



# 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: February 16, 2010 – 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 Peter Sampou, Larry Morin, and Louise Foster. Commissioners John Abodeely and Scott Blazis 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. Minutes of January 19, 2010

B. Minutes of February 2, 2010

A motion was made to approve the minutes (“A” and “B”)

Seconded and voted unanimously.

C. Release of executive session minutes of:

12/05/00, 09/27/05, 11/08/05, 12/13/05, 01/10/06, 08/04/09, 08/18/09.

A motion was made to release the minutes (“C”).

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**William & Jeanne Rugg.** Replace existing leaching system; retain existing septic tank; remove existing retaining wall and construct new retaining wall at 251 Bay Ln., Centerville as shown on Assessors Map 166 Parcel 057.

**DA-10010**

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

Issues discussed:

- The house is restricted to two bedrooms
- The driveway would be impervious

A motion was made to issue a negative determination.

MN021610

Seconded and voted unanimously.

**Massachusetts Audubon Society.** Thinning vegetation on part of parcel to assist bird productivity on Sampson's Island, Cotuit as shown on Assessors Map 050 Parcel 001. **DA-10013**

The applicant was represented by Ellen Jedry, Assistant Director.

Issues discussed:

The request, though unusual, is important for protection of threatened species.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Town of Barnstable/Growth Management Dept.** Straighten and realign approx. 30 linear feet, 3 posts, of existing split-rail fence; install 110 linear feet, 11 sections, of new locust split-rail fence to be installed on north side of parking lot to further delineated parking area. Improve parking surface by adding 10 tons of ¾-inch native dense grade; fill and compact all potholes and depressions at 40 Iyanough Ave., Hyannis as shown on Assessors Map 287 Parcel 132. **DA-10011**

The applicant was represented by Alisha Stanley and Kevin Wade.

Issues discussed:

- Some parking lot grading would occur
- Dinghy storage improvements were suggested by the Commission. The existing condition of the dune shows clear erosion from the practice.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Town of Barnstable/Growth Management Dept.** Placement of ¾" native crushed stone to delineate footpath to water; install 5 bluestone steppers approx. 30" x 18" x 4-6" thick as steps to landing; place new Town Way-to-Water sign at Bay Shore Rd., Hyannis as shown on Assessors Map 325 (between Parcels 088 and 089). **DA-10012**

The applicant was represented by Alisha Stanley and Kevin Wade.

Issues discussed:

- New way-to-water sign already installed
- Invasive species have already been removed
- Parking is a problem there

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Thomas & Geraldine Branca.** Construct elevated walkway and pier at 104 Tracey Rd., Cotuit as shown on Assessors Map 004 Parcel 004. **SE3-4867**

The applicant was represented by Michael Borselli, P.E.

Issues discussed:

- Decking to be grated, allowing a minimum of 65% light penetration;

- A letter from the Harbormaster found no concerns
- Possible lowering of the deck elevation to two feet above marsh; deletion of the handrail
- Kayak storage on cantilevered racks and reducing the platform to 6' x 12'

Public comment:

- Attorney Robert Bianchi, representing the Fullian Family Trust, wanted assurance that there would be no ecological detriment

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

Seconded and voted unanimously.

**J. Robert Casey, Tr. Bonnybrook Realty Trust.** Eliminate previously conditioned restriction for no overnight tie-up in southerly slip; relinquish mooring, and attach boat lift in existing slip at 185 Ocean View Ave., Cotuit as shown on Assessors Map 033 Parcel 016. **SE3-4866**

The applicant was represented by Attorney Michael Ford, Peter Sullivan, P.E., and John O’Dea, P.E.

Issues discussed:

- Proposing a boat lift for the 36-foot Huckins and lifting the restriction prohibiting overnight berthing.
- The proposed lift would be “beamless,” with a much reduced profile.
- The applicant finds no adverse impact to recreation or aesthetics under the Ordinance.
- No additional support piling is required.
- The unique circumstances at the Cotuit cut and the nearshore erosion which leaves a lift as the only safe and practical way to berth at the pier
- The net gain in height with the lift engaged at high tide would be 3 feet 2 inches. The stern would not encroach past the end of the pier.
- The mooring would be forfeited.

Letters from MA Division of Marine Fisheries and the Harbormaster were read. Letters from the Austens and Larry Odence opposed the project because of visual impact.

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

Seconded and approved: 4 votes “Aye;” 1 vote “Nay.”

#### **IV REQUESTS FOR DETERMINATION (Cont’d)**

**Bonnybrook Realty Trust, J. Robert Casey, Tr.** Add boat lift to existing licensed pier at 185 Ocean View Ave., Cotuit as shown on Assessors Map 033 Parcel 016. **DA-10009**

The applicant was represented by Attorney Michael Ford.

The application was withdrawn without prejudice.

#### **V CONTINUANCE**

**Stuborn Ltd. Partnership.** Remove dwelling, concrete pad, concrete foundation, invasive species, debris; construct single-family home with decks, patio, walkways, driveways, fence, grading and utilities at 153 Freezer Rd., Barnstable as shown on Assessors Map 301 Parcel 006. **SE3-4863**

The applicant was represented by Attorney John Kenney, Norman Hayes, P.W.S., and Keiran Healy.

Issues discussed:

- Revised mitigation and site plans were submitted

- Existing cedars to remain; only invasive species (9 in all) will be removed under a management plan. Five cedars will be moved to the eastern side open areas, and guaranteed for survival.
- Removal of 47 creosote piling and removal of iron rails from old marine railway
- The Commission desired to avoid construction in the 50-foot buffer zone. The mitigation proposed was substantial in scope
- The Building Commission found conformance with the building code. A FEMA LOMR-F application will be required
- Only 280 feet of the house remains in the 50-foot buffer; 1,800 sq. ft. of the pool remains; grading within the 50-ft. buffer to equal 3,700 sq. feet
- Retaining walls have not been considered as impacts within the 50-foot buffer
- It appears that the applicant is presenting as mitigation items which would likely be considered as housekeeping, once a house was constructed.

Public comment:

- Letters from Jim Hinkle and Ken and Kathy Dormann opposed the project.
- Ann Canedy said she was concerned about environmental , aesthetic and mitigation aspects of the project.
- Jack Hill expressed support for the improvement to inner harbor navigation.

A motion was made to continue the hearing to March 16<sup>th</sup>.

Seconded and voted unanimously.

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

A.	TOB / DPW	SE3-3841	(coc,ez)	reconstruct herring run off Flume Avenue *
B.	TOB / MEA	SE3-3773	(coc,ez)	construct vernal pool platform (not done)
C.	TOB / DPW	SE3-1526	(coc,ez)	reconstruct bulkhead at Barnstable Harbor Marina *
D.	Savory	SE3-0154	(coc,ez)	construct single-family dwelling (not done)
E.	Leslie	SE3-4570	(coc,ez)	construct pool & patio (not done)
F.	Davis	SE3-3938	(coc,ez)	construct driveway & landscaping (not done)

A motion was made to approve all certificates.

Seconded and voted unanimously.

**VII OLD & NEW BUSINESS**

A.	Bergeron & Crowley	SE3-4709	pier	withdrawal of adjudicatory appeal
----	--------------------	----------	------	-----------------------------------

Staff suggested that with the local approval being final (not appealed) the Commission’s request for adjudicatory appeal be withdrawn.

Public Comment:

- Arlene Wilson, P.W.S. for the applicant, supported the withdrawal.

A motion was made to withdraw the adjudicatory appeal.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:55 p.m.**