



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

DATE : April 24, 2012, 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](http://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 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 Selectmen's Conference Room, Barnstable Town Hall, 367 Hyannis, MA.

### I MINUTES FOR APPROVAL

A. April 10, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**Anthony F. Milano, M.D.** Erect cedar post and 2-rail fence along southern boundary of property line, to be set a minimum of 1 foot off property line; maintain a 4-foot access way to maintain fence at 110 Keveney Ln., Cummaquid as shown on Assessor's Map 351 Parcel 024-001. **DA-12032**

The applicant attended the hearing.

Issues discussed:

- A packet of photographs with notations was submitted and noted as Exhibit A.
- Dr. Milano said that encroachment by neighbors has prompted the application for the fence. He acknowledged cutting a pathway adjacent to the proposed fence line.

Public comment:

- Richard Murray, abutter, offered his version of some of the encroachment incidents.
- There was no dispute as to the delineation of the common property line.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Lisa Macalaster.** General clean-up of invasive vines on pine trees; select pruning of dead branches and small growth shoots; remove 1 pine tree obscuring pond view at 136 Pond St., Osterville as shown on Assessor's Map 118 Parcel 101. **DA-12033**

The applicant was represented by her husband, Spencer Macalaster.

Issues discussed:

- The white pine tree was located within the 50-foot buffer zone. The applicant wished to remove it and replace it with a 3-inch diameter hardwood tree.
- Supplemental shrub planting was discussed.
- Commissioners were concerned about setting a precedent with tree removal here.
- Thinning some of the other trees was discussed.

A motion was made to issue a negative determination, allowing standard vista pruning and removal of invasive vines.

Seconded and approved: 5 votes "Aye;" 1 vote, "Nay."

**Richard Largay.** Pump existing septic components; remove unsuitable soils and backfill with clean sand; install soil-absorption system with associated piping; restore disturbed areas to pre-existing condition at 75 Indian Trail, Cummaquid as shown on Assessor's Map 336 Parcel 002. **DA-12034**

The applicant was represented by Stephen McEntee, P.E.

Issues discussed:

- Three variances are being sought from the Board of Health. Most are an attempt to preserve existing specimen trees.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Gordon Warren.** Natural gas line extension and hook-up at 55 Circuit Ave., Hyannis as shown on Assessor's Map 324 Parcel 055. **DA-12031 N/C WITHDRAWN.**

The application was withdrawn by the applicant prior to the hearing.

### **III NOTICES OF INTENT**

**Robert E. & Pamela Fair, Jr.** Remove/replace patios and retaining walls; planting of mitigation vegetation at 1343 Falmouth Rd., Centerville as shown on Assessor's Map 229 Parcel 085. **SE3-5006**

The applicant was represented by Michael Pimental.

Issues discussed:

- The proposed site plan was displayed and noted as Exhibit A.
- The patios are designed to be pervious, dry-laid.
- Instead of "in-lieu fees," the Commission discussed additional mitigation planting closer to the pond shore.
- The Commission found the site was not mitigation-constrained.

A motion was made to approve the project, contingent upon receipt of a revised plan with additional mitigation planting, in consultation with staff.

Seconded and voted unanimously.

**Jeff Cook.** Raze existing house; construct new house and landscaping at 133 Sunset Ln., Barnstable as shown on Assessor's Map 319 Parcel 022. **SE3-5007**

The applicant was represented by Attorney John Kenney, Stephen Wilson, P.E., Bruce Besse, and Steve Cook.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- A packet including a landscaping plan and planting list was provided and noted as Exhibit B.
- Lawn area will be reduced by nearly half.
- A color GIS flood-zone map and FIRM panel were submitted and noted as Exhibits C and D.
- The proposed landscape plan at full scale was displayed and noted as Exhibit E.
- House elevation views were provided and noted as Exhibit F.
- Little additional fill will be required for the proposed improvement. The paved drive will be replaced with pervious material.
- Expanding the planting within the 50-foot buffer, and inter-planting with occasional native shrubs, was discussed.
- Planting seeding trees on the seaward side of the property was also discussed.

Public comment:

- Ms. Billie Bates expressed concerns, outlined in her email to the Commission.
- Dr. Coursey, abutter, expressed concern for stability of the fire pit, and the potential for fire spreading. She also expressed concerns for site runoff shedding to her property.

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

Seconded and voted unanimously.

#### **IV CERTIFICATES OF COMPLIANCE (ez = staff recommends approval) (\* = on-going conditions)**

A. Herlihy SE3-3887 (coc,ez) raze & construct single-family dwelling \*

A motion was made to approve the certificate.

Seconded and voted unanimously.

#### **V REVISED PLANS**

A. Town of Barnstable Conservation Division, SE3-4531, Rushy Marsh Pond Restoration  
Revised plans for: 1) armoring portions of constructed inlet; and, 2) possible beach nourishment sites

The applicant was represented by Rob Gatewood, Conservation Administrator.

Issues discussed: No concerns arose for the revised plans.

A motion was made to approve the revised plan for armoring the inlet.

Seconded and voted unanimously.

A motion was made to approve the potential beach nourishment at various locations.

Seconded and voted unanimously.

#### **VI OLD & NEW BUSINESS**

A. Proposed Article I tax title conveyance of Map 177 Parcels 002 & 011, totaling 35.8 acres, for permanent conservation and passive public recreation

The proposed conveyance would satisfy a prerequisite of the Division of Conservation Services, enabling the construction of a second proposed sound abatement berm at the shooting range at the W. Barnstable conservation area.

A motion was made to request the Town Manager to convey the two parcels to Conservation management for permanent conservation and passive public recreation purposes.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:05 p.m.**