



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: November 13, 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 Commissioners Peter Sampou, Scott Blazis, Larry Morrin, 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, MA.

I MINUTES FOR APPROVAL

- A. October 2, 2007 (Executive Session)
- B. October 16, 2007

A motion was made to approve the minutes ("A" and "B").

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Mary Ellen Sexeny. Remove existing two-car garage and mud room; replace with new two-car garage, mud room, laundry room, master bedroom suite and bath at 44 Island View Rd., Hyannis as shown on Assessors Map 325 Parcel 107. **DA-07082**

The applicant was represented by Peter Pometti.

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Dorothy White & Joyce White. Vista pruning to restore views of harbor and Sandy Neck at 308, 312, and 332 Bone Hill Rd., Cummaquid as shown on Assessors Map 337 Parcels 011, 012, 013, 014. **DA-07083**

The applicant was represented by Attorney Laura Boucher.

(White, cont'd.)

Issues discussed:

- Method of access to trees
- Proposed removal of trees within 50-ft. buffer seen as problematic
- Pursuing a project consistent with the vista pruning guidelines
- Other, such as tree removal within 50-100 ft. buffer, to first be documented to the satisfaction of staff; may proceed only with staff consent

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Robert C. Seidler. Enclose existing screen porch to become part of existing mudroom at 88 Little River Rd., Cotuit as shown on Assessors Map 053 Parcel 005. **DA-07084**

The applicant was represented by Mike Deluga.

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Peter & Catherine Murray. Install new septic system, driveway, landscaping at 336 Holly Point Rd., Centerville as shown on Assessors Map 232 Parcel 026. **DA-07087**

The applicant was represented by Peter Hansen.

Issues discussed:

- Insufficient sediment controls
- Septic design to maximize separation from wetland
- Whether proposed landscaping plan is adequate, as the Commission's interest is to enhance mitigation plantings.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Chuck Nickson. Construct 15' X 15' addition to existing deck at 695 Old Post Rd., Cotuit as shown on Assessors Map 054 Parcel 011-001. **DA-07085**

The applicant was represented by Richard Hurst.

Issues discussed:

- Habitat differences between a 50-foot wetland buffer vs. a coastal bank.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Damien E. & Catherine A. Dupuy. Demolish existing single-family and construct new single-family dwelling with septic system, deck, driveway, landscaping, vista pruning and all associated appurtenances at 60 Powers Dr., Centerville as shown on Assessors Map 167 Parcel 018. **SE3-_____**

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

Issues discussed:

- The poured portion of the foundation will be retained if found structurally sound.
- Septic system location seen as optimal.

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

Seconded and voted unanimously.

Cotuit Partners LP. Landscape maintenance and improvement at 55 Putnam Ave., Cotuit as shown on Assessors Map 036 Parcel 045. **SE3-4682**

The applicant was represented by Jack Vaccaro.

Issues discussed:

- Meadow maintenance, with mowing only twice per year (at 6-inch height) within 50 feet of top of bank
- Opening a 75-foot-wide vista window, mainly enabled by cutting invasive locust, autumn & Russian olive, multiflora rose, etc.
- Removing one mature Norway spruce
- Replacement of timber stairs to beach, using granite risers
- No mulch or wood chips within 50-foot buffer
- Recognition of substantial amount of mitigation.

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

Seconded and voted unanimously.

Anne R. Murphy. Construct addition to single-family dwelling over existing deck with second-story deck and gables, porch and pergola at 173 Willow Run Dr., Centerville as shown on Assessors Map 210 Parcel 065. **SE3-4683**

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

Issues discussed:

- Difficulty in providing expected mitigation at the site, as the site has been allowed to grow in over twenty years of ownership
- Providing meadow as mitigation along the eastern edge of the mounded septic

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

Seconded and voted unanimously.

Three Bays Preservation. Maintenance dredging in the Seapuit River Channel, Osterville, and placement of the dredge spoil material on beneficial re-use area located on Dead Neck, Osterville. **SE3-4627**

A continuance was requested, via letter.

A motion was made to continue the project to December 18, 2007.

(Three Bays, cont'd.)

Seconded and voted unanimously.

No testimony was taken.

Peter Menounos. Demolish superstructure of existing house; construct replacement superstructure, re-using existing basement slab & footings; replace septic system, re-organize driveway and landscape at 176 Clamshell Cove Rd., Cotuit as shown on Assessors Map 005 Parcel 031. **SE3-4687**

The applicant was represented by Arlene Wilson.

Issues discussed:

- Providing 725 sq. ft. of mitigation in native shrubs
- Planting seaward of deck in white clover and fescues
- Revised plan showing short shrubs, e.g., low-bush blueberry, to be planted in addition to clover/fescue
- Prohibition of coastal engineering structure on any eroding bank at the site

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

Seconded and voted unanimously.

IV CONTINUANCES

Reconsideration of Susan Mykrantz. Construct dinghy dock (pier, ramp and float) to access water for recreational boating at 531 Main St., Osterville as shown on Assessors Map 141 Parcel 099. **SE3-4567**

A continuance was requested, via letter.

A motion was made to continue the project to December 18, 2007.

Seconded and voted unanimously.

No testimony was taken.

Roselee Trust (now Daniel). Construct in-ground pool at 744 Sea View Ave., Osterville as shown on Assessors Map 114 Parcel 012-002. **SE3-4635**

The applicant was represented by Arlene Wilson.

A continuance was requested.

A motion was made to continue the project to March 11, 2008.

Seconded and voted unanimously.

No testimony was taken.

V ENFORCEMENT

- A. Plaintiffs supplementing of record in Bothwell v. Conservation Commission. Re: boat restrictions at pier at 252 Clamshell Cove Rd., Cotuit

The applicant was represented by Attorney Walter Sullivan, Ed Pesce, P.E. and Norman Hayes.
MN111307

(Enforcement, cont'd.)

Issues discussed:

- A revised bathymetric plan was submitted, showing a depression off the float with a -5.9 (mlw) depth in an otherwise -2.0 ft. portion of the bay
- A proposed substrate restoration plan to restore depth to 4.9 feet, i.e., by one foot
- Ability to retain proposed restored sediments in place with continued boat use
- Existing pier footprint does not conform with approved plan. Applicant will account for discrepancies
- A split-spoon core to be taken to six feet (or, alternately, biological sampling of the depression).

Mr. Sullivan will submit a summary of the points placed on the record by Mr. Bothwell's team. The Commission expects to consider the matter in a future executive session.

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

A.	Santuit Road Realty Trust	SE3-4490	(coc,ez)	construct dinghy dock, ramp, & float *
B.	Abreu	SE3-4589	(coc,ez)	construct addition to sfd; upgrade septic *
C.	Gelb	SE3-4340	(coc,ez)	raze and construct single-family dwelling *
D.	Benoit	SE3-4416	(coc,ez)	construct dock, ramp, & float *

A motion was made to approve all certificates.

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

- A. New 'under advisement' procedures for piers

The far-reaching ramifications of failing to meet the statutory 21-day decision-making rule was discussed. The Commission considered holding special meetings in the event that a *fifth* Tuesday falls in a month. Meeting the 21-day requirement for holding a public hearing would require the Commission to meet every other week, or hold 4-5 special hearings per year, in order to accommodate a 5th Tuesday in a month.

- B. Other

A Sandy Neck deer hunt has been announced for this season.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:05 p.m.