



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: June 25, 2013 6:30 p.m.

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), 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, Scott Blazis, Larry Morin, and Louise Foster. Commissioner Peter Sampou was away. Rob Gatewood, Conservation Administrator, assisted.

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

I CONSERVATION COMMISSION REORGANIZATION

A motion was made to nominate the current leadership to another term.

Seconded and voted unanimously.

II MINUTES FOR APPROVAL

A. May 28, 2013

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

Seconded and voted unanimously.

B. June 11, 2013

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

Seconded and voted unanimously.

III REQUESTS FOR DETERMINATION

Oakleigh Trust. Install split rail fence & shrubs along property lines from MHW on Nantucket Sound to edge of salt marsh on Phinney's Bay at 0 Wianno Ave., Osterville as shown on Assessor's Map 163 Parcel 016. **DA-13040**

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

Issues discussed:

- Limiting the seaward extent of the fence to the landward edge of the revetment and not to MHW, as proposed.

A motion was made to issue a negative determination.

Seconded and approved: 5 votes: "Aye;" 1 vote: "Nay"

MN062513

John Clark. Upgrade of failed leach pit to new Title-5 septic system at 878 Oak St., W. Barnstable as shown on Assessor's Map 216 Parcel 006. **DA-13037**

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

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

James & Justine Laugharn. Add 2nd floor shed dormers to front and rear of existing detached garage at 91 Calves Pasture Ln., Barnstable as shown on Assessor's Map 259 Parcel 001-003. **DA-13041**

The applicant was represented by Chris Childs.

Issues discussed:

- No increase in bedrooms;
- Possible compliance issues with an earlier filing to be discussed with staff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Thomas & Marianne Philbrick. Replace existing failed septic system at 226 Holly Point Rd., Centerville as shown on Assessor's Map 232 Parcel 033. **DA-13042**

The applicant was represented by Donald Bracken, Jr., P.E.

Issues discussed:

- Has obtained Board of Health approval.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Carol Ladner. Construct detached garage/game room with assoc. driveway, grading and utilities at 40 Simmons Pond Cir., Hyannisport as shown on Assessor's Map 289 Parcel 172. **SE3-5097**

The applicant was represented by Robert Poxon, P.E.

Exhibits:

- A – Proposed site plan.

Issues discussed:

- Board of Health approval obtained;
- Drywells proposed for roof runoff.

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

Seconded and voted unanimously.

Cheryl & Gregory Powell. Modify existing pier by narrowing pier from 5' to 4'; add 6' x 12' float; add 3' x 6' ramp at landward end; add 4' x 8' section to deck and convert deck to grated surface; add lateral access stairs; permit and MN062513

maintain existing in-ground stairs; permit existing retainage at 419 Huckins Neck Rd., Centerville as shown on Assessor's Map 233 Parcel 085. **SE3-5098**

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

Issues discussed:

- Proposed pier design favorable to rare plant habitat;
- Applicant proposes to proceed with new Chapter 91 licensing under her name;
- 4' x 8' platform for kayaks;
- Existing stairs to deteriorate in-place.

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

Seconded and voted unanimously.

V CONTINUANCES

Town of Barnstable/Conservation Div. Proposed project involves use of US EPA registered and state-approved herbicide *Sonar* for management of invasive fanwort within a portion of Gooseberry Cove of Lake Wequaquet in Centerville. **SE3-5096**

The applicant was represented by Joy Liptack, Brittany Lagnas, and Rob Gatewood.

Issues discussed:

- Natural Heritage required one condition under the MESA act: "Each year prior to treatment, MESA requires management plan approval in advance;"
- Importance of submitting an end-of-season final report;
- Requirement to obtain approval via an Amended Order for any second or third year treatment under the Order.

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

Seconded and voted unanimously. Commissioner Foster abstained from the vote.

Town of Barnstable/Conservation Div. Proposed project involves use of US EPA registered and state-approved herbicide *Aquathol K* for management of invasive hydrilla within a portion of Mystic Lake. **SE3-5095**

The applicant was represented by Keith Gazaille and Rob Gatewood.

Issues discussed:

- Mr. Gazaille once again gave his Power Point presentation, this time having time to complete it;
- Half-life in sediment of Aquathol is 15 – 25 days;
- Impact on non-target plants expected to be minimal;
- A large margin of safety built into the treatment concentration;
- Proven only minimally toxic to fish, and to water fleas;
- The likelihood of repeat years of treatment being needed;
- An end-of-year report with presentation was offered – and agreed to – prior to any second or third year treatment under the Order.

