



# Town of Barnstable Conservation Commission

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## CORRECTED MINUTES – CONSERVATION COMMISSION MEETING

**DATE: February 27, 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 Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Tom Lee. Vice-Chairman Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

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

### **I MINUTES FOR APPROVAL**

**A.** January 23, 2007

A motion was made to approve the minutes of January 23, 2007.

Seconded and voted unanimously.

### **II REQUESTS FOR DETERMINATION**

**Keith MacKenzie-Betty.** Repair foundations to existing house and barn; remove and replace trees as part of overall landscape plan at 3280 Main Street, Barnstable as shown on Assessors Map 299 Parcel 035. **DA-07014.**

The applicant attended.

Discussion: The Commission discussed leaving a tree standing, one which the applicant desired to cut.

A landscaping plan will be developed in consultation with Staff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Ted Herrick.** Conduct vista pruning in accordance with Commission guidelines at 354 Mystic Drive, Marstons Mills as shown on Assessors Map 080 Parcel 008. **DA-07015**

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

Discussion: Guidelines will apply. The Commission consented to allow, at staff's suggestion, invasive gray willow.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Nancy Mikutowicz.** Construct addition on the southwest corner of existing dwelling; elevate screened porch on west side with stone patio at grade between porch and addition at 251 Maple Street, West Barnstable as shown on Assessors Map 132 Parcel 036.002. **DA-07018**

The applicant was represented by David Flaherty.

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Leonard DiLorenzo.** Remove and replace existing open wood deck with an outward extension of 2.4 ft., width to remain the same, new sono-tubes to be placed through existing concrete patio. Mitigation plantings of approved species to be 10 ft. from coastal bank landward at 5 Harbor Bluffs Road, Hyannis as shown on Assessors Map 325 Parcel 133. **DA-07017**

The applicant was represented by David Flaherty.

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Oyster Harbors Yacht Basin Realty Corp.** Installation of a closed loop boat wash recycling system by replacing an existing concrete slab, currently used for washing down boats, with a new concrete pad with catch basins at 122 Bridge Street, Osterville as shown on Assessors Map 093 Parcel 009. **DA-07019**

The applicant was represented by Roy Okurowski, P.E.

Discussion: Scott Blazis applauded the application for its positive impact on the environment.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Alan Junnila.** Construct new agricultural equipment building with living quarters; associated grading, landscaping, utilities, and septic system at 1095 Old Stage Road, Centerville as shown on Assessors Map 173 Parcel 086.002. **SE3-4607**

The applicant was represented by Arlene Wilson.

Discussion: The building would provide for equipment storage with bog foreman living quarters above. The storage building itself would be agriculturally exempt. The second-story is to be advanced as an agricultural-limited project. The project meets zoning requirements. The septic system would be MicroFast, nitrogen removing.

Public Comment: Walter Gould, abutter, asked about the building site (30'x55'), and how many residences (just one).

Pete Sampou expressed concern for the extent of the buffer-zone waiver. Scott Blazis requested that the buffer be managed for optimizing box turtle habitat.

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

(Junnila, cont'd.)

Seconded and voted unanimously.

**Mark & Kathleen Curtice.** Construct a barn and paddock; remove sheds; minor site improvements such as fence realignment at 60 Pond Street, Osterville as shown on Assessors Map 118 Parcel 104.001. **SE3-4608**

The applicants attended, and were represented by Brad Holmes.

Discussion: No concerns arose.

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

Seconded and voted unanimously.

**John & Judith O’Gorman.** Construct seasonal pier in Bearses Pond and associated kayak/dinghy rack at 130 Holly Point Road, Centerville as shown on Assessors Map 232 Parcel 039. **SE3-4606**

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

Discussion: No concerns arose.

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

Seconded and voted unanimously.

**Peter Ford.** Construct inground pool and patio at 204 Seapuit Road, Osterville as shown on Assessors Map 095 Parcel 021. **SE3-4610**

The applicant was represented by Richard Savatt.

Discussion: A revised plan was submitted showing the draw-down point.

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

Seconded and voted unanimously.

**F.E.C. Realty Trust.** Construct single-family dwelling with attached garage, deck, patio, walkways, drive, subsurface septic system, walls, and drainage and relocation of existing shed at Lot 2 Sheperds Way, Barnstable as shown on Assessors Map 259 Parcel 001.001 (portion of). **SE3-4611**

The applicant was represented by Lynne Hamlyn.

Discussion: Ms. Hamlyn said that she finds the stream was not intermittent, as it lacks a channel at the lower elevation.

