



**Town of Barnstable  
Conservation Commission**  
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**MINUTES**

**CONSERVATION COMMISSION MEETING**

**DATE: MAY 28, 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 Larry Morin and Louise Foster. Commissioners Peter Sampou and Scott Blazis did not attend.. 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. May 14, 2013

A motion was made to approve the minutes, as amended for the corrected vote on the Ahern RDA.

Seconded and voted unanimously.

**II REQUESTS FOR DETERMINATION**

**Sheila Largay.** Repair storm damage to existing wood bulkhead; replace sand washed out from behind bulkhead; replant filled area with beach grass at 964 Sea View Ave., Osterville as shown on Assessor's Map 091 Parcel 003. **DA-13027**

**Exhibits:**

- A – Site photos
- B – Site photos

The applicant was represented by Stephen Wilson, P.E.

No concerns arose

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Jim P. Manzi, Tr.** Construct addition to single-family dwelling at 1446 Main St., Cotuit as shown on Assessor's Map 017 Parcel 021. **DA-13029**

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

Issues discussed:  
MN052813

- Whether the site warranted mitigation planting.

A motion was made to issue a negative determination.

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

**Cheryl & Gregory Powell.** Permit/maintain existing hot tub; construct 10' diameter gazebo and replace forsythia with low bush blueberry at 419 Huckins Neck Rd., Centerville as shown on Assessor's Map 233 Parcel 085. **DA-13031**

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

Exhibits:

- A – Site photos
- B – Site photos

Issues discussed:

- Cut stumps within the buffer; storm damage from last winter;
- The gazebo to be fifty-six feet from the wetland;
- Replacement shrub species in consultation with the Conservation Agent.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Laura F. Walsh.** Remove 5 oak trees along far southeast property line; remove 3 Japanese maple trees on northeast property line at 289 East Bay Rd., Osterville as shown on Assessor's Map 163 Parcel 017. **DA-13030**

The applicant attended the hearing.

Issues discussed:

- Property owner claimed that oaks were or might be diseased;
- Leaving oaks #1 – 4, and maple #7;
- Allowing staff discretion regarding taking the oaks down.

A motion was made to issue a negative determination, allowing removal of tree #5 (oak), as well as #6, & #8 (Japanese maples); oaks #1 – 4 may be pruned. If determined to be diseased, the trees may be removed in consultation with staff.

Seconded and voted unanimously.

**Town of Barnstable/D.P.W.** Remove selective low brush to clear portions of picnic area; place a few wooden bollards or large rocks at entrance of the area at 670 Ocean St., Hyannis as shown on Assessor's Map 324 Parcel 041. **DA-13032**

The applicant was represented by John Juros, A.I.A. and Rebecca Nickerson.

Exhibits:

- A – Aerial photos
- B – Aerial photos

Issues discussed:

- Clearing to be done in consultation with staff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Stephen E. Wallace.** Construct road, drainage and utilities for a two-lot subdivision at Wayside Lane Extension, W. Barnstable as shown on Assessor's Map 110 Parcel 007. **SE3-5089**

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

Exhibits:

- A – Site plan

Issues discussed:

- Already cleared by MESA, and not in estimated habitat;
- A deed restriction to be forthcoming; also, the outright deeding of an adjacent 1-acre parcel to the town; also, a conservation access easement will be forthcoming;
- Rain gardens to be incorporated in the drainage design.

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

Seconded and voted unanimously.

**Salten Tide Realty Trust.** Rehabilitation of existing residence including new garage addition, portico, new septic system, revised parking, patios, modify pool fencing, pool patio & landscaping at 71 Sand Point, Osterville as shown on Assessor's Map 073 Parcel 014. **SE3-5091**

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

Exhibits:

- A – Site plan.

Issues discussed:

- An up-grading project, as opposed to a demolish/rebuild;
- The house has three existing septic systems, to be replaced by a new Title-5 system;
- Bedroom number to remain the same (5);
- The existing pool will remain, with repairs to retaining walls and deck/patio areas.

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

Seconded and voted unanimously.

