



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093  
AG032304

E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

## MINUTES – CONSERVATION COMMISSION MEETING

**DATE : March 27, 2012, 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, Scott Blazis, Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the second-floor Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

### **I MINUTES FOR APPROVAL**

A. March 13, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously, with one abstention.

### **II REQUESTS FOR DETERMINATION**

**Marilyn Buckley.** Vista prune tree branches across road from #236 Smoke Valley Rd., trimming tops of trees for view of water at 235 Smoke Valley Rd., Osterville as shown on Assessor's Map 097 Parcel 003. **DA-12017**

The applicant was represented by Earle Barnhart.

Issues discussed:

- Proposed topping of trees ran contrary to the "Vista Pruning Guidelines," which the Commission did not waive in this case.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Town of Barnstable/D.P.W.** Clear/remove sand and vegetation to re-establish parking lot curbing and guard rails; improve vehicle circulation at 307 Mill Way, Barnstable as shown on Assessor's Map 301 Parcel 064. **DA-12021**

The applicant was represented by Joseph Marshall.

Issues discussed:

- An aerial view of the locus was displayed and noted as Exhibit A.
- A series of photos was displayed and noted as Exhibit B (1 – 8).

- The Commission suggested returning the sand to be removed to the eroded face of the stilling basin.

Public comment:

- Dick Schmidt said that ramp maintenance would facilitate the removal of boats when storms are imminent.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Town of Barnstable/D.P.W.** Roadway rehabilitation, including reclamation paving and minor drainage work along Point Hill Rd., Burning Tree Ln., Hilliard's Hayway, and Holway Dr. **DA-12025**

The applicant was represented by Roger Parsons, P.E., Town Engineer.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- Additional leaching basins are being added to supplement the many which are already there.
- Sediment controls will be deployed.

Public comment:

- Mike Gibbons, abutter, expressed concern for existing road runoff directly discharging into the marsh. Mr. Parsons said he would investigate and provide additional leaching basins above those originally proposed.
- A revised plan will be provided.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Wade Staniar.** Brush-mow phragmites and apply approved herbicide to prevent re-growth at 236 Smoke Valley Rd., Osterville as shown on Assessor's Map 097 Parcel 003. **DA-12022**

The applicant was represented by Justin O'Connor.

Issues discussed:

- The project will require a three-year scope, with annual reporting back to the Conservation Commission.
- Mr. O'Connor discussed his methods, which the Commission found meritorious.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Ruth T. Plimpton.** Septic system upgrade at 979 Sea View Ave., Osterville as shown on Assessor's Map 090 Parcel 008. **DA-12024**

The applicant was represented by Michael Pimental.

Issues discussed:

- No concerns arose.
- A Board of Health filing will follow the Commissions approval.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Christopher M. & Margaret M. Condron.** Place approx. 175 linear feet of snow/sand fencing system on beach above high tide line, and in dune; to plant area with American Beachgrass after one full year at 145 Harbor View St., Centerville as shown on Assessor's Map 245 Parcel 006. **DA-12023**

The applicant was represented by Dan Shaunessey.

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Ann Marie Lewis, Tr., Oakleigh Trust.** Construct landscape wall as demarcation between wetland and upland at 510 Wianno Ave., Osterville as shown on Assessor's Map 162 Parcel 009. **SE3-4996**

The applicant was represented by Arlene Wilson, PWS.

Vice-Chairman Tom Lee recused himself.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- Photos were also displayed and noted as Exhibit B (1 – 3).
- Ms. Wilson provided some historical perspective on Phinney's Bay. The previous high-water mark was 1.2 feet NGVD for Phinney's Bay. Today, post-improvement, it is 1.8 feet.
- The reveal of the proposed wall will be approximately one foot. The disturbed area below the wall will be seeded to facultative species. Once constructed, and once mowing ceases below, the wall will provide for an additional 15-foot-width of wetland across the parcel (4,750 square feet).
- The Commission discussed buffer zone enhancements. In the end, the application submitted stood alone.
- Annual monitoring reports, three-years post-construction were requested.

