



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: June 30, 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 Scott Blazis, Larry Morin, and Louise Foster. Commissioners John Abodeely and Peter Sampou were away. Rob Gatewood, Conservation Administrator, assisted.

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

I MINUTES FOR APPROVAL

A. June 9, 2009

A motion was made to approve the minutes.

Seconded and voted unanimously.

Commissioner Louise Foster abstained from the vote.

II REQUESTS FOR DETERMINATION

Robert Popeo. Jurisdictional determination for purposes of constructing a single-family residence, guest house, pool, and appurtenances at 150 Carriage Rd., as shown on Assessors Map 071 Parcel 015-002. **DA-09039**

The applicant was represented by Leonard Bradley, P.E.

Issues discussed: no concerns arose.

A motion was made to issue a positive determination, affirming the resource area delineations.

Seconded and voted unanimously.

Ray D. Leoni, Tr. To permit storage of 2 boat trailers, 2 canoes on rack, and 1 inflatable boat on rack along with existing storage bin at 47 Ladd Rd., Centerville as shown on Assessors Map 206 Parcel 059-001. **DA-09038**

The applicant attended the hearing.

Issues discussed:

- No fuel is stored on the site.

(Leoni, cont'd.)

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Allen N. Morell. Build stone wall 2.0' x 1.5' x 40' at rear of house at 35 Loomis Ln., Centerville as shown on Assessors Map 230 Parcel 101-001. **DA-09042**

The applicant was represented by Ed Stafford.

Issues discussed: no concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Commissioner Louise Foster abstained from the vote.

William S. Abbott & Gerald W. Blakeley, Trs. , Peninsular Realty Trust. Rebuild existing licensed pier, reduce number of pilings, rotate float and add ramp at 186 Windswept Way, Osterville as shown on Assessors Map 052 Parcel 002. **DA-09040**

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

Issues discussed:

- Bringing lighting into conformance
- No lead caps
- Question of whether the float's re-orientation constitutes a substantial change

The float relocation portion of the project was withdrawn. A revised plan will be submitted.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Michael Garnett. To permit phragmites management; remove/replace non-native and invasive plantings with necessary mitigation at 169 Salten Point Rd., as shown on Assessors Map 301 Parcel 003. **DA-09043**

The applicant was represented by Wayne Tavares.

Issues discussed:

- Once phragmites are removed, question of what will be planted as a replacement
- A variety of methods for phragmites-removal will be explored for the most suitable replacement;
- A restoration planting plan for the phragmites area will be submitted.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Sean Moloney. Build attached deck to rear of home at 118 Bay Ln., Centerville as shown on Assessors Map 186 Parcel 033. **DA-09041**

The application was withdrawn.

III NOTICES OF INTENT

Elizabeth Henson & David Brown. Construct and maintain post-supported timber pier at 58 Oxford Dr., Cotuit as shown on Assessors Map 021 Parcel 064. **SE3-4825**

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

Issues discussed:

- No motorcraft is proposed for use at the pier;
- Existing cutting on the land was largely at the hand of an abutter, acting without permission;
- The other pier will be 4” x 4” pile construction;
- In-filling with plants and meadow; the cut area within 50-foot buffer;

Public comment:

- Vincent Pulio, abutter, opposed the pier;
- Richard Guarnidi, abutter, spoke in favor of the project;
- Eric Kaiser, abutter, suggested that the walkway was too long.

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 motion was made to continue the hearing to November 3rd.

Seconded and voted unanimously.

No testimony was taken.

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

A.	Sirhal (Junda)	SE3-4035	(coc,ez)	construct single-family dwelling *
B.	O’Keeffe (Fox)	SE3-4594	(coc,ez)	raze & construct single-family dwelling *
C.	Steeves	SE3-3149	(coc,ez)	construct addition; reconstruct deck *

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

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Revisions to the Town of Barnstable Conservation Commission Fee Schedule promulgated 6/02/09. Only two categories of fees are proposed for change: 1) After-the-Fact Filings and 2) Enforcement Order Response Plans. After-the-Fact Filings fees would now be specified in dollar amount. Enforcement Order Response Plans

(Old & New, Revisions, cont'd.)

(where no after-fact filing) would remain at \$200, but the “** - at discretion of Conservation Commission” qualifier would be deleted. The proposed changes would look like this:

After-the-Fact Filings:

<u>Notice of Intent</u>	Proposed Ch.237 fee
Category 1 (additions, pools etc.)	200
Category 2 (houses, beach nourishment etc.)	400
Category 3 (roads, commercial bldgs, etc.)	850
Category 4 (dredging etc.)	800
Category 5 (piers, seawalls etc.)	5/ft

Request for Determinations of Applicability

General	200
Vista Pruning	300

Enforcement Order Response Plans: 200
(where no after-fact filing)

Public comment:

- Arlene Wilson, P.W.S., supported the deletion of the “discretionary” qualifier.

A motion was made to approve the revisions.

Seconded and voted unanimously.

B. Other – None

VII EXECUTIVE SESSION

A. Discussing pending litigation

A motion was made to enter executive session.

Seconded and voted unanimously.