



# 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: September 17, 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 6:30 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners John E. 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. September 3, 2013 (public session)
- B. September 10, 2013

A motion was made to approve the minutes (A – B).

Seconded and voted unanimously.

#### II EXECUTIVE SESSION

In consultation with the 1<sup>st</sup> Assistant Town Attorney, the Chair is taking the following actions:

- A. Release the portion of the previously-approved executive session minutes of July 19, 2011 that relates to the Phinney's Bay matter, as the litigation in the case of Oakleigh Trust v. Town of Barnstable has been settled;  
The Chair advised that he was releasing a portion of the minutes of July 19, 2011 (Phinney's Bay matter, only).
- B. Retain the executive session minutes of September 3, 2013 that relate to the exchange of real estate interests between the Town of Barnstable and MA Fish & Wildlife, as the negotiations between the parties continue.

The Chair also advised that he was retaining minutes of 9/23/13 relating to real estate interests between the Town of Barnstable and MA Fish & Wildlife.

#### III OLD & NEW BUSINESS

- A. Workshop with Town officials on a proposed operation plan, changes to regulations, and new fees for the re-opening of the shooting range to public use at the W. Barnstable conservation area.

**Note: While open to the public, the workshop is not designed for public comment. Public comment will be taken at the Oct. 1 public hearing.**

The Chair noted that necessary disclosure forms from Commissioners Abodeely and Sampou relevant to this matter have been filed with the Town Council office.

Presenting the workshop was Assistant Town Manager Mark Ells, along with Division and Department Directors.

Exhibits:

- A – PowerPoint slides

Proposed changes to regulations fall into the following categories:

1. Addition of Range Safety Officers, accomplished through Police Department involvement;
2. Limits on number of guests;
3. Limits on minors using the shooting range;
4. Restriction on use of automatic weapons;
5. Days and hours of operation'
6. Permit fees.

The workshop concluded at 8:00 p.m.

#### **IV REQUESTS FOR DETERMINATION**

**Clara Mesonero.** Re-license existing timber pier in current configuration (no modifications proposed) at 464 Starboard Ln., Osterville as shown on Assessor's Map 167 Parcel 025-002. **DA-13056**

The applicant's representative could not attend.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Carlo Anthony & Hillary H. Von Schroeter.** Proposed addition to house and septic system at 28 Windrush Ln., Osterville as shown on Assessor's Map 093 Parcel 069. **DA-13057**

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

Exhibits:

- A – Proposed site plan

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Joshua M. & Claire N. Nelson.** Clear vegetation in buffer zone at 150 West St., Osterville as shown on Assessor's Map 139 Parcel 092. **DA-13058**

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

Exhibits:

- A – Proposed site plan

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Anthony Shriver c/o Park Agency, Inc.** Vista pruning per Conservation Commission guidelines in consultation with Conservation staff; cut/maintain existing privet hedge to 4' above grade; maintain height of existing shrubs off patio wall to top of wall elevation at 31 Atlantic Ave., Hyannisport as shown on Assessor's Map 265 Parcel 009-001. **DA-13059**

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

Exhibits:

- A – Proposed site plan

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**V        NOTICES OF INTENT**

**Teresa Boyd.** Proposed shoreline stabilization; set coir fibre logs, backfill behind logs, plant fill area with indigenous species at 93, 97 & 121 Salten Point Rd., Barnstable as shown on Assessor's Map 280 Parcels 018, 019 & 021.

**SE3-5116**

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

Exhibits:

- A – Proposed site plan
- B – Sketch of stone wall location from Mr. Calvin, abutter

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

Seconded and voted unanimously.

**Ziegmont & Martha Guzikowski.** Proposed construction of single-family dwelling with attached garage, patio, septic system and driveway at 30 Indian Trail, Cummaquid as shown on Assessor's Map 336 Parcel 016. **SE3-5115**

The applicant was represented by William Podolsi.

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

Seconded and voted unanimously.

**Harborview Hotel Investors, LLC.** Construct four-story hotel, reconfigure parking lot, construct new stormwater management system and new landscaping; building to be serviced by town sewer. All work proposed is on previously developed area at 213 Ocean St., Hyannis as shown on Assessor's Map 326 Parcel 035. **SE3-5117**

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

Exhibits:

- A – Proposed site plan

Several storm water analysis revisions were suggested by the Commission.

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

Seconded and voted unanimously.

**Wayne Kurker.** Elevate existing dwelling to meet flood code; rotate and replace foundation; construct small additions; replace patio; construct upland retainage; grade and landscape at 38 Magnolia Ave., W. Hyannisport as shown on Assessor's Map 225 Parcel 013. **SE3-5118**

The applicant was represented by Daniel Ojala, P.E. and Philip Cheney. Mr. Kurker also attended.

Exhibits:

- A – Proposed revised plan

- B – Revised mitigation calculation sheet
- C – Proposed landscaping plan
- D – Addition to NOI from Wayne Kurker.

A waiver to the buffer zone regulation was allowed, given the extent of invasive species removal and replanting provided.

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

Seconded and approved: 6 votes: "Aye;" 1 vote "Nay."

## **VI CONTINUANCE**

**Three Bays Preservation, Inc. & Mass. Audubon Society, Inc.** Proposed barrier beach management plan to include maintenance dredging and beach nourishment and other activities to enhance wildlife habitat and maintain integrity of barrier beach; proposing to remove the western-most 800 ft of Sampson's Island via dredging, and to use this sand to fortify the eroding front beach at Dead Neck. **SE3-5053**

The applicant was represented by Lindsey Counsel, Ian Ives, John O'Dea, P.E., and Tray Ruthven P.E.

### Exhibits:

- A – Proposed site plan

A revised dredge phasing proposal was presented.

The long-awaited letter from Natural Heritage and Endangered Species Program (NHESP) arrived. The application was found to be incomplete. The letter highlighted the need for predator management. The year 2012 was a very bad year for piping plover nesting success.

The applicant stressed the need for habitat enhancement.

A motion was made to continue the hearing to October 29<sup>th</sup>.

Seconded and voted unanimously.

## **VII CERTIFICATES OF COMPLIANCE**

A.	Opal Realty	SE3-1291	(coc,ez)	construct Fox Hollow Lane, Osterville
B.	Roberts Realty	SE3-1569	(coc,ez)	construct single-family dwelling *
C.	Morphy	SE3-4873	(coc,ez)	landscaping & hardscaping improvements *
D.	Sousa	SE3-0851	(coc,ez)	install underground fuel tank (not done) Raise shanty & install septic tank
E.	Sousa	SE3-0909	(coc,ez)	construct bulkhead and dredging

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

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 10:03 p.m.**