



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: SEPTEMBER 16, 2008 – 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, 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, Scott Blazis, Larry Morin, Tom Lee, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted.

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

### I MINUTES FOR APPROVAL

A. September 2, 2008

A motion was made to approve the minutes.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**C. McGregory Wells, III & Mary M. Wells.** Repair existing septic system at 312 Smoke Valley Rd., Osterville as shown on Assessors Map 096 Parcel 003. **DA-08080**

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

Issues discussed:

- An on-the-floor revision to shift the system two feet eastward was discussed.
- The possible advantage of a nitrogen-removing system was discussed.

A motion was made to issue a negative determination.

Seconded and voted: 5 votes – aye; 2 votes – nay

**Wequaquet Lake Yacht Club.** Remove and repair shed roof; remove and repair side wall; add new windows and doors at 150 Annable Point Rd., Centerville as shown on Assessors Map 211 Parcel 015. **DA-08079**

The applicant was represented by Jimmy Bowes.

Issues discussed:

- Drywells to be added for roof runoff.

(Wequaquet Lake Yacht Club, cont'd.)

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Jeffrey Kaschuluk.** Partially demolish existing dwelling down to foundation and construct new dwelling with utilities and all appurtenances including landscaping with patios, retaining walls; remove invasives and plantings of native species; vista pruning; create parking spaces off existing drive at 49 Main St., Osterville as shown on Assessors Map 185 Parcel 020. **SE3-4757**

The applicant was represented by John O'Dea, E.I.T. Melvin Field, current owner, also attended and answered several questions.

Issues discussed:

- Elevation views were provided
- Improvement to driveway runoff
- 5,400 sq. ft. in mitigation planting was proposed
- Planting bed to be located in grassed slope between house and boat house.

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

Seconded and voted unanimously.

**Robert McPhee/McPhee Associates.** Tear down existing single-family dwelling; rebuild new single-family dwelling and detached two-car garage with living quarters above and appurtenances and new Title-5 Nitrogen Reducing Septic System; planting mitigation at 90 Harbor Point Rd., Cummaquid as shown on Assessors Map 352 Parcel 001. **SE3-4763**

The applicant was represented by Robin Wilcox, Rob McPhee, P.L.S. and Phil Cheney.

Issues discussed: No concerns arose.

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

Seconded and voted unanimously.

**Richard M. & Anna Tocci.** Construct and maintain a timber pier, ramp and float in North Bay at 80 Great Bay Rd., Osterville as shown on Assessors Map 093 Parcel 074. **SE3-4764**

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

A continuance was requested via letter from Attorney Sarah Alger.

A motion was made to continue the hearing to October 14, 2008.

Seconded and voted unanimously.

No testimony was taken.

**Gargano, Paul & Sheila.** To permit putting greens and boardwalks at 251 Green Dune Dr., W. Hyannisport as shown on Assessors Map 245 Parcel 33. **SE3-\_\_\_\_\_**

The applicant was represented by Attorney Peter Kortkamp.

(Gargano, cont'd.)

Issues discussed:

- Following Mr. Kortkamp's introduction, Chairman Houle challenged the applicant's prohibition of the Conservation Commission to enter his property. Mr. Gargano answered questions from some of the Commissioners and also elaborated on some of the points presented by Mr. Kortkamp. The Chair said that access is a necessary part of the Commission's performance of its duties. Mr. Kortkamp said he stands corrected on the statutory requirements, but thought that most Commissioners were familiar with the site. The Chair stated that this was not so. A group site- visit was then agreed upon, to be worked out with staff.
- A discussion ensued between the Board and Mr. Kortkamp regarding the science issues, and other concerns as to whether there were limitations on issues to be considered by the Commission based on the opinion of the Superior Court following trial, and if so what those limitations might be.
- Mr. Kortkamp said that no adverse impact stemming from putting-green construction could or can be discerned. He stated that Mr. Gargano's submitted plan only shows one boardwalk, not two, and that Mr. Gargano has withdrawn the boardwalks from consideration, and would remove them. A specification sheet on the artificial surface for the putting greens was submitted.
- Commissioners raised concern for project impacts upon the nutrient balance of Hall's Creek, along with impacts to wildlife habitat.

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

Seconded and voted unanimously.

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

A.	Town of Barnstable/DPW	SE3-0756	(coc,ez)	construct road drainage; add rip rap *
B.	Town of Barnstable/DPW	SE3-1797	(coc,ez)	extend drainage pipe *
C.	Falacci	SE3-4270	(coc,ez)	construct single-family dwelling *
D.	Price	SE3-4440	(coc,ez)	add lights, platform, ramp & float to pier *
E.	Price	SE3-4376	(coc,ez)	construct in-ground pool *

A motion was made to approve all certificates "A – E."

Seconded and voted unanimously.

**V OLD & NEW BUSINESS**

A. Other

None.

**A motion was made to djourn.**

**Seconded and voted unanimously.**

**The time was 8:37 p. m.**