



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: May 19, 2009 – 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, several resources are available to you: video-on-demand (free on the Town website at 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 Tom Lee and Commissioners John Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted.

I MINUTES FOR APPROVAL

- A. April 21, 2009
- B. May 5, 2009

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

Commissioner Abodeely abstained from the vote, as he was not present at the meetings.

Seconded and voted: 6 votes – "Aye;"

II REQUESTS FOR DETERMINATION

Dennis B. Collins. For privacy screen, propose to plant 10 Thuja "Green Giant" trees (approx. 6' high when planted; 25' to 30' when mature) on east property line at 145 Lakeside Drive East, Centerville as shown on Assessors Map 252 Parcel 090. **DA-09028**

The applicant attended the hearing.

Issues discussed: no concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Town of Barnstable/Growth Management Dept. Remove and dispose of 2 concrete uprights along edges of entranceway; replace with 4 wooden pole bollards; remove sand from around parking bumper; add ¾" native dense grade to parking lot and re-grade at Oregon Beach, Main Street, Cotuit at end of road between Map/Parcels 016-013 and 016-014. **DA-09031**

The applicant was represented by Nicole Frame.

Issues discussed:

- Dinghy access to be provided via 4 – 5-feet of access avenue between bollards. (ToB/GMD, cont'd.)

- The possible need for emergency fire access.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

John Spargo. Upgrade septic system with pump chamber and leach field at 188 Marchant Mill Way, Hyannisport as shown on Assessors Map 266 Chamber 024 & 037. **DA-09032**

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

Issues discussed:

- The need for planting back (in combination with grow-back) of disturbed buffer adjacent to test pit #5.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Richard P. McCoy, Tr./The River Road Associates Trust. Additions to existing single-family home; remove existing garage and paved drive; replace with new paved drive; mitigation plantings at 449 Eel River Road, Osterville as shown on Assessors Map 114 Parcel 020. **SE3-4816**

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

Issues discussed:

- A waiver request
- Mitigation planting proposed
- Several large canopy trees to be removed; they will be replaced.

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

Seconded and voted unanimously.

Joseph & Marilyn Asiaf. Replace failing timber retaining wall and stabilize eroding coastal banks with sediment-filled coir envelopes and native vegetation plantings to prevent erosion undercut to trees at 361 Bay Lane, Centerville as shown on Assessors Map 187 Parcel 001-006. **SE3-4818**

The applicant was represented by Stan Humphries.

Issues discussed:

- The proposed use of coir fiber envelopes filled with sand for prompt planting
- The life expectancy of the coir envelopes is 10 – 15 years
- Report on success, due with certificate of compliance request
- Pre-construction work protocol due
- The Commission requested that a nitrogen interceptor trench or low shrub buffer be developed for staff approval.

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

Seconded and voted unanimously.

Town of Barnstable/Growth Management Dept. Coastal bank repair at 240 Bay Street, Osterville as shown on Assessors Map 094 Parcel 001. **SE3-4820**

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

Issues discussed:

- The coastal bank was described as a vertical buffer rather than a significant sediment source
- A sand veneer will be provided for the wall
- A small vegetated strip will be provided
- The existing tree may need to be removed.

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

Seconded and voted unanimously.

Town of Barnstable/Growth Management Dept. Remove invasive plants and replace with native plants; create 2 gravel parking spaces, a 6-foot-wide natural path, timber stairs and kayak rack at Short Beach Rd. way-to-water, Centerville as shown on Assessors Map 206, land between Parcels 027 & 028. **SE3-4819**

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

Issues discussed:

- Remove invasive oriental bittersweet with native plants
- Parking to be only temporary: for off-loading kayak to rack; parking at home or Town beach; return to launch kayak

Letters from the Hines and Sullivan’s, abutters, were noted for the record. Both expressed concerns:

- The possible shifting of the stairs eastward, off the centerline of the road
- Trailer-parking should not be allowed
- The design of the kayak rack along with the number of boats served to be provided to staff
- Need to provide a low grated surface boardwalk to the high water mark
- John Pendergast, Jr., wanted to see the property line better defined to keep people off his property
- Request for a trash barrel for the site.

Public Comment:

- Jane Rogers, abutter, expressed concern for the aesthetic impact of the proposed improvement
- Meg Laughran, President of the Centerville Civic Association, supported the project
- Janice Hoffman, abutter, was concerned about the appearance of the kayak rack
- Peter Fisher supported the project.

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

Seconded and voted: 6 votes – “Aye;” 1 vote – “Nay.”

IV AMENDED ORDERS

Bonnybrook Realty Trust. Proposed amendment to Order of Conditions (Permit No. SE3-3648) to modify/change Special Condition No. 18 regarding temporary use of south slip of existing pier at 185 Ocean View Ave., Cotuit as shown on Assessors Map 033 Parcel 016.

The applicant was represented by Atty. Michael Ford, Peter Sullivan, P.E. and Paula Newberg, PhD, biologist.

Issues discussed:

- A 48-hours berthing restriction was proposed as the new temporary allowance.
- Discussed by the Commission as a completely unique situation.

(Bonnybrook, cont'd.)

A motion was made to amend the order, specifically deleting the 6-hour restriction from special condition # 18. The restriction against overnight berthing would remain.

Seconded and voted unanimously.

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

A.	Town of Barnstable/DPW	SE3-4221	(coc,ez)	replace culvert at Dowses beach *
B.	Town of Barnstable/DPW	SE3-3251	(coc,ez)	restore Lake Elizabeth & Red Lily Pond *
C.	Town of Barnstable/DPW	SE3-1727	(coc,ez)	install sewers and pumping stations in Area 5
D.	Harris	SE3-4435	(coc,ez)	construct addition to single-family dwelling *
E.	Kraft	SE3-4422	(coc,ez)	raze & construct single-family dwelling *
F.	Town of Barnstable/DPW	SE3-1280	(coc,ez)	replace & modify culvert under Hawes Avenue
G.	Horowitz	SE3-4302	(coc,ez)	construct deck (not done); landscaping *
H.	Morrissey	SE3-3514	(coc,ez)	modify & add floats to existing dock *

A motion was made to approve all certificates (“A – H”).

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Reconsideration of request for appearance

The Commission discussed its March 31st decision to disallow a proposed discussion item of Cape Cod MX Track regarding trail bikes use at the W. Barnstable Conservation Area. On the evening’s agenda was the question of whether the Commission would reconsider that decision and allow Mr. Anderson to present his proposal at a future meeting.

Mr. Anderson spoke, saying his proposal has recently changed, with the advent of batter-powered trail bikes.

A motion was made to allow Mr. Anderson’s proposal to appear at the June 2nd hearing.

Seconded and voted: 6 votes – “Aye;” 1 vote – “Nay.”

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:40