



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: November 27, 2007, 6:30 p.m.

LOCATION: TOWN HALL SELECTMEN'S CONFERENCE 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 R. Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Peter Sampou, Scott Blazis, Tom Lee, and Louise Foster. Commissioner Larry Morin 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. October 17, 2007
- B. October 23, 2007

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

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Archer Realty Trust/A. Isenstadt, Tr. Construct force main from existing pump chamber to new leaching facility (leaching facility outside 100' buffer; variance request approved by Board of Health) at 7345 Craigville Beach Rd., Centerville as shown on Assessors Map 226 Parcel 140-002. **DA-07086**

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

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Oswald L. Jordan. Seeks permission for vista pruning and to make a 4-foot path at 54 Point Ln., Hyannisport as shown on Assessors Map 288 Parcel 168-001. **DA-07088**

The applicant attended the hearing.

Issues discussed:

- Filing prompted by enforcement action for clearing

(Jordan, cont'd.)

- Extent of the vista corridors
- Removal of slash as can be accomplished without harm to surrounding vegetation.
- Conforming with provisions of enforcement order.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Richard P. McCoy. Upgrade existing septic system. Septic tank and pump chamber to be located 25 feet from top of State-defined coastal bank; leaching facility to be located 51 feet from State-defined coastal bank. The system to be located more than 100 feet from Town-defined coastal bank at 449 Eel River Rd., Osterville as shown on Assessors Map 114 Parcel 020. **DA-07089**

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

Issues discussed:

- Need for a revised plan correcting profile view.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Jeffrey & Irene Cook. Upgrade existing septic system, the closest component to be leaching facility located 65 feet from BVW and 19 feet from State-defined coastal bank. The project to be more than 200 feet back from river at 545 South Main St, Centerville as shown on Assessors Map 206 Parcel 071. **DA-07090**

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

Issues discussed:

- Tree removal, despite previously issued requirement to remain
- Path clearing, despite previously issued requirement to abandon
- A separate enforcement track for the two above issues

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Linda Tetreault c/o Linda Puleo. Install Title-5 septic system at 1078 Craigville Beach Rd., Centerville as shown on Assessors Map 206 Parcel 130. **DA-07099**

The applicant was represented by Lisa Lyons, R.S.

Issues discussed:

- Planting plan in consultation with staff
- Final revised Board of Health plan.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Matthew Wake. To seek approval for existing steps to pond; landscape tie wall, and add additional native plants and trees at 396 Huckins Neck Rd., Osterville as shown on Assessors Map 233 Parcel 031. **DA-07078 Continued from 10/09**

The applicant attended the hearing.
MN112707

(Wake, cont'd.)

Issues discussed:

- Planting plan requires consultation with staff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

John F. Fish, Tr., Kingfish, LLC. Construct stone revetment on existing stabilized bank, and nourishment of toe with gravel core sacrificial dune, as part of Regional Shore Protection Management Program at 81 Sand Point, Osterville as shown on Assessors Map 073 Parcel 015-001. **SE3-4684**
(see below)

Elaine Schuster. Construct sacrificial dune and 10' of revetment as part of Regional Shore Protection Management Program. Gravel-core dune will extend 25 feet into east side of property to a geomorphically-appropriate end point at 79 Sand Point, Osterville as shown on Assessors Map 073 Parcel 032. **SE3-4688**

Applicants Fish and Schuster attended the meeting. Both matters were heard simultaneously.

Issues discussed:

- Property owners' interest in maintaining a sandy beach while protecting their properties from erosion
- Reason for existing pipe draining into the dune appears to be for general site drainage. This issue will be explored, and the pipe removed unless problematic to do so
- Foregoing the fertilizer for the rugosa rose plantings
- Leaving re-nourishment frequency up to the applicant and his/her consultant
- Native plantings on bank instead of hydrangea.

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

Seconded and voted unanimously.

Gisele Gauthier/Housing Assistance Corp. Construct 12 units designed for residents aged 55+ with associated parking lots, well, wastewater and stormwater systems, utilities, site grading and landscaping at 2331 Meetinghouse Way, W. Barnstable as shown on Assessors Map 155 Parcel 002. **SE3-4685**

The applicant was represented by Mark Nelson and Amy Ball.

Tom Lee recused himself, as he is employed by Horsley Witten.

Issues discussed:

- Mr. Nelson summarized the project
- Disturbance limited to ~8.5% of the riverfront area, under the threshold of 10% for a finding of no significant impact
- An allowance for immediate well drilling will be considered by staff
- A revised plan showing a complete work limit line and the removal of the existing ellipse driveway

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

Seconded and voted unanimously.

IV CONTINUANCES

Laurie Danforth. Proposed access stairs, pier, ramp, and float at 246 Carriage Rd., Barnstable as shown on Assessors Map 071 Parcel 018. **SE3-4670**

The applicant was represented by Roy Okurowski, P.E. and Craig Whitcomb.

Issues discussed:

- The quorum did not include Vice Chairman John Abodeely, nor Commissioner Larry Morin, who was absent
- An allowance for a draft limited to 1.5 ft. to the bottom of the prop, and for a hp limit of 120-140
- Little commercial or other shellfishing interest in the area until last year. A very narrow band of productivity should not be regarded as a too prime an area
- The project satisfied the pier regulations for draft, in a case where the 30-inch rule is in effect
- Re-vegetation of the old stair traverse, and possible mitigation for lawn right to top of bank. The latter was not ordered, in the end

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

Seconded and voted unanimously. John Abodeely abstained.

V ENFORCEMENT ORDER

- A. Patricia Hammel – 7 Great Hill Drive, Centerville – **BCC-186**
Violation of an Order of Conditions by clearing beyond work limit line.
Siltation control failure in area of proposed barn.

The applicant was represented by Arne Ojala, Ed Mogan and John Norman.

Issues discussed:

- The failure to observe the work limit line was fully discussed. The incursion into the 25-foot buffer zone was compensated for by a significantly larger area that, while authorized to be cleared, was not, and will not be. After a significant amount of discussion, the Commission agreed, with some further concessions: a minimum 10-foot buffer to wetlands to be provided in the south-central field areas; grow back of all cleared areas landward of the present location of the siltation fence. Of Course, wetlands were cut outside of the 10-foot road crossing will be allowed to grow back, with the root mat being intact.

A revised plan will be submitted, and a final enforcement order will issue. The applicant must also seek D.E.P. concurrence on the resolution of the enforcement issues under the Superseding Order of Conditions.

A motion was made to issue the final enforcement order.

Seconded and voted unanimously.

VI NON-CRIMINAL CITATIONS

- A. Patricia Hammel – Violation of an Order of Conditions - \$300.00

Noted.

- B. Francis E. Mogan Jr. – Violation of an Order of Condition - \$300.00 (contractor for Hammel)

Noted.

VII OLD & NEW BUSINESS

A. Sandy Neck "Formerly-Used Defense Site"

Noted

B. Meeting schedule

The Commission will meet on an every-other-week basis in 2008.

C. Discussion of mitigation for RDAs

The Commission will seek mitigation only in exceptional case requests for determination.

D. Other

The Commission will issue a letter of support with regard to the Cotuit-Santuit River Association's request to the Town to manage out-of-season dinghy dock storage at Town ways to water and beaches.

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

A. Town of Barnstable/DPW SE3-2796 (coc,ez) maintain town pier *

A motion was made to approve the certificate.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:59 p.m.