



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: JANUARY 6, 2009 – 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 6:30 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners John Abodeely, Peter Sampou, Scott Blazis, and Larry Morin. Commissioner Louise Foster was away. Rob Gatewood, Conservation Administrator, assisted.

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

REMEMBERING

The Commission commented on the memorable life of Attorney Pat Butler, who died unexpectedly Jan 1. He was fondly remembered in comments by Commissioners Morin, Blazis and Abodeely.

I MINUTES FOR APPROVAL

A. December 9, 2008

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

II NOTICES OF INTENT

Mary C. Kariotis. To construct a single-family dwelling with driveway, utilities, landscaping and associated appurtenances at 63 Pirates Cove, Osterville as shown on Assessors Map 051 Parcel 007-003. **SE3-4780**

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

Issues discussed:

- No waiver of the Buffer Zone Regulation was required; however, the Commission expressed concern for the clearing and development of the 50 – 100 foot buffer
- A revised construction work limit will be forthcoming, tighter to the house, but allowing a bit more room off the southwest corner of the house
- The Commission anticipates that a future landscaping work limit may be submitted and that staff will determine its footprint.

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

Seconded and voted unanimously.

William S. & David H. Abbott, Trustees, Cedarchip Realty Trust. To demolish existing dwelling and construct new single-family dwelling approximately ten feet further landward, and to rebuild existing deck with proposed spa at 148 Windswept Way, Osterville as shown on Assessors Map 052 Parcel 003. **SE3-4784**

(Abbott, cont'd.)

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

Issues discussed:

- The new house was being proposed in the same footprint as the existing house
- The proposed increase in hardscape area was requested. It was less than 500 sq. ft.
- The spa proposed on the seaward end of the deck was problematic to the Commission
- Another spa drywell was requested by the Commission
- A continuous band of native vegetation, 10 feet wide across the property from the top of the coastal bank, would represent a 3:1 planting mitigation.

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

Seconded and voted unanimously.

William T. Stubler, Jr., Trustee. Maintenance of existing features within wetlands jurisdiction (in-ground stairs, retainage, path, beach, bathhouse and deck, groins) and manual control of bamboo at 422 Turtleback Rd., Marstons Mills as shown on Assessors Map 062 Parcel 007. **SE3-4786**

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

Issues discussed:

- The proposal was to maintain "in place and mostly in kind" the existing timber retainage and deck, changing house stairs.
- A sketch plan of the proposed work limit line was provided
- Waste material will be removed daily; there will be no stockpiling
- Vista pruning consistent with guidelines was proposed
- Bamboo removal was also requested
- A revised plan was requested, showing the dimension of the retaining wall, etc.

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

Seconded and voted unanimously.

Elizabeth Liguori. Install new foundation under existing single-family dwelling; construct addition to single-family dwelling at 95 Kearsarge Ave., W. Hyannisport as shown on Assessors Map 225 Parcel 017. **SE3-4787**

The applicant was represented by Brad Hall.

Issues discussed:

- The proposed addition over the deck will be two-story
- Verification on elevation relative to the coastal floodplain needed
- Elevation views of the house needed

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

Seconded and voted unanimously.

III EXTENSIONS

Town of Barnstable/Conservation Division. Request for Extension of permit **SE3-3953**, Hydrilla control project at Long Pond, Centerville using herbicide Sonar®.

The applicant was represented by Keith Gazaille of Aquatic Control Technology

(ToB/Conservation, cont'd.)

Discussion: The northern species of hydrilla is spreading, and produces tubers much more quickly than the southern type. The Long Pond population of hydrilla has been treated since 2002. It has proved difficult to eradicate. Opening to late summer/fall boat use for fishing may be forthcoming. The possibility of herbicide resistance was discussed. A scenario for future use of triploid grasscarp was postulated.

Public Comment: None

A motion was made to issue a two-year extension, contingent upon a later-season opening to public fishing and public boat use in consultation with staff.

Seconded and voted unanimously.

IV UNDER ADVISEMENT

Ch. 702 (shooting range regulations): proposed revisions

Issues discussed:

With this matter under advisement, the Commission weighed the merits of the staff-proposed changes to hours of operation against a proposal put forth by Commissioner Abodeely. The Commissioner favored a lesser reduction in available shooting hours, which was embraced by the Commission. Other changes were proposed, e.g., deletion of other law enforcement agency uses; deletion of hours of operation from the regulations; and, the creation of a "separate hours schedule." Commissioner Abodeely's proposal to allow up to three guests to accompany a permit holder was also received favorably by the Commission.

The following motions were made:

Motion #1:

A motion was made to delete law enforcement agencies other than the Barnstable Police Department from Sec. 702-1, and to delete Section "M" entirely.

Seconded and voted unanimously.

Motion #2:

A motion was made to delete hours of operation from the regulations and establish them as a separate schedule.

Seconded and voted unanimously.

Motion #3:

A motion was made to approve the following hours of operation:

Monday – Saturday	8:00 a.m. – one-half hour before sunset*
Sundays & Holidays	10:00 a.m. – 5:00 p.m., or one-half hour before sunset (whichever is earlier)*

*The property must be vacated by closing time. The last shot time is 15 min before closing time.

Seconded and voted: 5 votes "Aye;" 1 vote "Nay"

Motion #4:

A motion was made to limit permit holders to no more than three accompanying guests, and to hold the permit holder responsible for them; any rule violation shall be enforceable against the permit holder.

(Shooting Range, cont'd.)

Seconded and voted unanimously.

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

A.	Hyannisport Club	SE3-4319	(coc,ez)	install irrigation system on golf course *
B.	Saul	SE3-0044	(coc,ez)	permit existing pier
C.	Godley	SE3-0761	(coc,ez)	construct single-family dwelling *
E.	Egan / Crosby	SE3-4299	(coc,ez)	replace boat storage sheds *
F.	Egan	SE3-4255	(coc,ez)	fill and grade area beneath former buildings
G.	Hash	SE3-4401	(coc,ez)	elevate existing sfd; upgrade septic system *
H.	Bay Road RT	SE3-4547	(coc,ez)	construct single-family dwelling *
I.	Friend	SE3-4126	(coc,ez)	upgrade septic system *
J.	Kurker	SE3-3661	(coc,ez)	install floats (not done); dredging *
K.	Prentiss	SE3-3669	(coc,ez)	relocate and reconstruct pier, ramp & float *
L.	Geminiani	SE3-3807	(coc,ez)	construct single-family dwelling *
M.	Oyster Harbors	SE3-0795	(coc,ez)	dispose dredge material onto Dead Neck
N.	Stephenson	SE3-1791	(coc,ez)	construct single-family dwelling (not done)
O.	Mayne	SE3-0464	(coc,ez)	construct single-family dwelling (not done)

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

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Commissioner Blazis discussed an interest in increasing filing fees. The Commission agreed that staff should go forward with preparing a draft fee schedule, incorporating the fee increases.

B. Commissioner Abodeely expressed the Commission’s commendation of our Legal Department and their ongoing efforts in the Gargano case.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:19 p.m.