented by Attorney Pat Butler and John Lavalle, P.E.

Discussion: A letter from an abutter (the Bearses) was noted. It's provisions were largely agreed to.

A roadside swale will be provided to accommodate runoff from the paved drive.

At the request of an abutter, and agreed to by the applicant, the wetland will be inspected for possible certification as a vernal pool. If it meets the criteria, it will be certified.

A minor modification to the wetland flagging was accomplished via a revised plan.

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

Seconded and voted unanimously.

VII AMENDED ORDER OF CONDITIONS

Town of Barnstable/Marine and Environmental Affairs Division (MEA). The applicant is proposing to move the Nickerson Cottage from its existing location (183/005/001) on the Marsh Trail (between Trails 1 & 2) to the Cottage Colony. The cottage would then be reinstalled onto an existing foundation of the Moquin property (338/008 & 009). **SE3-4512**

The applicant was represented by Nina Coleman, Sandy Neck Park Manager.

Discussion: Pete Sampou noted that the Sandy Neck Board (of which he is part) has voted to have Nina request the amendment. Town Councilor Ann Canedy raised a conflict-of-interest issue regarding Mr. Sampou. The Chair said that Pete's participation has been cleared by the Assistant Town Attorney.

The move will traverse Trails Nos. 2 and 6. Pete Sampou thought Trail No. 6 would be a difficult move. Mr. Doug Moquin said the mover believes the move is manageable.

A letter from Hank Farnham, expressing concern for costs accruing to taxpayers, was noted.

(T.O.B./M.E.A., cont'd.)

Scott Blazis felt the cottage could be best used as a Town facility, located on Town property. Councilor Canedy thought the development cost of a Town cottage would be substantial.

A motion was made to approve the amendment allowing the relocation of the cottage to the Moquin parcel or to a Town parcel, provided further necessary permitting was obtained from the Conservation Commission.

Seconded and voted unanimously.

VIII REVISED PLANS

A. Wm. Cafferky SE3-4543 rebuild on existing foundation, additions demolish/rebuild

The applicant was represented by Ron Rue.

Discussion: Unbeknownst to the contractor, the existing foundation lacked footings, so must be removed.

No concerns arose.

A further revision in the plans was requested by the Commission.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

IX OLD & NEW BUSINESS

A. Introduction of Christine Odiaga - DEP SERO Circuit Rider

Ms. Odiaga was introduced.

B. BonnyBrook Trust SE3-3648 remove groin, provide slip height of remnant groin

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

The discussion on appropriate height for the reconstructed groin was continued to February 13, to allow Commissioners a chance to visit.

C. Other

None.

X ENFORCEMENT

A. Robert Bothwell SE3-4096 252 Clamshell Cove Road draft requirements

Mr. Bothwell attended.

Scott Blazis said the 35-foot Cabo clearly did not satisfy the 12-inch clearance required under the Order.

Mr. Bothwell indicated that the former owner also had a larger boat. He said the Cabo complied with the draft requirement prescribed in the Order.

Scott Blazis said the approved plan shows less than two feet of water at low tide at the berth.

(Bothwell, cont'd.)

A motion was made to issue an enforcement order, setting forth that the 35-foot Cabo can access the pier only three (3) hours on either side of high tide.

Seconded and voted unanimously.

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

A.	Ireland	SE3-4455	(coc,ez)	permit existing dock, ramp, & float *
B.	Tyler	SE3-4064	(coc,ez)	construct addition to single-family dwelling *
C.	Swan (Laurie)	SE3-3857	(coc,ez)	construct single-family dwelling *
D.	Keller	SE3-4393	(coc,ez)	raze motel; construct office building *
E.	Telegraph (Davis)	BCC-0177	(coc,ez)	construct single-family dwelling *

A motion was made to approve all of the certificates of compliance.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:12 p.m.