



# 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

## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: November 17, 2009 – 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, 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, and Scott Blazis. Commissioners Larry Morin, and Louise Foster were away. Rob Gatewood, Conservation Administrator, assisted.

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

### I MINUTES FOR APPROVAL

A. October 20, 2009

A motion was made to approve the minutes.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**Nick Scioi.** Construct gravel circular driveway and remove two trees at 55 Lake Ave., Hyannisport as shown on Assessors Map 287 Parcel 023-001. **DA-09071**

The applicant attended the hearing.

Issues discussed:

- Two trees need to be taken down.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Patricia Lawlor.** Cut and re-grade strip of front lawn; buffer plantings; remove two trees at 410 High St., W. Barnstable as shown on Assessors Map 111 Parcel 046. **DA-09074**

The applicant attended the hearing.

Issues discussed:

- Mitigation planting was proposed.

A motion was made to issue a negative determination.

(Lawlor, cont'd.)

Seconded and voted unanimously.

**Stephen Miller.** Cut-back/remove Bittersweet in fall; use herbicide in spring at 145 Bridge St., Osterville as shown on Assessors Map 093 Parcel 035. **DA-09075**

The applicant attended the hearing.

Issues discussed:

- A licensed applicator will be required for bittersweet removal.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Hyannis Court Associates/Steve Furrer.** Draining and parking area upgrades at 735 Attucks Ln., Hyannis, as shown on Assessors Map 295 Parcel 017. **DA-09076**

The applicant did not attend the hearing.

Issues discussed:

- The need for repair of the weak portions of the existing sediment barriers
- Stabilizing the rear slope.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Frank R. & Nancy M. Selldorff.** Propose to replace timber bulkhead at 102 Bluff Point Dr., Cotuit as shown on Assessors Map 034 Parcel 071. **SE3-4850**

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

Issues discussed:

- Tie-ins with existing adjacent bulkheads must be carefully considered
- Work protocol will be worked out in advance with staff at the site

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

Seconded and voted unanimously.

**Mark Fazio.** Construct single-family dwelling with attached garage, subsurface septic system and drive at 36 Deacon Court, Barnstable as shown on Assessors Map 300 Parcel 054. **SE3-\_\_\_\_\_**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Project requires septic system variance to property line. An application has been filed with the Board of Health.
- An alternative analysis was presented for the reason(s) why the 50-foot buffer zone traverse was, in fact, the best option.
- Planting viburnums was offered as mitigation.

(Fazio, cont'd.)

- The driveway will pitch away from the wetland. It was believed that this would be inadequate to prevent slope blow-out. Ms. Hamlyn said she would have the project engineer design a drainage solution. The lot has been approved under zoning.
- The house would reside approximately 58-feet from the wetland.
- A pre-construction work limit line inspection and certification by the project engineer was proposed. Weekly inspections will be made

Public comment:

- Wayne Norwood said that a house in this location would be uncharacteristic of the neighborhood, in terms of proximity. Work would be phased, with the road requiring final inspection by staff before house construction begins.

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

Seconded and approved: 4 votes aye; 1 vote nay.

**Richard Egan/Crosby Yacht Yard, Inc.** Re-permit work approved under file SE3-4411. The work includes removal of a fire damaged wharf, pier and small wood shed, and removal of existing marine railway; install bulkhead and extend pavement from Cockachoiset Lane to – and onto – wharf, and install drainage; construct timber pier/deck; dredge approximately 830 cubic yards and place spoil behind bulkhead at 41 Cockachoiset Ln., Osterville as shown on Assessors Map 116 Parcel 009. **SE3-\_\_\_\_\_**

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

Issues discussed:

- The previous Order of Conditions has expired
- Winter flounder and horseshoe crab habitat was noted by the Division of Marine Fisheries. No concerns were relayed in the Waterways Committee letter.
- Parking lot leaching drains would be constructed; designed for a 25-year storm.

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. | Joyce      | SE3-4482 | (coc,ez) | construct decks, walls, etc.; landscaping; widen driveway * |
| B. | F.E.C. R/T | SE3-4611 | (coc,ez) | construct single-family dwelling *                          |
| C. | DeSimone   | SE3-4631 | (coc,ez) | construct stairs over revetment *                           |

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

Seconded and voted unanimously.

**V OLD & NEW BUSINESS**

- A. Kaess Conservation Restriction on Barnstable Harbor.
- B. Mitchell Conservation Restriction on Barnstable Harbor.

The two restriction discussions were opened simultaneously.

Jaci Barton, Executive Director of the Barnstable Land Trust, attended the hearing.

(Old and New Business, cont'd.)

The proposed conservation restrictions were described. Both reside on Barnstable Harbor. Both restrictions are important for maintenance of continued good water quality within the ACEC.

Tax impact (losses to the Town) would be minimal, since the conservation restrictions affect backland, un-subdivided.

Public access benefits would be minimal, but many other public benefits would accrue to the Town, should the conservation restrictions be approved.

A motion was made to endorse the Kaess conservation restriction.

Seconded and voted unanimously.

A motion was made to endorse the Mitchell conservation restriction.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:03 p.m.**