



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: February 13, 2007, 6:30 p.m.

LOCATION: SELECTMEN'S CONFERENCE ROOM

The meeting was called to order at 6:30 p.m. by Chairman Dennis Houle. Also attending were Commissioners Peter Sampou, Scott Blazis (arrived at 8:40 p.m.), Larry Morin and Tom Lee. Vice-Chairman John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Selectmen's Conference Room, Barnstable Town Hall, Hyannis, MA.

I MINUTES FOR APPROVAL

A. January 2, 2007

B. January 9, 2007

A motion was made to approve the minutes of January 2nd and January 9th, 2007.

Seconded and voted unanimously.

II ADVISEMENT

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**

Staff offered an initial perspective that the core issue is flood storage compensation.

Pete Sampou differed in opinion, finding the proposed fill as wetlands fill, not a mere volumetric consideration.

Larry Morin asked whether, in the post-construction scenario, water would move in an un-impeded fashion into the provided storage zone.

Tom Lee said that he regarded the issue as one of land subject to flooding.

Dennis Houle expressed interest in the idea of having the house built on piling.

Pete Sampou asked staff for a list of wetland plants that would continue to thrive in the presence of mowing.

In the end, the Commission consensus was that it would be best for the applicant to request a re-opening of the hearing.

III REQUESTS FOR DETERMINATION

Town of Barnstable. Upgrade Town recreational facilities at four locations: **Craigville Beach** – Upgrade existing septic system servicing bathhouse at 997 Craigville Beach Rd., Centerville, Map 206 Parcel 013; **Covell Beach** – Upgrade existing septic system servicing bathhouse at 857 Craigville Beach Rd., Centerville, Map 225 Parcel 006;

(Town of Barnstable, cont'd.)

Kalmus Beach – Upgrade existing wastewater system servicing bathhouse and concession stand at 670 Ocean St., Hyannis, Map 324 Parcel 041; and, **Bay Lane Tennis Courts** – Resurface existing tennis courts and replace surrounding chain-link fence at 625 Bay Ln., Centerville, Map 187 Parcel 026. **DA-07016**

The applicant was represented by Amy Ball and Beth Kittile.

Discussion: Tom Lee recused himself, as he works with Ms. Ball.

No concerns arose.

A revised plan will be submitted for the Bay Lane Tennis facility.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Thomas J. DeVesto. Construct retaining wall 74' from top of coastal bank at 835 Old Post Rd., Cotuit as shown on Assessors Map 073 Parcel 006-002. **DA-07008**

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

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Thomas J. DeVesto and Angela Hahn. Set chain-link pool fencing 75' from top of coastal bank at 821 Old Post Rd., Cotuit as shown on Assessors Map 073 Parcel 007. **DA-07009**

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

Discussion: No concerns arose.

A motion was made to issue a negative determination

Seconded and voted unanimously.

Town of Barnstable/Engineering Division. Proposed wastewater forcemain extending from a proposed Pumping Station on the corner of Main Street and Dumont Drive, to the Hyannis Water Pollution Control Facility (WPCF) on Bearses Way. Pipeline length is estimated at approx. 9,000 linear feet. Approximately 220' of proposed force main route falls within the 100' buffer zone of a deciduous wooded swamp located in the right-of-way adjacent to the Barnstable Housing Authority units on 200 Steven Street and also adjacent to map/parcel 308/258. Construction in this area will consist of excavation in right-of-way to install dual 10" and 14" C.L.D.I. forcemains. The forcemains will be installed with a minimum of 5' of cover approx. 6' off existing bituminous concrete sidewalk in the north-bound lane on Stevens Street. **DA-07013**

The applicant was represented by Russ Kleekamp.

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Michael A. and Maureen O. Champa. Reconfigure existing licensed pier including reconfiguration of floats, platform, ramp and piles; removal of one platform and the addition of a proposed ramp at 239 Eel River Road, Osterville as shown on Assessors Map 115 Parcel 006. **DA-07012**

The applicant was represented by Attorney Sarah Alger and John O’Dea, E.I.T.

