



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE : October 11, 2011 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, additional resources are available to you: video-on-demand (free on the Town website at town.barnstable.ma.us), 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, Scott Blazis, Larry Morin, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted. Commissioner Peter Sampou was away.

The meeting was held in the Barnstable Town Hall, Selectmen's Conference Room, 367 Main Street, Hyannis, MA.

I OLD & NEW BUSINESS

- A. Continuance of Public Hearing on proposed revisions to Ch. 704 Regulation Governing Activity in the 100-foot Buffer Zone

Carol Ridley, consultant to the Conservation Commission, attended the hearing. She discussed changes embodied in the current, latest draft. Several Commissioners raised concerns that the draft regulation was too restrictive. Commissioner Larry Morin submitted three pages of comments on the draft which were distributed and noted as Exhibit A.

Public Comment:

- Barbara Frappier said that, in her experience as a consultant, the draft was refreshingly clear and concise. However, she added that no definition was provided for "constrained site;" that one might be needed.
- Some of the Commissioners agreed.
- Peter Sullivan, P.E., spoke in favor of the inclusion of a mitigation-constrained section, with in-lieu fee and off-site alternatives available at the discretion of the Conservation Commission.
- A slight change to the impervious surfaces language, and revision to the former title were to be added at the Commission's request.

A motion was made to approve the draft with the foregoing changes.

Seconded and approved: 4 votes aye; 1 votes nay.

One Commissioner abstained. The effective date will be Oct 25, 2011.

II MINUTES FOR APPROVAL

- A. June 21, 2011
B. July 19, 2011

(Minutes, continued)

A motion was made to amend the minutes of June 21 and July 19, 2011, to indicate the nature of the executive session as being a discussion of litigation strategy. The motions were amended to indicate the same.

A motion was made to approve the amended minutes.

Seconded and voted unanimously.

C. September 20, 2011

A motion was made to approve the minutes of September 20, 2011.

Seconded and voted unanimously.

III REQUESTS FOR DETERMINATION

Serene Lee. Raze and rebuild garage and breezeway; add new front entry; upgrade septic; plant shrub buffer along top of coastal bank; utilities, landscaping and other appurtenances at 37 Island Ave., Hyannis as shown on Assessor's Map 265 Parcel 029. **DA-11083**

The applicant was represented by Barbara Frappier.

Issues discussed:

- The proposed plan was displayed and was noted on Exhibit A.
- No concerns arose from the Commission.

Public comment:

- Ann Strachen was concerned about a leaking compost bin and the garage imposing on her property. The consultant will speak to the property owner about the compost leakage.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Marvin Glick. Vista pruning at 285 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075-010-002. **DA-11087**

The applicant was represented by Peter Hansen.

Issues discussed:

- The proposed plan was displayed and was noted as Exhibit A.
- Defining the view corridors was requested.
- Some Commissioners objected to the managing of mitigation planting; that this may set a precedent.

A motion was made to issue a negative determination, allowing standard vista pruning.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Jacquelyn I. Crones, Tr./Jacquelyn I Crones 1995 Trust. Construct single-family dwelling with all associated appurtenances; construct and maintain pier and path to pier; maintain existing path to water; vista pruning at 0 Point of Pines Ave., Centerville as shown on Assessor's Map 210 Parcel 107-003. **SE3-4966**

The applicant was represented by John O'Dea. P.E..

(Crones, continued)

Commissioner Larry Morin rescued himself, and left the room.

Issues discussed:

- The proposed plan was displayed and was noted on Exhibit A.
- Some Commissioners objected to retaining the cleared way-to-water (private). The consultant offered to pivot the pier so that it ends at the way-to-water.

A revised plan will be submitted.

The fate of the narrow bordering vegetated wetland will be left to staff discretion and possible return to the Commission for elaboration.

A motion was made to approve the project with special conditions, contingent upon a revised plan showing the reconfigured pier.

Seconded and voted unanimously.

MBRIDGE 274 LLC. Demolish existing dwelling; construct single-family dwelling and all associated appurtenances including driveway, patio, walkways, landscaping and gazebo at 274 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 021-002. **SE3-4965**

The applicant was represented by John O'Dea, P.E.

Issues discussed:

- The proposed plans were displayed and were noted on Exhibits A (site plan) and B (landscaping plan).
- An elevation view of the gazebo will be provided.
- Pathway widths are proposed to remain as they are.

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

Seconded and voted unanimously.

V CONTINUANCES

Jane Bertolami, Trs., Jetty Realty Trust. Raze existing house; construct new house with attached garage; landscaping, mitigation planting and removal of invasive species at 15 Sea View Ave., Osterville as shown on Assessor's Map 162 Parcel 026-002. **SE3-4955**

The applicant was represented by Steve Wilson, P.E., Bruce Besse, Steve Cook, and Attorney Richard Nyland.

Issues discussed:

- The proposed plan was displayed and was noted as Exhibit A.
- The house would be on a pile foundation, as it resides in the Velocity Zone.
- Mitigation plantings (90-100%) of the total plantings for the site were proposed, including some for the adjacent way to water.
- An idea for intercepting road run-off might be an alternative strategy. Additional planting in the 50-foot buffer was requested.

Public comment:

- Attorney Sarah Alger, representing the Marterosions (abutters), raised objections to the mitigation planting as proposed. She offered the shared greenway as an option for planting mitigation.

A motion was made to continue the hearing to October 25, 2011.

(Bertolami, continued)
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Seconded and voted unanimously.

Whitney P. Wright. To approve/manage cutting of vegetation in 50-foot buffer zone at 4308 Main St., Cummaquid as shown on Assessor's Map 351 Parcel 029 **DA-11074**

The applicants attended the hearing.

Issues discussed:

- Mr. Wright circulated his submitted site plan. It was noted as Exhibit A.
- Staff submitted a number of aerial photos; they were noted as Exhibit B (1-7).
- Mr. Wright proposed new cutting within the 50-foot buffer.
- Mr. Wright was instructed to bring a suitable plan depicting the wetland and site contours.

A motion was made to continue the project to December 6, 2011.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:23 p.m.