



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: December 11, 2007, 6:00 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.

I OPENING OF MEETING

The meeting was called to order at 6:00 p.m. by Chairman Dennis Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Peter Sampou, Scott Blazis, Larry Morin, Tom Lee, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Hearing Room/ Selectmen's Conference Room, Barnstable Town Hall, Hyannis.

II EXECUTIVE SESSION

A motion was made to enter executive session to discuss pending litigation.

Seconded and voted by roll call:

Houle	- aye
Abodeely	- aye
Sampou	- aye
Blazis	- aye
Morin	- aye
Lee	- aye
Foster	- aye

The Chairman informed the public that the Commission could be expected back in public session at approximately 6:30 p.m.

III RETURN TO PUBLIC MEETING

The Commission returned to public session at 6:31 p.m.

IV MINUTES FOR APPROVAL

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

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

Seconded and voted unanimously.

V REQUESTS FOR DETERMINATION

Daniel & Wendy Kraft. Construct railings on existing fixed pier; replace existing float and ramp; install lighting on pier at 98 Tracey Road, Cotuit as shown on Assessors Map 004 Parcel 005. **DA-07092**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Proper adjustment of the float stops

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Ted Nadolny. Construct sunroom addition on rear of house, currently occupied by deck and patio at 95 Abbey Gate Rd., Cotuit as shown on Assessors Map 021 Parcel 021. **DA-07091**

The applicant was represented by Jack Vacarro.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Herbert J. & Drusilla A. Sunderman. Add a 10' x 23' three-seasons room to back of existing house at 101 Sachem Dr., Centerville as shown on Assessors Map 229 Parcel 091. **DA-07093**

The applicant was represented by Jim Milano.

Issues discussed:

- The need for drywells to accommodate the addition's roof runoff
- The unpermitted pier has been permanently removed.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

VI NOTICES OF INTENT

John & Edith Squibb. Permit, extend, and maintain existing pier at 9 Scudder's Ln., Barnstable as shown on Assessors Map 258 Parcel 009. **SE3-4692**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- The filing was prompted by an enforcement order.
- No heavy equipment would be needed.

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

Seconded and voted unanimously.

Elizabeth C. Logie, Tr. Addition of ramp and float to existing licensed pier at 488 Baxters Neck Rd., Marstons Mills as shown on Assessors Map 075 Parcel 038. **SE3-4690**
(Logie, cont'd.)

(Logie, cont'd.)

The applicant was represented by Peter Sullivan, P.E.
Vice Chairman Abodeely, an abutter to the project, recused himself.

Issues discussed:

- The applicant expected that the Commission would regulate the slips provided by the proposed float. The applicant objects to any regulation of the slip on the channel side of the ell
- Commissioners questioned as to where the shellfish actually occur
- Potential sedimentation of the shellfish habitat (rated 9) was discussed.

The perceived intent of the Commission to place restrictions on the existing slips led to the applicant withdrawing the matter.

The matter was withdrawn.

James F. & Margaret W. Sullivan. Repair a portion of existing sea wall at 251 Seapuit Rd., Osterville as shown on Assessors Map 095 Parcel 016. **SE3-4689**

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

Issues discussed:

- Removal of some accumulated debris.

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

Seconded and voted unanimously.

John F. Fitzgerald, Tr. Dune nourishment at 128 Bluff Point Dr., Cotuit as shown on Assessors Map 034 Parcel 069. **SE3-_____**

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

Issues discussed:

- To be nourished via overland access route.

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

Seconded and voted unanimously.

Frederick W. & Louise D. Rust. Construct approximately 225 linear feet of timber bulkhead and transition into existing stone revetment with stone at 835 South Main St., Centerville as shown on Assessors Map 185 Parcel 018. **SE3-4694**

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

Issues discussed:

- Whether a coastal engineering structure is really needed
- Importance of replacing vegetation lost in construction
- Construction protocol to be submitted.

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

Seconded and voted unanimously. Peter Sampou abstained.

VII CONTINUANCES

Frank R. & Nancy M. Seldorff. Demolish existing single-family dwelling; construct new single-family dwelling with septic, driveway, landscaping (including vista pruning), utilities, pool, pool house and all appurtenances at 102 Bluff Point Dr., Cotuit as shown on Assessors Map 034 Parcel 071. **SE3-4663**

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

Issues discussed:

- A revised plan was submitted, providing 2:1 mitigation over the approved plans
- Two trees lost to new construction will be replaced
- Placing a condition in the Order, requiring the existing vegetative screening to be maintained over time
- Vegetative planting on pool wall “reveal”
- A gravel car park with leaching provided

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

Seconded and voted: 6 votes -aye
 1 vote -nay

The motion passed.