Public Comment: Steve Berglund, abutter, expressed concern that the new driveway placement has altered the drainage in the area. He believes runoff will be increased through the culvert.

Kate Berglund asked the Commission to be very diligent regarding the offset distances, given the elevation differences. She also mentioned road crowding issues.

Scott Blazis suggested plantings near the trap rock, a grassed swale will be designed. A revised plan will be submitted.

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

(F.E.C. Realty Trust, cont'd.)

Seconded and voted unanimously.

#### **IV AMENDED ORDERS OF CONDITION**

**Douglas D. & Sandra Gregory.** Amend permit SE3-4278 to enable further needed repair of existing stone revetment by extending the steel sheathing and by the placement of 12” pilings at 26 Bay Shore Road, Hyannis as shown on Assessors Map 326 Parcel 085. **SE3-4278**

The applicant was represented by Lynne Hamlyn.

Discussion: The new end-point of the wash-over bulkhead will still focus impacts on the applicant’s property, rather than on the neighbor’s. But they believe they can manage the impacts in that small area.

A motion was made to approve the amendment.

Seconded and voted unanimously.

**Oyster Harbors Marine.** Amend permit SE3-3922 to enable reconstruction/ replacement of existing licensed boat-launching ramp at 122 Bridge Street, Osterville as shown on Assessors Map 093 Parcel 009. **SE3-3922**

The applicant was represented by Roy Okurowski, P.E.

Discussion: No concerns arose.

A motion was made to approve the amendment.

Seconded and voted unanimously.

#### **V CONTINUANCES**

**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: Ms. Hamlyn reported that the Mosquito Control Project finds that a fire department “sump” was placed in the 1940’s. This spelled the eventual loss of the stream channel and, hence, any designation as “river.”

Commissioners Blazis and Sampou disagreed with Ms. Hamlyn’s statement, finding the stream a “wetland.”

Public Comment: Ernie Whitman spoke of stream flow impediments resultant from neighbors creating ponds for fish and plants, and from the lack of any Mosquito Control work there in at least ten years.

Arlene Wilson offered the definitions of “streams” and “rivers,” and drew distinctions between them.

A motion was made to issue a positive determination, validating resource areas under the Town Code, and some under Massachusetts 131 § 40, except that the Commission finds the stream a “river.”

Seconded and voted unanimously.

**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**

The applicant was represented by Michael Borselli, P.E.

(Fox, cont'd.)

Discussion: A large area of mitigation planting was proposed.

Scott Blazis expressed concern for the proposed expanded footprint within the 50-foot buffer. He described it as the greatest waiver request he had ever seen presented before the Commission. Pete Sampou described the proposed rebuild as “humongous.” Larry Morin asked how the Commission could consider this application a positive thing. Mr. Borselli said he could not say.

A revised plan was then presented which eliminated the seaward extension of the house footprint.

Scott still felt the house was “gargantuan,” and would have a certain deleterious impact on the bay’s nitrogen load.

Chairman Houle asked Mr. Borselli to seek guidelines from the Board of Health and the Building Commissioner.

A motion was made to continue the project until April 10<sup>th</sup>.

Seconded and voted unanimously.

**VI OLD & NEW BUSINESS**

A. **Shooting Range Rules and Regulations** (Chapter 702 of the Code of the Town of Barnstable). Continuation of public hearing to delete from the regulations inclusion of specific permit fees, and the duration of those permits. These are 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.

A letter from the W. Barnstable Civic Association Board of Directors supporting the fee changes was read.

Town Council President Hank Farnham cited from the local Comprehensive Plan the section dealing with the range. He suggested a \$25 annual resident fee, and a \$45 annual non-resident fee.

A motion was made to approve the revised fees.

Seconded and voted unanimously.

B. MACC Annual Meeting March 3<sup>rd</sup> at Holy Cross

Noted.

C. Other

None

**VII EXTENSIONS**

A. Shawn Martin SE3-4214 sfd, 3 yrs.

A motion was made to grant a 3-year extension.

Seconded and voted unanimously.

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

A. O'Brien SE3-4136 (partial coc,ez) reconstruct shed & terrace; install fence; phragmites maintenance (on-going) \*

- B. Senteio SE3-4180 (coc,ez) construct single-family dwelling \*
- C. Larson (Bridges) SE3-0362 (coc,ez) construct single-family dwelling \*

(Certificates, cont'd.)

- D. Sweeney SE3-4174 (coc,ez) construct screened porch (not done); dormers \*

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 9:23 p.m.**