



**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: July 23, 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](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 6:35 p.m. by Chairman Dennis R. Houle. Also attending were Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Vice-Chairman Tom Lee 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. June 25, 2013

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

Seconded and voted unanimously.

**II REQUESTS FOR DETERMINATION**

NONE

**III NOTICES OF INTENT**

**Robin & Marcia Brown.** Convert existing licensed pier from seasonal to permanent; add jet ski berths; eliminate deck; add new access stairs; reconstruct existing bulkhead and groins; eliminate boardwalk at 250 Smoke Valley Rd., Osterville as shown on Assessor's Map 097 Parcel 002. **SE3-5103**

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

**Exhibits:**

- A – Revised site plan with correct scale;
- B – Personal watercraft lift specifications
- L (1-8) Site photos
- M – Notice of intent excerpts from permit SE3-4208, a jet ski lift approval

**Issues discussed:**

- Float dimension and location will be consistent with all previous licenses and the 1988 Order of Conditions;
- Existing groins once were filled with sand, but now, many years later, help support salt marsh;
- Whether the proposed pier represents a “substantial expansion;”

- While two cradle-supported jet ski lifts were proposed, their inclusion with the requested reconstruction and reconfiguration of the dock, pier and float was not approved by the commission as part of this application;
- The existing pier, permitted under SE3-1787 has no draft restriction;
- The Commission supported keeping the previously approved 4" x 4" pile design rather than the proposed 12";
- Currently a 26-foot Regulator berths at the pier. The applicant would like to keep using it;
- A 2½-foot depth exists at the outside of the float, though the Commission suggested additional soundings be provided;
- A work protocol will be required for the proposed bulkhead and groins work. Revegetation in kind was suggested;
- Lights will not be allowed;
- No trees should be removed. An imperiled cedar tree will be supported from the upland side;
- The Harbormaster has no objection;
- The MA Division of Marine Fisheries stated typical concerns;
- The proposed replacement of the seasonal pier and float configuration with a permanent structure was not approved by the Commission.

A motion was made to approve a reduced scope project with numerous special conditions.

Seconded and voted unanimously.

**John & Mary Callahan.** Demolish existing pier; construct new boardwalk, pier, ramp and float at 222 Clamshell Cove Rd., Cotuit as shown on Assessor's Map 005 Parcel 007. **SE3-5102**

Commissioner Foster, an abutter, recused herself.

The applicants were represented by Arlene Wilson, P.W.S., and Atty. Walter Sullivan.

Exhibits:

- A - Aerial photo;
- B – Aerial photo, plan and NOI narrative from permit SE3-4749 (adjacent property);
- C – Town shellfish habitat rating map;
- D – Grady White Freedom 275 spec sheet.

Issues discussed:

- The as-built float is approximately eight feet longer than that licensed;
- The current pier has no depth restriction. The craft berthed is a 27-foot Grady White Freedom;
- No concerns emerged from Waterways Committee;
- Shellfish analysis indicates low standing stock, though the area is rated a "9" on the habitat rating map. It is regarded as an important recruitment area;
- The proposed reconfiguration attains 2½ feet of water;
- The proposed removal of the current pier structure and placement of a new pier and float to the south was not approved; rather, applicant is to submit a revised plan showing that the current pier will be reconstructed as needed and extended so that the length will be to the maximum allowed under current regulations (section 703-4H) so as to not require a waiver for length;
- No lead caps are permitted;
- The revised plan to include a request for a waiver of the boat draft requirements under Section 703-2 and 703-4M thereby allowing the existing 275 Grady White Freedom boat to be retained and used by the applicant at this extended pier; however, this waiver will not apply to any replacement boat at this location.

A motion was made to approve a reduced scope project with numerous special conditions.

Seconded and voted unanimously.

