



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

## AMENDED MINUTES – CONSERVATION COMMISSION MEETING

DATE: SEPTEMBER 2, 2008 – 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](http://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 John Abodeely, and Commissioners, Peter Sampou, Larry Morin, Tom Lee, and Louise Foster. Scott Blazis 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. August 19, 2008

A motion was made to approve the minutes.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**Cornelia Austin.** Upgrade failed septic system to Title-5 standards at 14 Marshview Ln., Marstons Mills as shown on Assessors Map 076 Parcel 006-002. **DA-08078**

The applicant was represented by Daniel Ojala, P.E.

Issues discussed:

None.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### III NOTICES OF INTENT

**William & Laurie Danforth.** Replace significant amount of lawn with native and naturalizing plants; add garden trellis and terrace with associated walks in other lawn area; create seeded play area; enhance all areas with native material and remove invasive vines at 246 Carriage Rd., Osterville as shown on Assessors Map 071 Parcel 018.

**SE3-4760**

The applicant was represented by Rick Lamb, R.L.A.

MN090208amended

Issues discussed:

- A trellis was proposed within the 50-foot buffer.
- A considerable amount of mitigation planting within existing lawn area was also proposed.
- Drywells will be installed to handle roof run-off.
- The Commission wanted long-standing tree topping, addressed in a follow-up report from Mr. Lamb, to be submitted for staff approval
- An as-built fence was removed; a new fence is proposed under this filing
- A final planting plan will be submitted for staff approval prior to implementation.

A motion was made to approve the project with special conditions.  
(Danforth, cont'd.)

Seconded and voted unanimously.

**Baxter Neck Road LLC./Lehman, Tr.** Construct addition to existing house; remove trees for insurance purposes; construct pool; poison ivy removal; vista pruning and landscaping at 240 Baxters Neck Rd., Marstons Mills as shown on Assessors Map 251 Parcels 014 & 015. **SE3-4761**

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

Commissioner Foster recused herself.

Issues discussed:

- The proposed deck will actually be smaller than the existing one, according to Mr. Wilson. The Commission saw it another way – that the deck was actually being expanded over the Town coastal bank.
- About two-dozen trees are proposed for removal to satisfy insurance company concerns. An additional seven trees would be removed for the pool and deck.
- The Commission expressed concern for the amount of tree and habitat alteration. A proposed mitigation plan was requested by the Commission.
- The pool could possibly be moved to the east side of the house.
- Documentation of insurance company's concerns was requested.

A motion was made to continue the hearing to September 30<sup>th</sup>.

Seconded and voted unanimously.

**ToB/DPW.** Improvements to Bog Road, including repaving/widening, installation of stormwater runoff drainage system, and bank stabilization in Barnstable, public right-of-way. **SE3-4762**

The applicant was represented by Stacey Minehan, John Venzi, P.E., of Beales & Thomas, and Roger Parsons, P.E.

Issues discussed:

- The road will be widened over its present footprint through the bogs. No wetland will be altered, but inland bank will be
- No upgrading (enlarging) of existing river or culvert was thought necessary by USDA
- Steven Farrar, abutter, asked about existing culvert width, and if any leaching basins were proposed at the southern end of Bog Road. Charles Crocker, abutter, said the road was built on mud, and that the improved road will do the same.

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

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**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 was represented by Attorney Eric Wodlinger, Stephen Wilson, P.E., Dr. Lee Weishar, P.E., Donald Schall, and Bruce Besse.

Issues discussed:

- Mr. Wodlinger said the scientific import of these experts and these studies was that the wetland was a fresh water wetland, not subject to tidal action.
- Chairman Houle explained the clearing violation which preceded this filing for a Request for Determination of Applicability.

(Swan, cont'd.)

- The D.E.P. bank and buffer zone were agreed to. Mr. Wodlinger said that, in terms of the mitigation, certain slope characteristics should influence the nature of the mitigation, e.g., what is the best way to mitigate in order to stabilize the slope?

A motion was made to continue the hearing to October 28<sup>th</sup>, and to continue the Swan enforcement hearing to October 21<sup>st</sup>.

Seconded and voted unanimously.

**Richard B. & Audrey P. Egan, Trs.** To locally permit State and Federally approved reconfiguration zones, and to move a dock within that zone at 41 Cockachoiset Lane & 330 West Bay Road, Osterville as shown on Assessors Map 116 Parcels 009 & 013. **SE3-4758**

The applicant was represented by Peter Sullivan, P.E.

Issues discussed:

- The gross square-footage of the floating pier will be provided.
- A 25-foot LOA limit was given on the proposed plan

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

Seconded and voted unanimously.

## **V EXTENSION REQUESTS**

D. Conservation Division SE3-4014 phragmites control 2<sup>nd</sup> request; additional 3 yrs.

The applicant was represented by Rob Gatewood, Conservation Administrator.

Issues discussed:

- The Commission felt that the request was unusual but, given the importance of eliminating the invasion of "pioneer" phragmites, the request was an important one to consider.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

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

A. Simpkins SE3-4412 (coc,ez) construct driveway for single-family dwelling \*

B. Swaim (Sullivan) SE3-4394 (coc,ez) construct single-family dwelling (not done)

C. C-O-MM Water SE3-4686 (coc,ez) construct water service along roadway

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

Seconded and voted unanimously.

**VII OLD & NEW BUSINESS**

A. September 9<sup>th</sup> morning meeting

Noted

B. Clarification on SE3-4754, dune stabilization at Estey Avenue Way-to-Water (Old & New Business, cont'd.)

Conservation Administrator, Rob Gatewood, clarified several points with regard to the pending Conservation Division's Order of Conditions, SE3-4754, Estey Avenue way-to-water.

C. Other

The Chairman updated the Commission on the work of the Coastal Resources Management Committee.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:13 p.m.**