



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: March 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, Larry Morin, Tom Lee, and Louise Foster. 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.

I MINUTES FOR APPROVAL

- A. February 13, 2007
- B. February 20, 2007

A motion was made to approve the minutes of February 13th and February 20th, 2007

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Eunice Kennedy Shriver. Construct addition to single-family dwelling; install septic tank and pump chamber associated with new septic up-grade at 31 Atlantic Ave., Hyannisport as shown on Assessors Map 265 Parcel 009-001. **DA-07021**

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

Discussion: Commissioner Louise Foster asked about deleting the dog pen as mitigation. Mr. Sullivan said he was not authorized to consent.

Commissioner Sampou asked that a mowing schedule (twice per year) be imposed.

A motion was made to issue a negative determination, with mitigation to be arranged with staff.

Seconded and voted unanimously.

Martha S. Mugar. To permit and maintain existing blue-stone patio at 50 Vineyard Rd., Cotuit as shown on Assessors Map 016 Parcel 016. **DA-07022**

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

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Rita Cannistraro. Construct two small additions to existing dwelling at 473 Eel River Rd., Osterville as shown on Assessors Map 114 Parcel 019. **DA-07020**

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

Discussion: The Commission discussed whether or not mitigation was appropriate for simple projects such as RDA's.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Town of Barnstable/Recreation Division. Place sand, covering public beach area (54' x 90') to stabilize bank, revitalize beach, and support beach so water will not pool or erode beach area at **Hathaway's Pond**, 1431 Phinney's Ln., Hyannis as shown on Assessors Map 275 Parcel 002. **DA-07023**

Town of Barnstable/Recreation Division. Place sand, covering public beach area (60' x 135') to stabilize bank, revitalize beach, and support beach so water will not pool or erode beach area at **Hamblin's Pond**, 459 Rte.149, Marstons Mills as shown on Assessors Map 079 Parcel 012. **DA-07024**

The hearings were opened simultaneously.

The applicant was represented by David Curley, Recreation Director.

Discussion: Commissioner Morin asked how often this type of nourishment occurs. Mr. Curley answered that every twenty years is expected.

Commissioner Sampou asked for the Town to help better define the use areas at the Hamblin Pond boat launch area.

A motion was made to issue a negative determination for both RDA's.

Seconded and voted unanimously.

III NOTICES OF INTENT

Michael & Maureen Champa. Remove 7 dead or dying pine trees and replace with cedar trees at 120 North Bay Rd., Osterville as shown on Assessors Map 072 Parcel 028-001. **SE3-4612**

The applicant was represented by Peter Sullivan, P.E. and Attorney Sarah Alger.

Discussion: No concerns arose.

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

Seconded and voted unanimously.

Paul & Patricia Mazzola. Construct/complete upland stone retaining wall; landscaping at 644 River Rd., Marstons Mills, MA as shown on Assessors Map 061 Parcel 057. **SE3-4613**

The applicant was represented by Arlene Wilson.

Discussion: The project was brought forward in response to enforcement action.

No concerns arose.

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

Seconded and voted unanimously.

Edmund F. & Deborah M. Kelly. Construct single-family dwelling with septic, driveway, landscaping, utilities, in-ground pool with poolhouse and all associated appurtenances at 315 Main St., Osterville as shown on Assessors Map 164 Parcel 003-001. **SE3-4616**

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

Discussion: Pete Sampou was concerned about the steep slopes off the wetland side of the parcel, and the potential for down-slope construction impacts. Staff suggested that construction of the retaining walls and terraces be constructed prior to any other construction.

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

Seconded and voted unanimously.

Valerie Winchester. Construct in-ground pool, pool house, retaining walls; landscaping and all associated appurtenances at 35 Cove Ln., Osterville as shown on Assessors Map 053 Parcel 012-002. **SE3-4614**

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

Discussion: The walls will be constructed first. Chairman Dennis Houle asked that the path be returned to the three-foot width which was approved, and the margins planted in native shrubs.

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

Seconded and voted unanimously.

