



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: December 18, 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 R. Houle. Also attending were Vice-Chairman John Abodeeely, 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, Barnstable Town Hall, Hyannis, MA.

I COMMISSION REORGANIZATION

A motion was made to nominate Dennis R. Houle for Chairman.

A motion was made to close nomination.

Seconded and voted unanimously.

A motion was made to nominate Dennis R. Houle for Chairman.

Seconded and voted unanimously.

A motion was made to nominate John Abodeeely for Vice-Chairman.

A motion was made to nominate Louise Foster for Vice-Chairman.

Louise Foster declined.

A motion was made to close nominations.

Seconded and voted unanimously.

A motion was made to nominate John Abodeeely for Vice-Chairman.

Seconded and voted unanimously.

II MINUTES FOR APPROVAL

A. November 27, 2007

A motion was made to approve the minutes.

(Minutes, cont'd.)

Seconded and voted unanimously.

III REQUESTS FOR DETERMINATION

Barnstable Fire District Water Dept. To research the possibility of constructing an additional water supply well; field studies to include installation of 8" test well at proposed location and a long-term pump test (5 days) to be conducted off Breed's Hill Rd., Barnstable as shown on Assessors Map 313 Parcel 005-B00. **DA-07096**

The applicant was represented by Tom Sexton, P.E.

Issues discussed:

- Monitoring wells will be emplaced by hand.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

James F. Cleary. Remove dead vegetation and replant in kind at 25 Cove Ln., Osterville as shown on Assessors Map 052 Parcel 009. **DA-07094**

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

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Town of Barnstable/DPW. Modify existing sewerage pumping station including the addition of a 9'x4' concrete pad to accommodate a new generator at 724 Main St., Hyannis as shown on Assessors Map 308 Parcel 283-00A. **DA-07098**

The applicant was represented by Russ Kleecamp, P.E.

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Gabriel J. & Dorothy A. Fackre. Septic system upgrade at 20 Circuit Ave., Centerville as shown on Assessors Map 227 Parcel 004. **DA-07095**

The applicant was represented by Mike Pimental.

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

(RDA's, cont'd.)

Edward F. & Patricia A. DeGraan. Construct addition to single-family dwelling at 56 Rendezvous Ln., Barnstable as shown on Assessors Map 279 Parcel 031-003. **DA-07097**

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

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Mass. Highway Dept. The proposed work involves cold planning, resurfacing, and related items necessary to rehabilitate the roadway of Route 6A, Barnstable. Map and parcel not applicable. **DA-07100.**

The applicant was represented by Tom McGuire, P.E.

Issues discussed:

- The project was formerly approved, but not completed by the permit expiration date. Much needed drainage improvement was accomplished. The repaving consists of a 2-inch overlay and shoulder and sidewalk repair.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV ENFORCEMENT

- A. Timothy Kandianis – violation of ongoing conditions in a Certificate of Compliance under SE3-3828 by cutting beyond work limit line/shrub buffer: removing 2 trees and limbing vegetation to create a path, mowing lawn beyond shrub buffer and limbing vegetation. Topping approx. 26 large scrub pines and one hardwood tree for vista purposes.

(See Notice of Intent for Timothy Kandianis below)

V NOTICES OF INTENT

Georgia Giardini. Repair/upgrade existing septic system, filling in cesspool; associated grading, at 56 Long Beach Rd., Centerville as shown on Assessors Map 206 Parcel 011. **SE3-4695**

The applicant was represented by David Crispin, P.E.

Issues discussed:

- The proposed FAST system was approved today by the Board of Health.
- A landscaping concept shall be developed in consultation with staff.

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

Seconded and voted unanimously.

Timothy & Eileen Kandianis. Permission for vista pruning; flush cutting/removal of dead, diseased and storm-damaged trees; planting of native shrubs at 24 Leonard Rd., W. Barnstable as shown on Assessors Map 136 Parcel 011-001. **SE3-4696**

By letter, Attorney William Henchy requested a continuance to the next available date.

MN121807

(Kandianis, cont'd.)

A motion was made to continue both the enforcement order and the notice of intent to January 8, 2008.

Seconded and voted unanimously.

Timothy Kris/Rycon Corporation. Demolish existing structures and wildlife rehabilitation cages; construct new residence, studio, pool house, barn and fences; utility and driveway improvements at 185 Meadow Ln., W. Barnstable as shown on Assessors Map 134 Parcel 018-002. **SE3-4691**

The applicant was represented by Donald Schall and Bill Riley.

Issues discussed:

- Much of the proposed fencing was removed
- Over 3,000 sq. ft. of structures to be removed from the 50-foot buffer
- A habitat restoration plan for critical portions of the 50-ft. buffer shall be developed in consultation with staff
- A revised engineering plan to maximize the effect of the outbuildings from the 50-foot arc, and removing the fence.

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

Seconded and voted unanimously.