Discussion: No concerns arose.

A motion was made to issue a negative determination, contingent upon favorable findings of the Harbormaster and the Shellfish Biologist.

Seconded and voted unanimously.

IV NOTICES OF INTENT

John F. Cunningham. Add 3'x 14' ramp to end of existing pier together with 10'x 20' float, replacing eight feet of existing pier and 8' x 12' float at 25 Oyster Way, Osterville as shown on Assessors Map 072 Parcel 038-001.

SE3-4599

John and Donna Carroll. Amend and extend pier previously permitted, by the addition of an 8' x 25' float with 4' x 18' extension to the pier at 81 Oyster Way, Osterville as shown on Assessors Map 072 Parcel 042. **SE3-4600**

The applications for Cunningham and Carroll were opened simultaneously.

The applicants (Cunningham and Carrol) were represented by Attorney Sarah Alger and John O’Dea, E.I.T.

Discussion: Larry Morin asked about the status of the dredging certificate of compliance. Mr. O’Dea said that the post-dredging bathymetry plan has been submitted.

No concerns arose for the pier improvements.

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

Seconded and voted unanimously.

Paul Kozloff. Implement an invasive species management plan within Lane, subject to Coastal Storm Flowage and within a fresh water wetland and associated buffer zone at 27 Winfield Ln., Osterville as shown on Assessors Map 116 Parcel 100. **SE3-4609**

The applicant was represented by Amy Ball and Beth Kittile.

Tom Lee recused himself, as he works with Ms. Ball.

Discussion: Ms. Ball stated that four invasive species plague the site.

Public Comment: Ms. Carol Horgan indicated that she was worried about herbicide use at the site, given its proximity to shellfish beds.

Pete Sampou was concerned for the wholesale removal of woody vegetation in the wet meadow.

Scott Blazis asked for native plants within the 50-ft. buffer, as mitigation for the “in-wetlands” work.

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

Seconded and voted unanimously.

Ernest Tartaglia. Construct single-family dwelling with associated work within riverfront area only, at 89 Trail, Centerville as shown on Assessors Map 230 Parcel 152. **SE3-4604**

Discussion: A letter was read, informing the Commission that the matter has been withdrawn.

Robert O’Leary. Permit existing decks, stonewall and drive extension; construct stone wall; install fence and fence posts, and mitigation planting at 154 Indian Trail, Cummaquid as shown on Assessors Map 336 Parcel 013-002. **SE3-4605**

The applicant was represented by Lynne Hamlyn.

Discussion: The project was prompted by issues affecting the release of the certificate of compliance.

Some removal of grow-back and invasive species, as well as some enhancement planting, was proposed as part of the mitigation package.

A fence at the 50-foot arc was required, as was an arborist’s involvement in the management of the cut cherry trees to provide best re-growth of suckers.

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

Seconded and voted unanimously.

V CONTINUANCES

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**

A request was made (read) to further continue the hearing.

A motion was made to continue the project until March 27th.

Seconded and voted unanimously.

No testimony was taken.

Herbert S. & Pamela R. Pheeny, 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**

A further continuance was requested in writing by Attorney Sarah Alger.

A motion was made to continue the project until March 13th.

Seconded and voted unanimously.

VI AMENDED ORDER OF CONDITIONS

John S. Wilson. Amend Order of Conditions SE3-4444 to raze existing structure and replace it with prefabricated modular unit, in lieu of rehabilitating existing structure. Proposed foundation, location, footprint and architectural style to remain the same at 946 Craigville Beach Rd., Centerville as shown on Assessors Map 226 Parcel 002 E&G. **SE3-4444**

The applicant was represented by Attorney Philip Boudreau and Steve Wilson, P.E.

(John S. Wilson, cont’d.)

Discussion: The nature of the project change consists of a “tear-down-rebuild,” rather than a remodeling project.

Pete Sampou asked for a better understanding of the degree of buffer-zone waiver now needed.

