



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: January 20, 2009 – 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 Tom Lee and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, Hyannis, MA.

I MINUTES FOR APPROVAL

- A. September 2, 2008 as amended
- B. December 16, 2009
- C. January 6, 2009 as amended

A motion was made to approve the minutes ("A – C").

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

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 by letter.

A motion was made to continue the hearing to February 17, 2009.

Seconded and voted unanimously.

No testimony was taken.

Town of Barnstable/Conservation Div. Control phragmites by mowing or other recommended methods (e.g., glyphosate drip method or tarping) at two sites 97 Bridge St., Osterville, Map 116 Parcel 120, and 210 Scudder's Ln., Barnstable, Map 259 Parcel 009. Also requesting approval to similarly treat other small pioneer infestations of Phragmites wherever they occur in Town in future. **DA-09001**

The applicant was represented by Rob Gatewood.

Issues discussed:

- Scope of project - Commission desired pilot project restricted to just two sites

(Tob/Conservation, cont'd.)

- Method of removal – Commission had concerns with unproven mowing method
- Frequency of cutting
- Viability of cut fragments
- Reporting back on results from mowing method (if used) at two-year intervals

A motion was made to issue a negative determination.

Seconded and voted: 5 votes “Aye;” 1 vote “Nay.”

TD Bank. The proposed work consists of minor modifications/maintenance of existing paved areas and existing landscape materials in the southwestern corner of the site, a small portion of which is located within the 100-foot buffer at 226 Falmouth Rd., Hyannis as shown on Assessors Map 293 Parcel 033. **DA-09004**

The applicant was represented by Josh Wheelerling

Issues discussed:

- Two trees to be planted within the limit of the work
- Existing drainage goes to leaching basins
- A StormCeptor unit will be added.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Ralph Stoesser. Replace existing culvert and construct drive with ditch crossing at 3641 Route 6A, Barnstable as shown on Assessors Map 317 Parcel 041. **SE3-4788**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Pervious drive
- Pipe to be oversized to provide suitable substrate
- Pervious pavers on drive up the slope on other side of ditch
- Cessation of mowing in historically mown wetland
- Mitigation for proposed impact 14:1
- Extent of driveway within 50 foot buffer
- Possibility of planting as part of the mitigation
- Mitigating driveway impacts 2:1 within the 50-foot buffer
- Request to Massachusetts Audubon for assistance in locating possible turtle garden sites

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

Seconded and voted unanimously.

Wayne & Barbara Archambeault. Construct single-family dwelling at 40 Hollidge Hill Ln., Marstons Mills as shown on Assessors Map 102 Parcel 199. **SE3-4789**

The applicant was represented by Andrew Garulay, R.A.

Issues discussed: None

(Archambeault, cont'd.)

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

Seconded and voted unanimously.

Town of Barnstable/DPW. Repair severely deteriorated sheet pile bulkhead at West Bay Road by constructing cantilevered sheet pile bulkhead placed approximately 10 inches seaward from existing structure at terminus of West Bay Rd., Osterville/Barnstable as shown on Assessors Map 116 (parcel n/a). **SE3-4790**

The applicant was represented by Bob Burgmann, P.E. and Brian Jones, P.E.

Issues discussed:

- Drainage improvements were proposed as part of the project
- Per plan, new bulkhead to be located to outside of existing one. However, if troublesome to higher level regulatory agencies, bulkhead will be placed to inside.

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

Seconded and voted unanimously.

IV CONTINUANCES

Town of Barnstable/Conservation Division. Mystic Lake, a 148 acre deep kettle hole lake located in Marstons Mills, Barnstable, experiences chronically low oxygen in its bottom waters during summer. Under these conditions, phosphorus is released from the bottom sediments. This internal release of stored nutrients is the primary source of total phosphorus to the lake, which is leading to increasing productivity in the form of algal blooms. To significantly reduce the internal phosphorus recycling and improve ecological and recreational functions of the lake, a nutrient inactivation (i.e., alum) treatment is proposed. **SE3-4773**

The applicant was represented by Rob Gatewood.

A continuance was requested to allow time for further discussions with Massachusetts NHESP.

A motion was made to continue the hearing to March 31, 2009.

Seconded and voted unanimously.

No testimony was taken.

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 did not attend the hearing.

Issues discussed:

- The request was for future vista pruning and fescue lawn (occasionally mowed, but keeping a meadow look)
- Vista pruning would be done per Conservation guidelines

A motion was made to issue a negative conditional determination.

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**

(Guarente, cont'd.)

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

Issues discussed:

- A revised plan revealed adequate depth for the craft proposed

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

Seconded and voted unanimously.

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

A.	TOB/MEA	SE3-4088	(coc,ez)	management of ORVs by recreational users at Sandy Neck
B.	TOB/MEA	SE3-4145	(coc,ez)	management of ORVs by cottage owners at Sandy Neck
C.	TOB/DPW	SE3-1700	(coc,ez)	beach nourishment & construct groin at Veterans Beach
D.	Ryan	SE3-4285	(coc,ez)	replace & modify deck, patio, & retaining wall *
E.	Leonard	SE3-0854	(coc,ez)	construct condominiums (not done)
F.	West End Dev.	SE3-0758	(coc,ez)	construct condominiums (not done)
G.	West End Dev.	SE3-0730	(coc,ez)	construct condominiums (not done)
H.	TOB/DPW	SE3-3462	(coc,ez)	repair & modify revetment; beach nourishment at Dowses Beach
I.	TOB/DPW	SE3-3570	(coc,ez)	repair sidewalk adjacent to cranberry bog
J.	Shah	SE3-4705	(coc,ez)	construct tennis court *
K.	Shah	SE3-4672	(coc,ez)	construct addition to single-family dwelling *
L.	Oyster Harbors Yacht Basin	SE3-4448	(coc,ez)	extend travel lift pier (not done)
M.	Stubler (Glassman)	SE3-0092	(coc,ez)	construct pier (not done)

A motion was made to approve all certificates ("A – M").

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Public Meeting Law

The Chair announced an upcoming Public Meeting Law and Conflict of Interest Laws Workshop on February 12th at 7:00 p.m.

B. MACC Spring Conference

The Chair reminded the Commission of the upcoming MACC Spring Conference, February 28th, all day.

VII EXECUTIVE SESSION

A. To discuss pending litigation; Commission will not return to public session following executive session.

At 7:45 p.m., a motion was made to enter executive session to discuss pending litigation, and to not return to public session afterwards.

Seconded and voted by roll call:

Houle – “Aye”

Lee – “Aye”

Morin – “Aye”

Blazis – “Aye”

Foster – “Aye”

Sampou – “Aye”