



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

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

LOCATION: TOWN HALL HEARING ROOM

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, several resources are available to you: video-on-demand (free on the Town website at town.barnstable.ma.us), audiocassette and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:30 p.m. by Chairman Dennis Houle. Also attending were Commissions 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 Hearing Room, Barnstable Town Hall, Hyannis.

I MINUTES FOR APPROVAL

- A. September 25, 2007
- B. October 9, 2007

A motion was made to approve the minutes of September 25th and October 9th, 2007.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Scott Ruddick. Seeking confirmation of wetland resource delineations at 75 Bayberry Way, Osterville as shown on Assessors Map 091 Parcel 007. **DA-07076**

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

No concerns arose.

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

Seconded and voted unanimously.

Joseph Hartigan. Title-5 septic system upgrade at 45 Lake Elizabeth Dr., Centerville as shown on Assessors Map 226 Parcel 154 and 155. **DA-07079**

The applicant was represented by Jack Vaccaro.

Issues discussed:

- Prior approval by the Board of Health was obtained.

(Hartigan, cont'd.)

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Richard & Maxine Charlton. Remove invasive species on coastal bank and woody ornamentals in garden at top of bank; replace with native species at 45 Cedar Tree Neck Rd., Marston Mills as shown on Assessors Map 075 Parcel 016. **DA-07077**

The applicant was represented by Andrew McGee, R.L.A.

Issues discussed:

- Working by hand
- Deleting mulch
- Within the 50-ft. buffer, use of more wildlife-compatible species
- Extent that vista pruning is visible
- Allowing vista pruning under the Determination

A motion was made to issue a negative determination with special conditions

Seconded and voted unanimously.

Cape Wildlife Center. Install water line at 4011 Main St., Rte. 6A, Cummaquid as shown on Assessors Map 355 Parcel 060. **DA-07080**

The applicant was represented by Lynne Hamlyn.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Stephen R. Weiner. Rebuild existing walls; rebuild and relocate existing masonry steps; relocate existing pool fence; add patio and landscaping at 11 Cove Ln., Osterville as shown on Assessors Map 052 Parcel 008. **DA-07081**

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

Issues discussed:

- Whether disturbance requires mitigation
- Removal of existing junipers requested from the floor

A motion was made to issue a negative determination.

Seconded and passed: 5 votes "Aye;" 1 vote "Nay"

III NOTICES OF INTENT

Michael Mecley. Construct in-ground pool, pool house and appurtenances; walkway, walls, steps; relocate septic line at 224 Park Ave., Centerville as shown on Assessors Map 207 Parcel 105. **SE3-4674**

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

Issues discussed:

- Formerly-approved landscape restoration plan to be incorporated into this project

MN102307

(Mecley, cont'd.)

- MNH & ESP sign-off obtained
- Planting that can be done now (and not disturbed by later construction) will be done as soon as possible

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

Seconded and voted unanimously.

John & Margaret Berry. Raze and remove single-family dwelling; construct new single-family dwelling with attached garage, porch, decks, pergola and retaining wall; upgrade existing septic system; reconfigure existing drive at 111 & 115 Ocean Dr., W. Hyannisport as shown on Assessors Map 266 Parcels 005 and 006-001. **SE3-4680**

The applicant was represented by Lynne Hamlyn and Dan Ojala, P.E.

Issues discussed:

- The presence of a coastal bank, but a DEP bank, only.
- Board of Health variances granted
- Mitigation planting (525 sq. ft.) was proposed and found satisfactory.

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

Seconded and voted unanimously.

David Wallace. Raze existing single-family home; construct new single-family home with remodeled garage, appurtenances, and landscaping at 111 Long Beach Rd., Centerville as shown on Assessors Map 205 Parcel 018. **SE3-4678**

The applicant was represented by Norm Hayes.

Issues discussed:

- Mitigation proposed by removing existing shuffleboard court and planting indigenous herbaceous material

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

Seconded and voted unanimously.

Celestino DiGiovanni. Install Title-5 septic system; construct single-family home with appurtenances; construct bituminous concrete driveway; install stone retaining wall; grading and landscaping at 35 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 030. **SE3-4676**

The applicant was represented by Norm Hayes.