Paul Jaques. Construct single-family house, pool, septic system and landscaping at 44 Quail Rd., Osterville as shown on Assessors Map 117 Parcel 177. **SE3-_____**

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

Discussion: The retaining walls would be only four (4) feet high.

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

Seconded and voted unanimously.

IV CONTINUANCES

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**

The applicant was represented by Peter Sullivan, P.E. and Attorney Sarah Alger.

Discussion: A shellfish assessment was submitted for the record. Letters were noted for the record. Staff discussed the “mapped” status of the locus, shown not to be “high value” shellfish habitat.

A report from Tom Marcotti, Town Shellfish Biologist, was noted. The report found the shellfishing significant and recommended against the project.

A letter from Shellfish Advisory Committee Stuart Rapp was read. It also found the area significant for shellfish.

Scott Blazis said the habitat maps were not meant to be precise.

Pete Sampou disagreed with staff on the “expert” designation of the Shellfish Habitat Mapping Committee. Pete said that the Town’s best academician on shellfish habitat, Tom Marcotti, is opposing the project. (Pheaney/Mitchell, cont’d.)

Public Comment: Stan Nagus spoke against the project, and also against seasonal piers.

Matt Ostrowski of the Shellfish Advisory Committee said the area was a very suitable shellfish habitat. He opposed the project.

Andre Sampou of the Shellfish Advisory Committee said the Habitat Mapping Committee work was concerned with mapping every area of the Three Bays.

Kris Clark of West Barnstable, who sat on the Habitat Mapping Committee, said that their work was more casual. Only recently has it become more significant in its application.

Andre Sampou cited the Town Comprehensive Plan and its importance in seasonal pier denials upheld in Superior Court. In conclusion, he asked the Commission to deny the pier.

Lenny Clarke read his letter into the record. He opposed the project.

Arlene Wilson offered a couple of general comments. The L.C.P.’s introduction cites the regulation’s supremacy, despite any goals expressed in the L.C.P.

Commissioner Morin asked for confirmation that there would be 14’ of water column under the props at low water.

A motion was made to take the matter under advisement.

Seconded and voted unanimously.

V AMENDED ORDER OF CONDITIONS

Steven Hirsch. Amend permit SE3-4324 to expand project footprint as follows: demolish existing garage and construct new guest house and Title-5 septic system at 149 Ocean View Ave., Cotuit as shown on Assessors Map 033 Parcel 015. **SE3-4324**

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

Discussion: No concerns arose.

A motion was made to approve the proposed amendment.

Seconded and voted unanimously.

Frank & Nancy Selldorff. Amend permit ART-0166 to expand project footprint as follows: demolish and rebuild single-family dwelling; upgrade utilities, construct pool and pool house and all associated appurtenances at 102 Bluff Point Dr., Cotuit as shown on Assessors Map 034 Parcel 071. **ART-0166**

The applicant was represented by Peter Sullivan, P.E. and Doreen Nicholson, R.A.

Discussion: The new dwelling is moved back from the top of the bank.

Public Comment: Attorney Arthur Hyland representing Mary Sullivan, abutter, said his client was concerned for water rights for the existing well, and for the location of the septic system within 150 feet of the well.

Commissioner Houle asked for the hardscape areas to be computed for what was presently approved, and for newly proposed plans.

A motion was made to continue the project until April 10th, 2007.
Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Other

None

VII ENFORCEMENT ORDERS

John J. Chapman (tabled from 2/20/07) – 122 Cedar Street, West Barnstable

Alteration of the 100' buffer zone and the Conservation Commission 50' undisturbed buffer zone from an isolated wetland/ vernal pool.

Commissioner Sampou recused himself, as he is an abutter to Mr. Chapman.

A motion was made to approve the staff-issued enforcement order.

Seconded and voted unanimously.

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

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|----|-------------------|----------|----------|--|
| A. | Stepanek | SE3-4131 | (coc,ez) | construct boardwalk, pier, ramp, & float * |
| B. | TOB/DPW | SE3-4167 | (coc,ez) | improvements to Rt. 132 @ Independence Drive * |
| C. | Hendrick (Kohler) | BCC-0181 | (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 9:29 p.m.