**Wolfram Vedder.** Replace pilings and sheeting under existing cottage at 119 Island Ave., Squaw Island, Hyannisport as shown on Assessor's Map 265 Parcel 018-001. **SE3-5105**

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

Exhibits:

- A – Proposed plan

Issues discussed:

- A letter from Hamlyn Consulting representing an abutter mentioned that no elevation view was submitted.
- Any increase in height not to exceed 18 inches.

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

Seconded and voted unanimously.

**Town of Barnstable DPW.** Maintenance dredging of an existing 6 ft deep entrance channel and improvement dredging of a new 4 ft deep embayment channel at East Bay, Osterville. Dredging to be performed by hydraulic means. Entrance channel sediments (+/- 4,802 cy of sand) to be used as nourishment at Long Beach; embayment channel sediments (+/- 4,767 cy of fine-grained material) to be beneficially re-used at upland site(s) as fill. Project will be performed off-season and based at Dowse’s Beach parking area (Assessor’s Map 163 Parcel 013). The nourishment component will be located at the Long Beach Conservation area (Assessor’s Map 185 Parcel 036) and 3 adjacent private parcels (Assessor’s Map 185 Parcels 037, 038 and 039). **SE3-5104**

The applicant was represented by Christine Player and John Juros.

Exhibits:

- A – Aerial photo;
- B – Aerial photo;
- C, D, E – Proposed plans

Issues discussed:

- All dredging will be hydraulic;
- Entrance channel maintenance dredging will be to -6, with 1-foot overdredge;
- No shellfish issues emerged;
- Entrance channel spoil will go to Long Beach, predominantly to the Conservation area;
- The bay channel dredging (improvement dredging) will be to -4 feet with a one-foot overdredge allowed. Sediments from this dredging will go to a landfill or to the shooting range for the second sound abatement berm.

Public comment:

- John Howser of 245 East Bay Road supported the project, and cited a certain shoal as increasingly difficult for sailboats.

A motion was made to continue the hearing to August 20, allowing time for NHESP comments.

Seconded and voted unanimously.

**IV CONTINUANCES**

**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 Matt Creighton, Kieran Bradley, and Atty. John Kenney.

Exhibits:

- A – Power point slides;
- B – D.E.P. Chapter 91 license;
- C – Comment letter from Peter Jasin;

- D – Chapter 703: Private Docks and Piers

Issues discussed:

- The consultant summarized the oft-continued project;
- By removing the long-standing timber wharf, the applicant hopes to attain his various improvements while improving navigability;
- A number of questions on grandfathering were asked. The attorney said they are currently being researched;
- A valid Chapter 91 license in Mr. Bornstein’s name has been issued;
- The applicant has a 39-foot sailboat and a 35-foot powerboat;
- The chair noted correspondence received since the last hearing;

Public comment:

- Ann Canedy cited a navigation conflict posed by the proposed project, and concern for pier proliferation;
- Peter Jason said boat beam must be taken into consideration in assessing impacts. He said boat specifications have not been provided. He said navigation pinch points at the two landings have not been assessed;
- Henry Romage also cited a navigation concern;
- Atty. Kenney disputed any precedent issue;
- The lack of public trust rights jurisdiction under the ordinance was discussed.

A motion was made to continue the hearing to October 1<sup>st</sup>.

Seconded and voted unanimously.

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

The request for determination application was withdrawn.

**V CERTIFICATES OF COMPLIANCE**

- A. Dupuy SE3-4693 (coc,ez) raze & construct single-family dwelling \*
- B. Duncklee SE3-0672 (coc,ez) construct single-family dwelling \*

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

Seconded and voted unanimously.

**VI OLD & NEW BUSINESS**

- A. Long Pond hydrilla update

The favorable report on Long Pond was discussed. No hydrilla was observed there in 2013.

Public comment:

- Ron Sirch, Chairman for the Association for the Preservation of Long Pond, thanked the Commission for their persistence in the hydrilla control project.
- The Commission hopes that, should the August survey fail to reveal the presence of hydrilla, the Town Manager will promptly re-open the Town Landing.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 10:08 p.m.**