Dennis Houle said that mitigation was thoroughly explored in the earlier hearings. The provision of a small shrub buffer will be worked out between staff and Mr. Wilson.

VII ENFORCEMENT ORDER

- A. Robert J. Morrissey – 84 Windswept Way, Osterville
Alteration of a wetland resource area, coastal bank, and the Barnstable Conservation Commission’s 50’ undisturbed buffer zone, by flush cutting numerous trees, without prior authorization of the Conservation Commission.

The applicant was represented by Attorney Bruce Gilmore, John O’Dea, E.I.T. and Don Schall.

Staff read the provisions of the enforcement order.

The unauthorized clearing was done by John Chapman Cleaners. Mr. Gilmore said the Morrisseys always had a view, and the clearing was a terrible mistake. The instructions given to Mr. Chapman were to trim the vegetation under his stairs and to clean (not cut or clear) the bank.

Mr. Schall summarized his restoration idea. It involved control of invasive species, and active stump-sprout management.

Larry Morin asked if there were erosion or stability issues. Mr. Schall thought there were not, although Dennis Houle pointed out a patch near the stairs which needs attention. Larry remarked that a bad deed could bring about a better result.

With the parties having reached an understanding on the landscaping issues to be resolved, the hearing was concluded.

A motion was made to approve the staff-issued enforcement order. A final staff-issued enforcement order will be issued, directing the final landscaping resolution.

Seconded and voted unanimously.

VIII OLD & NEW BUSINESS

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

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

- B. Shooting Range Rules and Regulations** (Chapter 702 of the Code of the Town of Barnstable). The proposed revisions would delete from the regulations any mention of specific permit fees, or the duration of those permits. These will be proposed for adoption in a separate fee schedule, which will include fee increases for range permits for both individual and institutional users, and a new 1 year (instead of 2) duration.

The public hearing was held. Staff ran the Commission through the cost of service analysis and recommendations for increased fees, effective May 1, 2007. Fees for institutional users would triple to \$150 per day; fees for residents would be \$21 per year, for non-residents, the fee would be \$42 per year.
(Shooting Range, cont’d.)

Scott Blazis thought that the costs of lead abatement should be shouldered by the out-of-town institutional users, and out-of-town individual permit holders. He said there are real but intangible costs which the Town incurs for their use.

Staff informed the Commission that on-going and future capital projects at the range (e.g., engineering design, lead abatement, noise abatement, and range expansion) will be passed along to users as “betterments” at a future date.

A motion was made to continue the hearing to February 27th, to allow more time for public comment.

Seconded and voted unanimously.

- C. Appeals filed with DEP on Decisions on Rogers pier (SE3-4585) and DPW Maraspin Creek Dredging (SE3-4582).

The appeals were noted.

- D. Shellfish habitat map

The new shellfish habitat map by Tom Marcotti and his Committee was made available to the Commission. The map had been recorded with the Town Clerk several months ago. It includes Popponnessett Bay, Shoestring Bay, East Bay, and Lewis Bay, as well as the Centerville River.

- E. Other

New Council liaison Councilor Greg Milne was introduced, and spoke a few words of encouragement.

IX REVISED PLANS

- A. DeHechavarria SE3-4539 garage add ret. Wall

The applicant was represented by Lynne Hamlyn.

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

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

- A. Burnes Realty Trust SE3-4159 (coc,ez) maintenance dredging *
 - B. Tracy (Panasevich) SE3-4143 (coc,ez) construct dock (not done)
 - C. Bloom SE3-4572 (coc,ez) permit existing pier *
 - D. Pave (Seagull Research) SE3-3028 (coc,ez) construct single-family dwelling *
 - E. E & T Farms SE3-4218 (coc,ez) construct aquaponics farm *
 - F. Pacheco SE3-4465 (coc,ez) convert gazebo to shed *
 - G. Kelley SE3-4230 (coc,ez) permit existing pier *
 - H. Carr SE3-4162 (coc,ez) construct single-family dwelling *
- (Certificates of Compliance, cont'd.)

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

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:03 p.m.