Issues discussed:

- The existing foundation was constructed via an order of conditions, now lapsed
- An elevation drawing was submitted at hearing
- A comparison with the former filing was desired by the Commission.; they wanted no increase in height.

A motion was made to continue the project to November 20th.

Seconded and voted unanimously.

Silvia and Silvia. Upgrade sewage disposal system, associated utilities; second-story addition within existing footprint at 116 Scudder Ln., Barnstable as shown on Assessors Map 259 Parcel 012. **SE3-4679**

The applicant was represented by John Schnaible.

MN102307

(Silvia & Silvia, cont'd.)

Issues discussed:

- BOH approval for septic system has been obtained for a FAST system, designed for five bedrooms
- Water-side elevation views were submitted
- Potential for septic system flooding
- Phragmites currently invading the parcel

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

Seconded and voted unanimously.

Centerville-Osterville-Marston's Mills Water Dept. Install new municipal water service for residential consumption at Hollidge Hill Ln., Marstons Mills as shown on Assessors Map 081 Parcel (various).

SE3-_____

The applicant was represented by Craig Crocker and Dan Ojala, P.E.

Issues discussed:

- Standard construction protocols will apply
- Depth of coverage will be about five feet
- No de-watering is anticipated.

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

Seconded and voted unanimously.

IV CONTINUANCES

Daniel J. & Wendy A. Kraft. Extend existing pier and ramp, and add a float at 98 Tracey Rd., Cotuit, as shown on Assessors Map 004 Parcel 005. **SE3-4658**

The applicant was represented by Lynne Hamlyn and Kevin Madley.

Issues discussed:

- Applicant looks to this hearing as a "feasibility study," to obtain comment from Commission; they acknowledge that proposed pier cannot meet regulations
- An undrafted alternative, meeting length allowances and attaining 18-ft. depth, was discussed.
- Shellfish populations as determined by both Town and applicant's biologists show the area as non-significant. Beyond 60-feet, bottom conditions were silty.
- However, regardless of findings as stated above, the shellfish habitat rating was a "9."
- NHESP sign-off was obtained
- The Zodiak with a 6-hp motor would draft 12 inches, whereas Commission regulation would require 30 inches between propeller and bay bottom
- No waivers to regulations have been granted since their promulgation three years ago.
- Need to adjust float stops to prevent grounding of existing float
- Question of whether jet skis have altered (deepened) bottom topography
- The suitability of this portion of the bay as a relay area
- The problem with using standing stock as a measure of assessing shellfish habitat
- Town Shellfish Commission is on record as opposing the proposed pier.
- Using a future RDA to win approval of proposed lighting, handrail, and float-stop improvements to existing pier.

The project was withdrawn without prejudice.

Town of Barnstable/DPW. Demolish existing bathhouse/concession building; construct new bathhouse-concession building and new Coastal Interpretive Center; expand and redesign existing parking facilities at Sandy Neck Beach Facility, Sandy Neck Road, W. Barnstable as shown on Assessors Map 263 Parcel 001. **SE3-4661.**

Tom Lee recused himself, as his employer represents the Town in this matter.

Via letter, the applicant requested a continuance to January 8, 2008.

A motion was made to continue the project to January 8, 2008.

Seconded and voted unanimously.

V REVISED PLANS

A. Paul Jaques SE3-4620 sfd reduced footprint

The applicant was represented by Jimmy Bowes.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

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

A. Capizzi SE3-4451 (partial coc,ez) construct pier, ramp, & float *

B. Covell (Morrissey) SE3-1753 (coc,ez) construct single-family dwelling (not done)

A motion was made to approve the certificates of compliance.

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

A. Proposed conservation restrictions (5): Lamb, Gibson, Sonderegger, Ungermann and Dillingham to Barnstable Land Trust

A motion was made to endorse the five proposed conservation restrictions.

Seconded and voted unanimously.

B. Mystic Lake alum treatment design & permitting project Information Meeting
This Thurs. Oct 25, 7:00 pm in Hearing Rm.

Noted

C. Other

A letter to the Planning Board, regarding the Local Comprehensive Plan, was passed out. The Chair ruled that any discussion was out of order, as a motion to consider the matter failed at the last meeting.

A motion was made to adjourn.

Seconded and passed: 4 votes "Aye;" 2 votes "Nay."

The time was 9:37 p.m.