VIII SPECIAL PUBLIC HEARINGS

A. Shooting Range Rules & Regulations: Four specific revisions

The hearing was well attended. The Chairman announced the scope of the revisions under consideration.

Doug Kalwait recommended that range holiday hours be the same as Sunday hours, as proposed. The range is visited every day. The number of violations which have taken place over a three-year period are as follows: 2004 (10), 2006 (18), 2007 (6).

Sgt. Damery of the Barnstable Police Department offered his perspective on several of the proposed revisions.

Town Councilor Hank Farnham mentioned the growing availability of the Camp Edwards facility for shooters in the region, especially institutional users.

The following individuals offered public comment on the proposed revisions to the Shooting Range Rules & Regs.:

Paul Cotton, representing Parish Acres Homeowners Association, read a letter from Brad Sprinkle, President of the Association.

Matt Ostrowski wants automatic weapons banned.

Bruce Everett wants to limit range use by off-Cape residents.

Michelle Savatello suggested that a sound barrier be installed; her husband reinforced the point.

Skip Simpson said that, although he is very tolerant of noise, he finds the range unduly loud. He suggested reduction in hours as the way to limit noise.

Mr. Stratton asked what other towns have done to address their shooting and noise issues.

Steve Hannigans, Wolfgang Fowler, and Lisa Hendricksen all objected to the noise generated at the range.

Audrey Laughnane asked about grant availability.

(Shooting Range, cont'd.)

Several Commissioners proposed shortening the hours of operation on weekends and holidays.

- a. A motion was made to limit the hours of operation on Sundays and holidays from 10:00 a.m. to 6:00 p.m., or one-half hour before sunset (whichever comes first).

Via amendment, a motion was made to limit hours to 5:00 p.m., rather than to 6:00 p.m.

The motion was seconded.

The amendment passed: 4 votes –aye
3 votes –nay.

- b. A final motion was made to limit the hours of operation on Sundays and holidays to 10:00 a.m. to 5:00 p.m., or one-half hour before sunset (whichever comes first).

Seconded and voted unanimously.

Other revisions voted on as follows:

- c. A motion was made to prohibit automatic weapons use on Saturdays, Sundays and holidays except by members of the Barnstable Police Department.

Seconded and voted unanimously.

- d. A motion was made to prohibit non-Barnstable Police Department institutional use on Saturdays, Sundays and holidays.

Seconded and voted unanimously.

- e. A motion was made to raise non-Barnstable Police Department institutional users to \$200.00 per day.

Seconded and voted unanimously.

- f. A motion was made to consider the phasing-out of non-Barnstable Police Department institutional users over time.

Seconded and voted: 6 votes -aye
1 vote -nay.

B. Shellfish Habitat Map revision

Tom Marcotti, Town Shellfish Biologist, attended.

The Chairman provided background on the proposed map amendments, and read a statement of conclusion that might be appropriately drawn.

Difficulty arose in defining what “significant” means.

(Shellfish Habitat Map, cont'd.)

The terminology to be used by Mr. Marcotti in describing the quality of shellfish habitats will be worked out in the future.

A motion was made to adopt the maps of 11/27/07 as the official shellfish habitat map(s) for the Three Bays Area, and to record them with the Town Clerk.

Seconded and voted unanimously. Larry Morin abstained.

IX AMENDED ORDERS

A. **Joan DeHechavarria.** Requests Amended Order of Conditions to approve revised site plan dated 11/7/07, showing removal of elevator shaft and proposed construction of two additions and three-season sunroom at 15 Hyannis Ave., Hyannisport as shown on Assessors Map 287 Parcel 118. **SE3-4639**

The applicant was represented by Lynne Hamlyn.

No concerns arose.

A motion was made to approve the changes as a revised plan.

Seconded and voted unanimously.

No Amended Order will emerge.

X OLD & NEW BUSINESS

A. Referral of Cape Wind application to Cape Cod Commission

Assistant Town Attorney Charles McLaughlin recommended that the Conservation Commission send the matter to the Cape Cod Commission as a mandatory DRI referral. This would suspend any Conservation Commission proceedings.

The matter will be placed on next week's agenda, and the referral voted upon at that time.

C. Other

None.

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

- A. Cook SE3-4283 (coc,ez) permit existing shed *
- B. Clancy SE3-3996 (coc,ez) construct addition, extend deck; replace retaining walls *
- C. Digiovanni (OCC Development) SE3-4123 (coc,ez) raze sfd; construct foundation
- D. Town of Barnstable/DPW SE3-3949 (coc,ez) reconstruct roadway, drainage swale *

A motion was made to approve all the certificates ("A" through "D").

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:15 p.m.