



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: DECEMBER 18, 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 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. December 4, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously.

B. December 11, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously.

### **II REQUESTS FOR DETERMINATION**

**Carlton Neuben.** Seek approval for beach nourishment in 15' x 20' area on Shubael Pond at 174 Lakeside Dr., Marstons Mills as shown on Assessor's Map 102 Parcel 023. **DA-12096**

The applicant attended the hearing.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Town of Barnstable/Conservation Division.** Add flap gate on seaward end of existing 18" pipe draining Rushy Marsh Pond to help keep sand out, at end of Oregon Way, Cotuit as shown on Assessor's Map 017 Parcels 014 and 018. **DA-12093**

The applicant was represented by Rob Gatewood, Conservation Administrator.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Dennis Kass.** Re-landscape existing beds; remove dead limbs; vista prune at 49 North Bay Rd., Osterville as shown on Assessor's Map 072 Parcel 023-002. **DA-12094**

The applicant was represented by Peter Hansen.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Oyster Harbors Services, Inc.** Remove invasive plants from side of road; re-plant with native species; prune back overgrown shrubs in front of windmill; remove vines from cedar trees at 5 Oyster Way, Osterville as shown on Assessor's Map 072 Parcel 038-002. **DA-12095**

The applicant was represented by Peter Hansen.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Stuart Bornstein/Stuborn LLC.** Remove existing wharf, construct private docking facility to include maintenance dredging, removal of fill, bulkheads, repair of existing bulkhead with protective stone revetment; placement of pier, ramp, floats in Barnstable Harbor at 153 Freezer Rd., Barnstable as shown on Assessor's Map 301 Parcel 006. **SE3-5052**

A continuance was requested to January 22, 2013, via letter.

A motion was made to continue the hearing to 1/22/2013.

Seconded and voted unanimously.

No testimony was taken.

**Charles Wellington and Louisa M. Guzzetti.** Construct addition to single-family dwelling including a porch and deck; construct accessory structure and landscaping, including driveway reconfiguration and vista pruning at 275 Seapuit Rd., Osterville as shown on Assessor's Map 095 Parcels 003 & 007-002. **SE3-5049**

The applicant was represented by Peter Sullivan, P.E.

Issues discussed:

- A revised plan will be submitted, fully identifying the D.E.P. coastal bank.

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

Seconded and voted unanimously.

**Edward Nelson.** Replace existing shed and hardscape, retaining walls and patios at 75 and 0 Marshview Ln., Marstons Mills as shown on Assessor's Map 076 Parcels 064 and 008. **SE3-5051** **Anne Gould/Marsh House Nominee Trust.** Construct addition to existing residence, relocate existing garage and upgrade septic system at 82 Hummock Ln., Cotuit as shown on Assessor's Map 053 Parcel 014. **SE3-5050**

A continuance was requested to January 8, 2013, via letter.

A motion was made to continue the hearing to 1/8/2013.

Seconded and voted unanimously.

**Anne Gould/Marsh House Nominee Trust.** Construct addition to existing residence, relocate existing garage and upgrade septic system at 82 Hummock Ln., Cotuit as shown on Assessor's Map 053 Parcel 014. **SE3-5050**

The applicant was represented by Amy Ball, P.W.S.

Commissioner Lee recused himself.

Issues discussed:

- A drip septic system was proposed.

A motion was made to approve the project with special conditions, and a requirement that groundcover over the septic be selected in consultation with staff.

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**Daniel & Mindi Ruggiero.** Raze existing house; construct single-family dwelling; landscaping/mitigation, fire pit and patio area; utilities; site grading at 93 Circuit Ave., Hyannis as shown on Assessor's Map 324 Parcel 052. **SE3-5038**

Issues discussed:

- A revised plan, denoting some minor changes, was submitted and noted as Exhibit A.
- Revised mitigation area calculations, based on the revised plan, was also submitted and noted as Exhibit B.
- A net 204 square-foot-increase in hardscape was incurred. A total of 1,240 square feet of mitigation planting was provided.

A motion was made to approve the project with standard and special conditions, requiring staff consultation regarding replacement for the catalpa tree, and a revised plan showing the new fence location.

Seconded and voted unanimously.

#### **V OLD & NEW BUSINESS**

A. Continuance of Public Hearing on proposed revisions to Chapter 702 Shooting Range Rules & Regulations

A motion was made to continue the matter, with no testimony, to February 19<sup>th</sup>.

Seconded and voted unanimously, with one abstention.

B. Affirmation of the Town Manager's emergency temporary closure of West Barnstable shooting range

The Chair discussed the town manager's recent closure of the range, following cancellation of the town's insurance. The town manager's letter of December 11, 2012, informing of the closure, was read.

A statement from the town purchasing agent, relating his ongoing attempts to obtain new insurance, was read.

Public comment:

- Brian Malone said he has been gathering information for the commission on open shooting ranges. The State of Connecticut D.E.P. in Glastonbury has one such range.

A motion was made to affirm the town manager's closure of the range until sufficient insurance coverage is provided.

Seconded and voted unanimously.

C. Nutrients causing salt marshes to disintegrate

The commission discussed an article dealing with a recent National Science Foundation press release on the results of a study showing negative impacts of nutrients on salt marsh health.

The need for local nutrient loads and the location of impaired salt marshes was high-lighted.

D. Analysis of the 21-day rule: date received to hearing date

The chair presented research that the commission is routinely unable to meet the 21-day requirement for holding a public hearing.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:05 PM.**