



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: March 2, 2010

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), and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:02 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

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

I WORKSHOP ON DRAFT REGULATIONS FOR SHORE OUTHAULS (6:00 – 7:00p.m.)

Attending, along with the Commission, were Bob Jones, Chairman of the Coastal Resources Committee; Stuart Rapp, Chair of the Shellfish Committee; Jack Meade, Chair of the Waterway Committee; Dan Horn, Harbormaster; Joe Gibbs, Assistant Harbormaster; and, Tom Marcotti, Town Shellfish Biologist.

Chairman Houle explained the reason for the draft regulations. The discussion began with Definitions 711-2. The Waterways Commission requested that mooring outhauls, connected to a shore piling, fall under these regulations.

Under 711-3 Filing Protocols, any existing Chapter 91 license obtained for a shore outhaul would require an RDA filing, only. Any existing permitted mooring outhaul would, also, require only an RDA filing.

On boat size, Chairman Jones suggested that requiring RDA-approved outhauls might be conditioned to prevent boats from bottoming out.

Density of outhauls was not considered in the draft regulations, but may be in future iterations.

Chairman Rapp asked if the outhauls would be seasonally deployed.

The public workshop was continued to April 6th.

II MINUTES FOR APPROVAL

A. February 9, 2010

A motion was made to approve the minutes.

Seconded and voted unanimously.

III REQUESTS FOR DETERMINATION

J. Brian O'Neill. Repairs, renovations and remodeling to existing water-damaged house; dormers to be added to 2nd floor; deck to be built on roof of sunroom; no increase in footprint of house, at 85 Ocean Ave., Hyannisport as shown on Assessors Map 305 Parcel 003. **DA-10014**

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

Issues discussed: none

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Oyster Harbors Club. Manage excessive aquatic vegetation and algae in three ponds located near the 6th, 9th, and 11/12th holes, utilizing US EPA-registered and State-approved herbicides and algaecides, at 145 Great Island Rd., Osterville as shown on Assessors Map 071 Parcel 004-001. **SE3-4869**

The applicant was represented by Will Stephens and Brian Chase.

Issues discussed:

- The Commission suggested a reduced fertilizer-use-limitation, and increased buffer zone enhancement.
- Karen Malkus, Coastal Health Coordinator, expressed concern about the project. Phosphorous, Ph, and Nitrogen sampling, will be initiated, in consultation with the Conservation Agent.
- An annual report will be submitted, containing mention of their best management practices for reducing fertilizer use.

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

Seconded and voted: 4 votes "Aye;" 1 vote "Nay."

Mr. & Mrs. Richard McElhaney. Construct single-family dwelling, detached barn/garage, Title-5 septic system, associated utilities, driveway over small portion of bordering vegetated wetland, at Lot 2 Navigation Rd., W. Barnstable as shown on Assessors Map 156 Parcel 025 (part of). **SE3-_____**

The applicant was represented by Donald Schall and Dan Ojala, P.E.

Issues discussed:

- A box-culvert crossing of the wetland was proposed.
- 1.5 to 1 mitigation (replication) was proposed
- The no-wetlands-fill alternative was explored by the Commission and decidedly recommended in this case. A waiver for a driveway through the 50-foot buffer zone was suggested.

A motion was made to continue the hearing to April 6th.

Seconded and voted unanimously.

Town of Barnstable/D.P.W. Redevelop beach facilities at Sandy Neck; renovate bathhouse/concession building within existing footprint; construct Coastal Interpretive Center, four new parking spaces, garage at gatehouse and pathway along Sandy Neck Rd., Barnstable as shown on Assessors Map 263 Parcel 001. **SE3-_____**

The applicant was represented by Nina Coleman, Richard French, Mark Nelson and Tim Sawyer.

Issues discussed:

- The project has been appreciably scaled back since its former iteration.
- Repair to the solid foundation for the bathhouse may be required.
- The Coastal Interpretive Center would be place on piling.
- Parking spaces would be paved

Public Comment:

- Edmund Lucas requested that the proposed dune path be located entirely to the east of the entrance road. He was also concerned about the size of the proposed garage and about the cupola light.
- Tim Kandianis agreed with the previous cupola concern.
- Dr. John Doriss asked if proposed road drains are compliant with storm water regulations, to which Mr. Nelson replied in the affirmative.

A motion was made to continue the hearing to March 16th.

Seconded and voted unanimously.

Mark L. Fins Realty Trust. Permit and maintain floating pier and landscape features, including sand beach, in-ground pond access-path and stairs, landscaping and shed at 405 Lakeside Drive West, Centerville as shown on Assessors Map 232 Parcel 022. **SE3-_____**

The applicant was represented by Arlene Wilson, PWS.

Issues discussed:

- The applicant was seeking as-built approval of existing conditions including a floating pier.
- Floats shall be stored off the pondshore to the farthest extent possible.
- A row of native shrubs along the shoreline to be added, in consultation with staff

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

Seconded and voted unanimously.

Frederic B. Lowrie, Jr. & Kathleen F. McShane, Trs. Construct and maintain timber boardwalk at 125 Calves Pasture Ln., Barnstable as shown on Assessors Map 259 Parcel 002-001. **SE3-_____**

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

Issues discussed:

- Decking set as low as feasible
- 65% light penetration provided in decking

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

Seconded and voted unanimously.

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

| | | | | |
|----|---------|----------|----------|-------------------------------------|
| A. | Samuell | SE3-4514 | (coc,ez) | repair drainage system * |
| B. | TOB/DPW | SE3-3694 | (coc,ez) | reconstruct Keveney Lane, Cummaquid |

A motion was made to approve the certificates of compliance.

Seconded and voted unanimously.

A motion was made to adjourn. The motion was seconded and voted unanimously. The time was 8:46 p.m.