



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

AMENDED MINUTES – CONSERVATION COMMISSION MEETING

DATE: DECEMBER 9, 2008 6:30 P.M.

LOCATION: 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 6:35 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Scott Blazis, Larry Morin, Tom Lee, and Louise Foster. Commissioner Peter Sampou 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. November 18, 2008

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Abbot L. & Lisa H. Gilman. Expand existing deck 18 feet ± towards Prince Cove to replace part of existing grass/lawn area at 500 Baxters Neck Rd., Marstons Mills as shown on Assessors Map 075 Parcel 006. **DA-08097**

The applicant was represented by Stephen Cook.

Issues discussed:

- Question of whether lawn removal as mitigation should be required.

A motion was made to issue a negative determination. No mitigation required.

Seconded and vote: 5 aye; 1 nay.

Davis & Nancy Bates, Trs. Vista pruning at 93 Salton Point Rd., Barnstable as shown on Assessors Map 280 Parcel 018. **DA-08098**

The matter was withdrawn.

Bob, Lori & Nancy Parks. To seek approval for tree cutting and vista pruning performed to enlarge lawn at 429 Phinney's Ln., Centerville as shown on Assessors Map 230 Parcel 099. **DA-08099**

The applicant requested a continuance via letter.

MN120908

(Parks, cont'd.)

A motion was made to continue the hearing to January 20, 2009.

Seconded and voted unanimously.

No testimony was taken.

III NOTICES OF INTENT

Marlu LLC. Re-build licensed platforms, ramps and floats at 243 Millway Rd., Barnstable as shown on Assessors Map 300 Parcel 025. **SE3-4783**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- The pier would be for commercial use, not subject to Commission's Chapter 703
- Harbormaster's concern that the berthed boat not be longer than the float
- Revised plan showing pier angles

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

Seconded and voted unanimously.

William & Mary L. Guarente. Remove existing pier, ramp and float and replace with new 40' x 4' pier, 12' x 4' ramp and 16' x 8' float at 101 Carriage Rd., Oyster Harbors, Osterville as shown on Assessors Map 071 Parcel 011-012. **SE3-4782**

The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed:

- Proposed boat is a Seafarer 22, drafting 31-32" with 200 hp outboard drive
- Question of whether bathymetry is adequate; Commissioners requested additional
- Malleability of proposed craft to meet Commission's draft requirement
- Five-foot waiver to the channel requirement

A motion was made to continue the hearing to January 20, 2009.

Seconded and voted unanimously.

Ramsay E. & Merrilee P. Crain. Construct detached garage with associated appurtenances at 749 & 767 South Main St., Centerville as shown on Assessors Map 185 Parcels 012-001 & 012-002. **SE3-4775**

The applicant was represented by Sarah Alger, Esq., and John O'Dea, E.I.T.

Issues discussed:

- Possible exemption to "Riverfront" regulations as a minor exempt activity
- Landscaping plan well-received

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

Seconded and voted unanimously.

Anne R. Murphy. Construct and maintain ramp and pier in Lake Wequaquet at 173 Willow Run Dr., Centerville as shown on Assessors Map 210 Parcel 065. **SE3-4776**

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

(Murphy, cont'd.)

Issues discussed:

- A seasonal pier was proposed

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

Seconded and voted unanimously.

Town of Barnstable/DPW. Build new ADA accessible deck structure and access ramp on water side of existing beach house at 239 Millway Rd., Barnstable as shown on Assessors Map 301 Parcel 009. **SE3-4774**

The applicant was represented by Mark Marinaccio, architect.

Issues discussed:

- To be ADA accessible
- ACQ-treated stock to be used if possible
- Question whether grated surface would be appropriate

Public Comment:

Margaret Smith, abutter, was concerned that out of season the structure would not have any users, and that it would be a gathering place for “partiers.”

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

Seconded and voted: 5 aye; 1 abstain..

IV CONTINUANCES

Denise G. Swan. Requesting confirmation of delineation of fresh water wetland and town-defined coastal bank at 170 Grand Island Dr., Oyster Harbors as shown on Assessors Map 053 Parcel 012-001. **DA-08065**

The applicant requested a continuance via letter.

A motion was made to continue the hearing to January 20, 2009.

Seconded and voted unanimously.

Robert Tyburski. Construct single-family house, recirculating sand filter, and associated utilities, with minimal amount of grading at 483 Lumbert Mill Rd., Barnstable as shown on Assessors Map 146 Parcel 021. **SE3-4772**

The consultant for the project indicated that the applicant desired to withdraw the application. However, nothing in writing had been received by Conservation to date.

A motion was made to continue the hearing to December 16, 2008.

Seconded and voted unanimously.

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

A.	Cooperrider	SE3-4209	(coc,ez)	construct deck & addition to sfd *
B.	Hahn & DeVesto	SE3-4484	(coc,ez)	replace bulkhead; construct bank stairs *
C.	DeVesto	SE3-4483	(coc,ez)	replace bank stairs (not done); replace bulkhead *
D.	Hy-Line Cruises	SE3-1813	(coc,ez)	construct floating docks (not done)

(Certificates of Compliance, cont'd.)

E.	Gomez	SE3-1202	(coc,ez)	construct retaining wall, deck, & bank stairs *
F.	Seapuit Partners	SE3-4375	(partial coc,ez)	construct pier, ramp, float & walkway *
G.	Daley	SE3-4410	(coc,ez)	construct addition to sfd; upgrade septic *
H.	O'Connor	SE3-4495	(coc,ez)	raze & construct sfd; rebuild bank stairs *
I.	Walker	SE3-0790	(coc,ez)	relocate cottage & install septic systems *
J.	George	SE3-4641	(coc,ez)	construct single-family dwelling *

A motion was made to approve all the certificates (“A – J”).

Seconded and voted unanimously.

VI EXTENSIONS

- A. Town of Barnstable Conservation Division SE3-3953, Hydrilla control, previously extended 4 yrs.; seeking additional 3 yrs.

The applicant was represented by Rob Gatewood.

No concerns arose.

A motion was made to table the matter to January 6, pending public notice.

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

- A. Proposed Agriculture Commission role

The proposed “facilitator” role of the Agriculture Commission was discussed. Staff suggested that an informal referral process would be a better idea. An ordinance-required referral process could bind the hands of Commission enforcement staff. Written comments from Commissioners were solicited by the chair to facilitate his response to the Agriculture Commission.

- B. Maintaining beach nourishment

The Commission discussed pros and cons of allowing maintenance of beach nourishment. In the end, good file documentation and staff controls will enable the Commission to allow it as a maintenance function. The measure passed with five votes “aye,” and one vote “nay.”

- C. Clarifications on Ricci, DA-08095

A motion was made to allow the first floor elevation of 13.25 ft., consistent with Board of Health approval.

Seconded and voted unanimously.

- D. Wequaquet Lake Water Quality Assessment on Town Web Page

Noted

- E. Other

None

(Hearing, cont'd.)

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:49 p.m.