



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: October 5, 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), 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, Scott Blazis (arrived at 6:34 p.m.), Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

I MINUTES FOR APPROVAL

- A. September 7, 2010
- B. September 14, 2010

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

North Bay Beach Association. Permit and maintain existing shore outhaul post systems at 0 Bay St., Osterville as shown on Assessors Map 094 Parcel 002. **DA-10057**

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

Issues discussed:

- Mr. O'Dea requested a continuance.

A motion was made to continue the hearing to November 2, 2010.

Seconded and voted unanimously.

No testimony was taken.

W. Frederick & Diana Uehlein, Trs./109 Eel River Rd. Nominee Trust. To permit and maintain existing shore outhaul system at 109 Eel River Rd., Osterville, as shown on Assessors Map 115 Parcel 009 **DA-10056**

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

Issues discussed:

- Mr. O'Dea requested a continuance.

(Uehlein, cont'd.)

A motion was made to continue the hearing to November 2, 2010.

Seconded and voted unanimously.

No testimony was taken.

Patrizio Q. Cardarelli. Construct screened porch at 101 Ocean Ave., Centerville as shown on Assessors Map 226 Parcel 189. **DA-10054**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- No concerns arose
- A photograph was displayed and noted for the file as Exhibit A.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

The Steamship Authority. Raise landslide end of Slip #1 transfer bridge and re-grade adjacent areas at 71 South St., Hyannis as shown on Assessors Map 326 Parcel 130. **DA-10055**

Commissioner Tom Lee recused himself, due to his firm's contractual relationship with the Steamship Authority.

The applicant was represented by William Cloutier, Facilities Engineer.

Issues discussed:

- The site plan was displayed and noted for the file as Exhibit A.
- No concerns arose

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Terry B. Eastman. Construct 8' x 16' addition to northwest portion of existing dwelling at 880 Main St., Cotuit as shown on Assessors Map 035 Parcel 081. **DA-10058**

The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

William & Robin Kirby. Build two retaining walls on north and south sides of house at 114 Main St./Rte. 6A, W. Barnstable as shown on Assessors Map 111 Parcel 001. **DA-10059**

The applicant was represented by Chris Gonella.

Issues discussed:

- Photographs were provided and were noted for the file as Exhibit A, 1 – 8. The Commission requested the clean-up of all debris from the site.

A motion was made to issue a negative determination.

(Kirby, cont'd.)

Seconded and approved: 5 votes "Aye;" 1 vote "Nay."

III NOTICES OF INTENT

Oyster Harbors Club, Inc. Demolish existing accessory structure and construct new structure with all associated appurtenances in same general area at 170 Grand Island Dr., Osterville as shown on Assessors Map 053 Parcel 012-001. **SE3-4903**

The applicant was represented by John O'Dea, P.E., and Doug Mayo, Club Manager.

Issues discussed:

- The site plan was displayed and noted for the file as Exhibit A.
- The Commission requested a revised footprint for the hay bale line, in consultation with staff.

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

Seconded and voted unanimously.

Albert Colton. Upgrade existing septic system and install seasonal dock at 94 Holly Point Rd., Centerville as shown on Assessors Map 232 Parcel 042. **SE3-4906**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- The proposed pier attains five feet of depth.
- No concerns arose.

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

Seconded and voted unanimously.

Michael A. Wirtz, Tr., 75 Bayberry Way 2007 Realty Trust. Maintenance dredging and new float at existing licensed pier at 75 Bayberry Way, Osterville as shown on Assessors Map 091 Parcel 007. **SE3-4904**

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

Issues discussed:

- The site plans were displayed and noted for the file as Exhibit A, 1 – 4;
- Letters from Massachusetts Natural Heritage and Endangered Species Program (Exhibit B), Harbormaster (Exhibit C), and, Shellfish Biologist (Exhibit D), were summarized for the record and noted for the file.
- Evidence of prior dredging was submitted and noted for the file as Exhibit E, 1 – 7;
- The area has a shellfish rating of "2." The Shellfish Biologist's letter was discussed and whether the area was a significant shellfish habitat.
- Evidence of recent dredging in the near-vicinity was discussed and will be provided in greater detail for the record, at the request of the Commission.
- The idea of a longer dock to help minimize dredging, was discussed.

A motion was made to continue the hearing to November 2, 2010.

Seconded and voted unanimously.

IV CONTINUANCES

Michael T. & Betsey B. Fitzgerald. Replace existing dock with 4' x 20' pier, 3' x 16' float and 4 tie-off piles; replace 50' of vertical stone retainage and 15' of timber bulkhead with new timber bulkhead, return and stone angle joint protection at 90 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 123. **SE3-4888**

(Fitzgerald, cont'd.)

The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed:

- The site plan was displayed and noted as Exhibit A.
- A letter from the Building Commission was read and noted for the file as Exhibit B.
- A letter from the Division of Marine Fisheries was submitted and noted for the file as Exhibit C.
- Two illustrations were submitted and noted for the file as Exhibits D and E.
- A copy of the Court Ordered Remand for the nearby Bergeron project was submitted and noted as Exhibit F.
- A letter from the Harbormaster was read and noted for the file as Exhibit G.
- Float stops will be provided. Several waiver requests were part of the project, including a three-inch waiver for boat draft.
- Deleting the tie-off piling for the “beetlecat” was offered
- The question of whether the proposed pier represents a substantial change and, hence, is subject to the current pier regulations was discussed and agreed upon.
- Conformance with the “twelve-inch rule” shall be provided in the event the boat is changed or the property changes hands.

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

Seconded and voted unanimously.

V AMENDED ORDERS

Charles and Francine Rodgers. To amend Order of Conditions **SE3-4585** by deleting requirement for a fourth follow-up bathymetric study and sediment analysis at 621 Old Post Rd., Cotuit as shown on Assessors Map 054 Parcel 015-001.

The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed:

- Because of the very minimal bathymetric changes evident to date, Ms. Wilson requested that Mr. Rodgers be allowed to forgo the final required study;
- The Commission discussed the lack of scientific rigor to the study as it rests now, and the need for the three-years’ data to complete the set and provide a foundation for conclusions.

A motion was made to deny the amended order.

Seconded and voted unanimously.

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

A.	Bloom	SE3-4571	(coc,ez)	maintain decks (not done); replace retaining wall; vista pruning *
B.	Murray	SE3-4419	(coc,ez)	permit existing ramp & float *
C.	Babcock	SE3-4584	(coc,ez)	treat phragmites (not done); construct addition *
D.	TOB/DPW	SE3-1401	(coc,ez)	widen section of Route 132 in Hyannis
E.	Schlott	SE3-2106	(coc,ez)	construct pier; rebuild groins (not done); repair sea wall
F.	Rapp	SE3-1699	(coc,ez)	construct single-family dwelling

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

(Certificates, cont'd.)

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

A. New requirement for election of officers

The Chair informed the Commission of the new timing requirement for election of Commission Officers.

A motion was made to grant a six-month extension to the current term of officers.

Seconded and voted unanimously.

The next election will take place in July, 2011, as now required by regulation.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:52 p.m.