



# Town of Barnstable Conservation Commission

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## **MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: DECEMBER 4, 2012, 6:30 PM**

**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 (arrived 7:10 p.m.) and Commissioners John Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted.

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

### **I MINUTES FOR APPROVAL**

A. November 6, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously, with one abstention.

B. November 13, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously, with one abstention.

C. Executive session review:

1. Approve and release minutes of 7/19/05

A motion was made to approve the minutes.

Seconded and voted unanimously.

2. The 7/19/2011 executive session minutes involving the Phinney's Bay matter are being retained as the litigation in the case of Oakleigh Trust v. Town of Barnstable is still on-going.

Noted.

## **II REQUESTS FOR DETERMINATION**

**Peter & Amy Favat.** Mow and treat phragmites in back yard area; treat with allowed herbicide per Conservation regulations at 373 Bay Ln., Centerville as shown on Assessor's Map 187 Parcel 002. **DA-12088**

The applicant was represented by Justin O'Connor.

Issues discussed:

Initially, the reed will be mowed, then treated with herbicide. Expert opinion will be sought on the necessity of manually removing seed heads in advance.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Harold Dixon.** Seek approval for after-the-fact vista pruning of coastal bank at 120 Point Isabella Rd., Barnstable as shown on Assessor's Map 074 Parcel 005. **DA-12089**

The applicant was represented by Kevin Buckland.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Michael D. Smith, Tr. Old Farm Wequaquet Trust.** Remodel existing boathouse on same site at 89 Old Farm Rd., Centerville as shown on Assessor's Map 231 Parcel 025. **DA-12091**

The applicant was represented by Wayne Tavares, P.W.S.

Issues discussed:

- A door will be placed at the rear.

A motion was made to issue a negative determination, contingent upon submission of an architectural plan.

Seconded and voted unanimously.

**Gregory Callahan, GDC Architects.** Upgrade single cesspool to Title-5 septic system at 10 Hyannis Ave., Hyannisport as shown on Assessor's Map 287 Parcel 131. **DA-12090**

The applicant was represented by Daniel Ojala, P.E.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Robert Segel.** Relocate driveway and work limits for site redevelopment at 1372 and 1376 Main St., Cotuit, as shown on Assessor's Map 033 Parcels 024 and 046. **DA-12092**

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

Issues discussed:

- A surveyed plan was submitted. Staff confirmed the resource area delineations on the survey plan.

A motion was made to issue a negative determination for the new drive and a positive determination for the bank delineations.

Seconded and voted unanimously.

### **III OLD & NEW BUSINESS**

A. Public Hearing on proposed revisions to Ch. 702 Shooting Range Rules & Regulations

The proposed changes to Chapter 702 were read into the record by Commissioners John E. Abodeely and Chairman Dennis R. Houle.

Martin Wunderly, Natural Resources Officer for the town spoke in favor of the proposed revised regulations.

Several Commissioners expressed concern with liability waivers for minors and the requirement that parents be required to accompany their minors to the Range.

#### Public comment:

- Frank Santos said an adult accompanying a minor, other than the parent, should suffice at the Range.
- Brian Malone felt that the liability regarding guests should fall on the permit holder.
- Tony Nye disagreed with requiring waivers for the Range.

A motion was made to approve the proposed Range Safety Rules (Paragraph L), as proposed (See Chapter 702).

Seconded and voted unanimously.

A motion was made to continue the hearing on waivers of liability and indemnification to December 18<sup>th</sup>.

Seconded and voted unanimously.

### **IV NOTICES OF INTENT**

**Ocean Drive LLC.** Add column supported roofs with roof decks over existing south patio and east sun room; site prep for new septic and abandoned existing septic at 27 Marchant Ave., Hyannisport as shown on Assessor's Map 286 Parcel 025. **SE3-5044**

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

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

Seconded and voted unanimously.

**Ocean Drive LLC.** Construct in-ground pool with patio, pool house with utility shed, site prep and landscaping mitigation planting on-site at Eugenia Fortes Beach at 27 Marchant Ave., Hyannisport as shown on Assessor's Map 286 Parcel 25 and 40 Iyanough Ave., Hyannisport as shown on Assessor's Map 287 Parcel 132. **SE3-5045**

The applicant was represented by Arlene Wilson, PWS.

Issues discussed:

- The off-site mitigation initially proposed was, reluctantly, withdrawn due to lack of support in the neighborhood.
- Letters objecting to the (now withdrawn) mitigation planting were read into the record.
- A buffer zone regulation was required, although the proposed pool site is now all in bluegrass lawn.
- Both on-site and in-lieu fee mitigation was proposed.
- A reduction in pool site within the 50-foot buffer was discussed, along with some on-site mitigation.