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

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

**Ann Marie Lewis, Tr., Oakleigh Trust.** Construct new fixed pier with access and boat racks; reconstruct and maintain boardwalk to beach at 510, 424, and 0 Wianno Ave., Osterville as shown on Assessor's Map 162 Parcel 009 and Map 163 Parcel 016 & 027. **SE3-4997**

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

Vice-Chairman Tom Lee recused himself.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- The boardwalk has existed since the 1940's. It was required in 1984 under an RDA filing.
- The culvert replacement has resulted in the boardwalk being inundated.
- The boardwalk was proposed at 36" width. The proposed pier would serve non-motorized boats only. The 12' x 20' platform would serve to accommodate small craft pulled up and parked thereon. No shellfish conflicts were present.
- A letter from the MA Division of Marine Fisheries was noted, as was an Email from The Division of Marine Fisheries, and an Email from the Harbormaster.
- The Commission requested a lower profile structure; however, Ms. Wilson said that would require a grated surface. The proposed platform with sitting bench was discussed.
- A reduction to 128 square feet was offered by the Commission.

A motion was made to approve the project with special conditions, contingent upon a revised plan showing a pier platform of up to 128 square feet with a boardwalk width at 30" with a rope handrail.

Seconded and voted unanimously.

**NSTAR Electric.** Construct new electrical terminal substation adjacent to its existing substation facility within an existing electric transmission line right-of-way at 661 Oak St., W. Barnstable, as shown on Assessor's Map 195 Parcel 029. **BCC-0192**

The applicant was represented by Michael Howard, P,W,S., and numerous NSTAR staff members.

Issues discussed:

- The application was filed under Chapter 237 only.
- The proposed plans were displayed and noted as Exhibit A (1 – 3).
- The "Figure 2" aerial photo was displayed and noted as Exhibit B.
- The "Figures 5A and 5B" photos were noted as Exhibit C (1 – 4).
- Impacts will include 2,800 square feet of tree clearing within the 50 – 100 foot buffer. Also, a gravel access road will be constructed, requiring some grading within the 50-foot buffer. Stormwater measures will be implemented.

A figure showing the location of a proposed conservation restriction was distributed and noted as Exhibit D.

A planting plan was distributed and noted as Exhibit E.

Public comment:

- Ron Berge, abutter, cited NSTAR's maintenance follow-through as "poor."

The applicant pledged to consult with conservation staff to limit vehicle traverse through the wetland.

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

Seconded and voted unanimously.

**Richard P. Callahan, Tr./North Bay Realty Trust.** To permit repair of existing licensed revetment performed under an emergency certification dated 1/12/2012 at 138 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 030. **SE3-4999**

The applicant was represented by Peter Sullivan, PE.

Issues discussed:

- An aerial photo was displayed and noted as Exhibit A
- The proposed plan was displayed and noted as Exhibit B.
- The project was built under a previous emergency permit.
- No concerns arose.

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

Seconded and voted unanimously.

**CTS Fiduciary, LLC, TRS, Mampoo Real Estate Trust.** Re-align/rotate existing float and add three tie-off piles to existing licensed pier in West Bay at 83 Oyster Way, Osterville as shown on Assessor's Map 072 Parcel 043. **SE3-4998**

The applicant was represented by Peter Sullivan, PE.

Issues discussed:

MN032712

- The proposed plan was displayed and noted as Exhibit A (1 – 2).
- A letter from Division of Marine Fisheries was noted.
- All abutters along the channel were notified.
- Boats would not extend farther into the channel than they do at the present. Boats will continue to berth bow-in.

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.	Rooze	SE3-4781	(coc,ez)	construct addition, patio, & deck *
B.	Walker	SE3-4834	(coc,ez)	construct additions; hardscaping; & landscaping *
C.	Foster	SE3-4325	(coc,ez)	construct pier, ramp, & float *
D.	Cuker	SE3-0133	(coc,ez)	construct single-family dwelling
E.	Cuker	SE3-4263	(coc,ez)	construct addition (not done)

Commissioner Foster recused herself.

A motion was made to approve all the certificates.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:36 p.m.**