



**Town of Barnstable  
Conservation Commission**  
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**MINUTES**

**CONSERVATION COMMISSION MEETING**

**DATE: September 3, 2013 6:30 p.m.**

**LOCATION: HEARING 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 John Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Conservation Administrator, Rob Gatewood, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

**I MINUTES FOR APPROVAL**

- A. August 6, 2013
- B. August 13, 2013
- C. August 20, 2013

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

Seconded and voted unanimously.

**II EXECUTIVE SESSION**

- A. Proposed exchange of real estate interests between the Town and the Commission and Mass. Fish and Wildlife on Mary Dunn Road and Hinckleys Lane.

A motion was made to enter executive session to consider the exchange of real estate interests regarding Mary Dunn Road and Hinckley's Lane, based on the Chair's declarations and to re-convene in open session following the conclusion of the executive session.

Seconded and voted by roll call:

- Houle - aye
- Lee - aye
- Abodeely - aye
- Sampou - aye
- Blazis - aye

Morin - aye

Foster - aye

The Chairman informed the public that the Commission could be expected back in public session as soon as possible.

### **III RETURN TO PUBLIC SESSION**

The Commission returned to public session at 7:00 p.m.

### **IV REQUESTS FOR DETERMINATION**

**Kathryn & Edward Ryan.** Vista pruning following Conservation vista pruning guidelines at 53 Pine Ln., Osterville as shown on Assessor's Map 118 Parcel 086. **DA-13054**

The applicant was represented by Dan Shaunessey.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Habitat for Humanity of Cape Cod.** Site work for construction of two single-family dwellings; no structures to be located within buffer zone at 28 and 29 Sesame St., Centerville as shown on Assessor's Map 173 Parcels 007-002 and 007-001. **DA-13055**

The applicant was represented by Ledara Zola.

The project was supported by the Community Preservation Committee which partially funded it.

Staff will notify the applicant, should the site be mapped by Natural Heritage and Endangered Species Program (NHESP).

In the event a filing is necessary with NHESP, any agency comment shall become part of the Determination.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **V NOTICES OF INTENT**

**James F. Langway.** Construct pool patio, pool fence and associated appurtenances at 434 Sea View Ave., Osterville as shown on Assessor's Map 138 Parcel 002-004. **SE3-5113**

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

#### Exhibits:

- A – Proposed site plan

No mitigation planting was required.

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

Seconded and voted unanimously.

**Lorraine A. Sousa.** To permit and maintain existing boardwalk, pier, ramp and float in West Bay at 227 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 038. **SE3-5114**

The applicant was represented by Atty. Michael Ford and Peter Sullivan, P.E.

The pier has been in place since 1957, and is fully licensed by the State.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

## **VI AMENDED ORDERS**

**Stuborn Limited Partnership.** Proposed amendment under SE3-4863 involves increasing the elevation of the existing stone revetment wall two (2) vertical feet, at 153 Freezer Rd., Barnstable as shown on Assessor's Map 301 Parcel 006. **SE3-4863**

The applicant was represented by Kieran Healey.

### Exhibits:

- A – Proposed site plan

A motion was made to approve the Amended Order with standard and special conditions.

Seconded and voted unanimously.

## **VII CONTINUANCES**

**Donn & Eileen R. O'Connell, Trs., Hillbilly Hollow Nominee Trust.** Construct and maintain a boardwalk, pier, ramp and float in Tim's Cove at 390 North Bay Rd., Osterville as shown on Assessor's Map 072 Parcel 001. **SE3-5106**

The applicant was represented by Atty. Michael Ford and John O'Dea, P.E.

### Exhibits:

- A – Proposed revised plan.

The pier design conforms with Commission regulations.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

**New Rushy Marsh Realty Trust.** Redevelop, construct, maintain existing horse farm including reconstructing cow barn, build stable, viewing pavilion, farm office building, vista corridor, greenhouse, working greenhouse, horse trails, driveway re-alignment, parking, retaining walls, paddock areas, water main, Title-5, drainage, irrigation, utilities, clearing, excavation, grading, landscaping, mitigation plantings at 1541 Main St., Cotuit as shown on Assessor's Map 017 Parcel 007, Map 018 Parcels 106, 107, 108, 120, 106. **SE3-5107**

The applicant was represented by Atty. Michael Ford and Michael McGrath, P.E.

### Exhibits:

- A – Proposed site plan.

The NHESP letter was received. Special conditions under MA Endangered Species Act (MESA) will be recorded as a stand-alone document as well as attached to the Order.

Several special conditions were offered by Atty. Ford to alleviate abutter concerns.

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

Seconded and voted unanimously.

### **VIII CERTIFICATES OF COMPLIANCE**

- |    |              |          |          |   |
|----|--------------|----------|----------|---|
| A. | Crosby Yacht | SE3-4411 | (coc,ez) | remove fire damaged structures, install bulkhead, & dredge (not done) |
| B. | Pollenz      | SE3-0979 | (coc,ez) | clearing & drainage for Waterside Drive subdivision                   |
| C. | Crummey      | SE3-4743 | (coc,ez) | manage phragmites & plant native vegetation *                         |

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

Seconded and voted unanimously.

### **IX OLD & NEW BUSINESS**

- A. Vista Pruning Guidelines discussion

The adequacy of the Vista Pruning Guidelines was discussed.

The consensus was to table the matter to a later date.

- B. Recommendation on proposed Tyburski land acquisition

Commissioner Blazis recused himself.

A motion was made to endorse the acquisition of the parcel for open space purposes.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:26 p.m.**