



**Town of Barnstable  
Conservation Commission**  
200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

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

FAX: 508-778-2412

**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: FEBRUARY 5, 2013 6:30 PM**

**LOCATION: 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 Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

**I MINUTES FOR APPROVAL**

A. January 8, 2013 (previously tabled)

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

B. January 22, 2013

A motion was made to approve the minutes.

Seconded and voted unanimously.

**II REQUESTS FOR DETERMINATION**

**Robert Sprague.** Enclose foyer to create mudroom at 495 Elliott Rd., Centerville as shown on Assessor's Map 227 Parcel 117. **DA-13004**

The applicant was represented by Joao Junqueira.

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Erin Epker.** Replace existing patio (and hedge surround) with deck in existing footprint, rebuild existing chimney at 155 Seventh Ave., W. Hyannisport as shown on Assessor's Map 245 Parcel 050. **DA-13005**

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

Issues discussed:

- The existing hedge will be removed.
- Proposed mitigation planting will be provided.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Wolfram Vedder/WVDV/Island Ave. R.T.** Convert existing cottage to one bedroom; construct guest house, new septic, and landscaping at 119 & 129 Island Ave., Squaw Island, Hyannisport as shown on Assessor's Map 265 Parcels 018-001 & 018-002. **SE3-5059**

The applicant was represented by Stephen Wilson, P.E. and Rick Lamb, L.A.

Issues discussed:

- The proposed site plan and landscaping plan were displayed and noted as Exhibits A and B, respectively.
- A possible computation error in the amount of required mitigation planting was pointed out by the Commission.
- The location of the proposed planting mitigation was requested.
- Whether the site should be considered mitigation-constrained.

A motion was made to continue the hearing to February 19<sup>th</sup>.

Seconded and voted unanimously.

**Cotuit Developments, LLC.** Repair/rebuild approx. 80 linear feet of existing stone revetment at 260 Vineyard Rd., Cotuit as shown on Assessor's Map 015 Parcel 006-003. **SE3-5058**

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

Issues discussed:

- The proposed site plan was displayed and noted as Exhibit A.
- An emergency order was recently issued for filling several weep holes behind the bulkhead.
- Construction will be dry-laid stone.

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

Seconded and voted unanimously.

### **IV CONTINUANCES**

**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**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Access to the project resides, in part, on Barnstable Land Trust property.
- Phragmites will be removed within the project footprint; an oak tree with a 4-inch diameter will be retained; native species will be planted.
- A comment letter from the Barnstable Land Trust was noted.

Public comment:

- Red Bansfield noted that a few Japanese knotweed plants will also be removed, if they fall within the project footprint.

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

Seconded and voted unanimously.

**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**

The applicant was represented by Matthew Creighton and Kieran Healy.

Issues discussed:

- The proposed site plans were displayed and noted as Exhibit A.
- Maintenance dredging was proposed for both Bornstein slips and for the 400 cubic yards of the Barnstable Marine site.
- A waiver is required for proximity to the channel, although a 4-foot betterment will be achieved over the existing conditions.

Public comment:

- Letters, emails, and written comments were received from Joe Gibbs, Assistant Harbormaster, Stuart Rapp Chairman of the Shellfish Committee, Jim Kittridge, Harriet Buono, Joanne Lyman, Ann Canedy, Kate Plettner and Chris Van Duzer, Susan and Gene Gill, and Peter Jason.
- The proposed dredging divides into two parts: maintenance dredging, and dredging of filled tidelands.
- Testimony was provided by Peter Jason, Attorney Michael Ford on behalf of Barnstable Marine Service, and Stuart Bornstein, applicant.
- A stand-alone Notice of Intent application for Barnstable Marine Service should be anticipated, according to Mr. Ford.

A motion was made to continue the hearing to March 19<sup>th</sup>.

Seconded and voted unanimously.

**Alan Green.** Raze existing cottage and construct two-car garage at 101 Center Ln., Centerville as shown on Assessor's Map 251 Parcel 220. **SE3-5056**

The applicant was represented by Stephen Wilson, P.E. and Attorney John Kenney.

Issues discussed:

- The proposed site plan was displayed and noted as Exhibit A.
- A copy of the deed to the locus was provided, and was noted as Exhibit B.
- Precise mitigation planting areas will be delineated on a plan.
- The old cesspool will be located, pumped out, and filled with clean sand.

Public comment was provided by Amanda Goff and John McLaughlin.

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

Seconded and voted unanimously.

## **V AMENDED ORDER**

**James Rahilly.** Amend permit **SE3-4892** by eliminating Special Condition (8) of the Order of Conditions requiring a conservation restriction on the undisturbed buffer zone at 682 River Rd., Marstons Mills as shown on Assessor's Map 044 Parcel 025.

The applicant attended the hearing.

Issues discussed:

- A copy of the approved site plan was displayed and noted as Exhibit A.
- The unusual requirement for a conservation restriction in the Order of Conditions was carried over from its starting point in permit SE3-4622 (expired) to the current Order of Conditions.
- A 50-foot undisturbed buffer zone is still being provided under the current Order.

A motion was made to approve the amended order.

Seconded and approved: 4 votes = "Aye;" 2 votes = "Nay."

<u>VI</u>	<u>REVISED PLANS</u>	<u>Project type</u>	<u>Revision</u>
A.	Town/ DPW SE3-5019	Barnstable inner harbor dredging	timing

The applicant was represented by Christine Player.

Public comment:

- An email from the Hickeys on Freezer Point Road was noted, expressing their concern for project impacts along their street. Ms. Player responded as to the town's on-going oversight of the project.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Tung SE3-5025	driveway, garage	pivot garage, realign driveway
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The applicant was represented by Ben LaFrance.

Issues discussed:

- A total of 102 Square feet of additional hardscape was proposed, but already compensated for.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Swenson SE3-4995	addition	mitigation, leaching, add small roof
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The applicant attended the hearing.

Issues discussed:

- An allowance for meadow mitigation was requested instead of shrubs. This would enable future access to the water well for the residence. Annual or twice-per-year mowing will be allowed, in consultation with Conservation staff.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:30 p.m.**