A motion was made to continue the hearing to January 8<sup>th</sup>.

Seconded and voted unanimously.

**Town of Barnstable Conservation Division.** Reconstruct herring run using concrete instead of wood; grade banks and stabilizing with geo-cells, planting and seeding; understory clearing as necessary to provide sufficient stockpile areas at 0 Flume Ave., Marstons Mills and adjacent parcels (563, 565, 583 and 585 Whistleberry Dr.) as shown on Assessors Map 061 Parcels 010, 044, 045, 047 and 048. **SE3-5043**

The applicant was represented by Abigail Franklin of NRCS, Lindsey Counsell, and Rob Gatewood.

Issues discussed:

- The length of flume to be restored is 1,100 feet.
- The flume will be cast in place, likely using the northerly weir access road as the staging area.

Public comment:

- Alex Frazee of the Indian Ponds Association spoke in favor of the project.

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

Seconded and voted unanimously.

**72 South Bay Road Nominee Trust.** Construct residence, guest house, pool/patio and landscaping at 72 South Bay Rd., Little Island, Osterville as shown on Assessor's Map 093 Parcel 042-003 and a portion of Parcel 042-001. **SE3-\_\_\_\_\_**

The applicant was represented by Stephen Wilson, P.E., and Bruce Besse.

A motion was made to approve the project with standard and special conditions regarding denotation markers at the 50-foot arc.

Seconded and voted unanimously.

**72 South Bay Road Nominee Trust.** Raze existing house; construct residence and landscaping at 92 South Bay Rd., Little Island, Osterville as shown on Assessor's Map 093 Parcel 042-001 less a portion conveyed to Parcel 042-003. **SE3-5047**

The applicant was represented by Stephen Wilson, P.E., and Bruce Besse.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

## **V CONTINUANCES**

**David Rosengard.** Construction of hard-surface tennis court; grading; restoration plantings; pea-stone driveway; stabilization of existing steep slope with timber terracing; maintain existing paths at 41 Weaver Rd., Centerville as shown on Assessor's Map 207 Parcel 106. **SE3-5036**

The applicant was represented by Fred Geisel. The applicant also attended.

Issues discussed:

- The 7,000 square foot tennis court has been replaced with a 3,200 square foot sports court.
- Underground leaching of runoff has been designed to accommodate the 100-year storm surge.
- Mr. Rosengard asked for allowance to slide the driveway into the 50-foot buffer zone. The Commission was not enthusiastic.
- An eastward shift, but not into the 50-foot buffer could come forward as a revised plan.
- Regarding drainage, a test pit should be provided.

- The PVC overflow pipe should be rip-rapped at the end.

A motion was made to approve the project with standard and special conditions requiring the following:

- Consultation with staff regarding north side terracing;
- A test pit for drainage area;
- Rip-rap for overflow pipe;
- A revised plan for forthcoming changes.

Seconded and voted unanimously.

**Kazimieras Snieska.** Seek approval to restore family garden area within the 50-ft. buffer using native plantings at 23 Blossom St., W. Hyannisport as shown on Assessor’s Map 246 Parcel 023. **DA-12084**

A further request for a continuance was received via email from Mrs. Snieska.

A motion was made to continue the hearing to January 22<sup>nd</sup>.

Seconded and voted unanimously.

No testimony was taken.

**VI CERTIFICATES OF COMPLIANCE**

A.	Willard	SE3-4447	(coc,ez)	construct addition and enclose porch & deck (not done); replace pool *
B.	Broyer	SE3-4956	(coc,ez)	construct pier, ramp, & float *
C.	Tsotsis	SE3-4901	(coc,ez)	raze & construct single-family dwelling *
D.	TOB/DPW	SE3-0051	(coc,ez)	extend drainage pipe off Salten Point Road (not done)
E.	TOB/DPW	SE3-1148	(coc,ez)	extend drainage pipe off Salten Point Road *
F.	Warren	SE3-3493	(coc,ez)	Resource area delineation at Calves Pasture Lane (Lot 39)
G.	Warren	SE3-3494	(coc,ez)	Resource area delineation at Calves Pasture Lane (Lot 38)
H.	Wilson	SE3-0514	(coc,ez)	construct brick patio *
I.	Wilson	SE3-0777	(coc,ez)	construct attached garage with room above

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

Seconded and voted unanimously.

**VII OLD & NEW BUSINESS (continued from page 1)**

B. Office Operating Procedures for Filing Wetland Projects

New, revised procedures were supplied to the Commission this evening.

C. Morning meeting of February 12, 2013 possibly changed to February 26<sup>th</sup>?

The Commission agreed to move the Feb. 12 morning meeting to the 26<sup>th</sup>, pending Larry Morin’s availability.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:57 PM.**