**David E. Hogan.** Permit as-built construction of deck; driveway reconfiguration; installation of irrigation system; remove nuisance vegetation at 571 South Main St., Centerville as shown on Assessor's Map 186 Parcel 078. **SE3-5087**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Filing was the result of an enforcement order;
- Hardscape within the 50 – 100-foot buffer was greatly reduced;
- 400 square feet of mitigation planting to be provided in the present lawn area;
- Invasive species will be eradicated and replaced with native shrub plantings;
- Phragmites control proposed by mowing, in the first instance, and via herbicide, if needed.

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

Seconded and voted unanimously.

**941 Sea View, LLC.** Construct pool, patio, associated appurtenances and mitigation plantings at 941 Sea View Ave., Osterville as shown on Assessor's Map 090 Parcel 006. **SE3-5092**

The applicant was represented by John O'Dea, P.E. and Chuck Roland, E.I.T.

Exhibits:

- A – Site plan
- B – Architectural plan

Issues discussed:

- Whether a waiver for the pool kneewall within the 50-foot buffer;
- Mitigation package was very sound in favor of the waiver.

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

Seconded and voted unanimously.

**IV CONTINUANCES**

**New Rushy Marsh Realty Trust.** Renovations and maintenance of existing residence and terrace; demolition, reconstruction, maintenance and vista pruning for existence residence and cottage; install Title-5; reconfigure/maintain existing driveway, drainage, generator enclosure, utilities, landscape improvements, mitigation plantings, coastal dune plantings and landscaping; revisions to existing cabana and widening of existing timber boardwalk at 1524 Main St., Cotuit as shown on Assessor's Map 017 Parcel 014. **SE3-5080**

The applicant was represented by Attorney Michael Ford, and Michael McGrath, P.E.

Commissioner John Abodeely abstained from any participation.

Exhibits:

- A – Revised plan
- B – Revised plan highlights

Issues discussed:

- Atty. Ford outlined the proposed revisions made in response to comments from the Conservation Commission.

Public comment:

- John O'Dea, P.E., representing Mrs. Wesson said they are satisfied with the project.

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

Seconded and voted unanimously.

**Marcia S. & Robin A. Brown, Trs./Robin A. Brown Living Trust & Marcia S. Brown Living Trust.** Elevate existing cottage to meet flood code; add 2<sup>nd</sup> story; replace septic system; construct guesthouse and access stairs at 250 Smoke Valley Rd., Osterville as shown on Assessor's Map 097 Parcel 002. **SE3-5061**

The applicant was represented by Arlene Wilson, P.W.S., and Attorney Kevin O'Flaherty.

Exhibits:

- A – Affidavit of Richard Wills and accompanying plans
- B – Supplemented information, May 22, 2013 (previously submitted)
- Attorney. O'Flaherty stated that he has talked by phone with Sandy Carstenson, the son of the original owner, who told him that the addition to the boathouse structure in the early 1970's was made for the purpose of adding an additional bedroom and bath for his aging parents. the cottage was designed, built, and used as a dwelling.

In 1966, the cottage was the only structure on the lot. The cottage exists today in virtually the same state as it did then, with the exception of the 1970's addition;

- Mr. Carstenson, son of the former long-time owner, has stated that the 1970's addition was for the purpose of adding a bedroom and bath for his aging parents;
- The Commission contended that a second-story would necessarily translate to an intensification of use, as well as additional arguments presented.
- Aesthetics, intensity of use, and cumulative impact are all factors to be weighed by the Commission;
- Following a brief recess, during which time Atty. O'Flaherty and Arlene Wilson conferred by phone with the current property owners and applicants, Atty. O'Flaherty reported that his clients will agree to limit the improvements to this structure to elevate to meet flood plain requirements, that while the roof line may be increased, it will remain a single-story structure with no increase in bedrooms or bathrooms, and that a revised plan will be submitted to document this agreement.

Issues discussed:

- Atty. O'Flaherty outlined several issues:
  1. Existence of a landscaping plan (included originally as an Exhibit J);
  2. Historical use of the structure;
  3. Whether one or two bedrooms.

A motion was made to continue the hearing to June 25, 2013.

Seconded and voted unanimously.

#### **V CERTIFICATES OF COMPLIANCE**

- |    |         |          |          |                             |
|----|---------|----------|----------|-----------------------------|
| A. | Crain   | SE3-4775 | (coc,ez) | construct detached garage * |
| B. | Cochran | SE3-1139 | (coc,ez) | extend wall                 |

A motion was made to approve both certificates.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:40 p.m.**