Craig Olmsted/Cape Wind Associates, LLC. Install a 115 kv submarine transmission line in Nantucket Sound and Lewis Bay within Land Under Ocean (map and parcel not applicable). **SE3-4697**

The applicant did not attend, as discussed prior to the meeting with staff.

The hearing was opened. No testimony was taken.

A motion was made to continue the matter indefinitely, pending return of the application from the Cape Cod Commission.

Seconded and voted unanimously.

See related matter under Old & New Business, below.

Oyster Harbors Yacht Basin Realty Corp. Reconstruct existing building, and sewage disposal system upgrade at 122 Bridge St., Osterville as shown on Assessors Map 093 Parcel 009. **SE3-_____**

The applicant was represented by John LaVelle and Julie Larson.

Issues discussed:

- Question of whether floor drains would be provided; Board of Health review will cover this matter; also, a question of what the applicable standards are
- The applicant shall consult with the Building Commissioner regarding the containment of hazardous spills within the building. Once accomplished, applicant shall report back to staff, who may include a special condition in the order.

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

Seconded and voted unanimously.

V CONTINUANCES

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**
(Three Bays Preservation, cont'd.)

The applicant was represented by Peter Sullivan, P.E., John O'Dea, E.I.T, and John Ramsay, P.E.
Issues discussed:

- Past proceedings under the same SE3 number were placed on the record
- The proposed maintenance dredge depth is -6.0 feet.
- Disposal on Dead Neck is beneficial re-use
- Whether the project addresses a navigational safety need, first and foremost
- Applicant's desire to keep maintenance dredging projects small, as in the present case
- Whether the modeling asked the right questions and rendered the correct answers
- Whether the area was a significant shellfish habitat.

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

Seconded and approved: 5 votes "Aye;" 2 votes "Nay."

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**

The applicant was represented by Attorney Pat Butler, Peter Sullivan, P.E. and Michael Ball.

Issues discussed:

- Possible inclusion of an impact fee for a benthic study desired in the future at another site in Town
- The permanent pier would be set on steel H-beams
- The pier is conditioned as a dinghy dock, no motor craft permitted
- Whether this would set a precedent
- Reducing float piling to 8-10-inches
- Using wood for single piling (not required in the end)

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

Seconded and approved: 6 votes "Aye"; 1 vote "Nay."

VII REVISED PLANS

A. Aaron Perlmutter SE3-4535 sfd, septic, driveway revision: remove invasives

The applicant was represented by Robert Gray and Robert Speakman, landscaper.

Issue discussed:

- Use of mulch only around base of shrubs for moisture control
- No herbicide use is proposed
- Consulting with staff on long-term strategy for invasive species management
- A "replant-as-you-go" approach to the project.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

VIII EXTENSIONS

The following four extension requests were opened/heard simultaneously:

- A. Scott Horsley SE3-4297 barn, boardwalk, room addn., etc. 1st request-3yrs
- (Extensions, cont'd.)
- B. Philip Dubuque SE3-4369 pool, patio 1st request-3yrs
- C. Herb Pheeny SE3-4343 addition, accessory structure 1st request-3yrs
- D. Damian Dupuy SE3-4317 pier in concert w DEP

Issues discussed: None

A motion was made to approve all the above (“A” through “D”) extension requests.

Seconded and voted unanimously.

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

- A. Pearson SE3-4441 (coc,ez) relocate existing driveway (not done) *
- B. Doe SE3-4104 (coc,ez) reconstruct walls, walkways, & retainage *
- C. Doe SE3-4175 (coc,ez) construct in-ground pool and addition (not done) *
- D. Doe SE3-4286 (coc,ez) construct tennis court (not done) & pool house *
- E. Ginsberg Asset SE3-4489 partial condo bldg.

Tom Lee recused himself from “A,” as the applicant is his employer.

A motion was made to approve all the above (“A” through “E”) certificates of compliance.

Seconded and voted unanimously.

X OLD & NEW BUSINESS

- A. Referral of Cape Wind application to the Cape Cod Commission

Assistant Town Attorney Charles McLaughlin discussed with the Commission their referring of this matter to the Cape Cod Commission as a mandatory Development of Regional Impact (DRI) issue.

A motion was made to refer the matter to the Cape Cod Commission as a mandatory Development of Regional Impact matter.

Seconded and voted unanimously.

- B. Clarification on Margaret Lloyd cottage SE3-3858

A letter from Attorney Michael Ford was read. The general consensus of the Commission was that the “clarification” was acceptable.

- C. Sandy Neck “Formerly-Used Defense Site”

Staff updated the Commission on the recent teleconference on the Army Corps. of Engineers' initial study of the old Sandy Neck bombing range. Though the site is considered of low priority for remediation, the possibility of future intrusion for the purpose of removing ordinance would prove ecologically very damaging. Staff and Commission will consider sending comment letters.

D. Other

Tom Lee was congratulated on his appointment to the Community Preservation Committee.

Louise Foster asked the Commission to consider a facilitated permitting process for phragmites-control projects.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:45 p.m.