Public comment:

- Bob Nichols of the Indian Ponds Association, notes that the size of Mystic Lake is over eight times the size of Long Pond. Hydrilla can easily spread to Middle Pond, Mill Pond, and widely thereafter. This is not the first time Endothall K has been used to treat hydrilla. He urged approval of the project.
- Gail Maguire of the Wequaquet Lake Protective Association strongly supported the project.
- Arlene Wilson said the Commission can request a presentation by the consultant under the Order. She asked about livestock watering.

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

Seconded and voted unanimously. Commissioner Foster abstained.

Michael & Trudy Sullivan. Construct addition to existing house; remove roof; increase height of 2nd floor; construct new roof; relocate septic tank; landscaping and mitigation planting at 448 Starboard Ln., Osterville as shown on Assessor's Map 167 Parcel 054. **SE3-5086**

The applicant was represented by Steve Wilson, P.E., Paul Mali, et al.

Exhibits:

- A – Proposed revised site plan;
- B – Proposed landscaping plan.

Issues discussed:

- The project now conforms with the buffer zone regulation.

Public comment:

- Don Shaunessey, for abutter to the south, asked about any proposed electrical upgrade.

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

Seconded and approved: 5 votes = "Aye;" 1 vote = "Nay"

Robert Littleton. Reconfigure existing licensed seasonal dock and convert to permanent dock; shorten dock to reduce encroachment with new dredged channel in Centerville River at 23 Hayward Rd., Centerville as shown on Assessor's Map 141 Parcel 123-001. **SE3-5090**

The applicant was represented by Steve Wilson, P.E. The applicant attended.

Exhibits:

- A – Proposed revised site plan;
- B – Dredging as-built plan (2006) for Centerville River.

Issues discussed:

- The pier would be ~10 feet from the channel, requiring a waiver of 25 feet;
- The pier would be 27% of available waterway width, requiring a 7% waiver;
- Boats would be berthed bow-in;
- The Waterways Committee has approved the proposed pier;
- Whether sufficient information for a decision was submitted.

Public comment:

- Olaf Thorpe via letter opposed the project.

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

Seconded and approved: 5 votes = "Aye;" 1 vote = "Nay"

Thomas & Victoria Vallely. Construct addition to single-family dwelling at 448 Wianno Ave., Osterville as shown on Assessor's Map 163 Parcel 026. **DA-13016**

No one showed up for this hearing.

A motion was made to continue the hearing to July 23rd.

Seconded and approved: 5 votes = "Aye;" 1 vote = "Nay"

Marcia S. & Robin A. Brown, Trs./Robin A. Brown Living Trust & Marcia S. Brown Living Trust. Elevate existing cottage to meet flood code; add 2nd 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.

Issues discussed:

- At previous hearing, applicant agreed to forego the proposed second story. It will be elevated to conform with the flood code. In addition, the roof ridgeline will be a net seven feet higher;
- The quorum is comprised of Commissioners Larry Morin, Tom Lee, Dennis Houle, and Louise Foster.
- The Board of Health approval has been obtained for an I/A system. The beach house is restricted to two bedrooms;
- The revised elevation plan dated June 20, 2013 was previously submitted.

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

Seconded and voted unanimously, with one abstention.

VI OLD & NEW BUSINESS

A. Shooting range status

The Chair read a status update from the Assistant Town Manager.

B. DEP appeal onsite 6/27 @ 9:30 a.m.: SE3-5072 DerHagopian, 265 Ocean View Ave., Cotuit, replace stairs, invasives removal

The appeal was noted.

C. Advising Waterways Committee on boat storage issues at Town ways-to-water

The Commission will stand ready for participation on this issue as it is being weighed by the Waterways Commission. It will return to the Conservation Commission at a later date.

VII REVISED PLANS

A. Town of Barnstable Conservation Div. SE3-4666 project Stewart's Creek Restoration Project revision add riprap

The applicant was represented by Rob Gatewood.

Issues discussed:

- No concerns arose for the addition of a small amount of rock adjacent to the end of an upstream wing wall.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

VIII CERTIFICATES OF COMPLIANCE

A. Greenbrier Dev. SE3-1017 (coc,ez) construct roads in subdivision

A motion was made to approve the certificate.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:18 PM.