



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: August 5, 2014 at 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, 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, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Darcy Karle, Conservation Agent, assisted, along with Claudette Bookbinder, Administrative Assistant.

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

I OLD & NEW BUSINESS

A. Proposed conservation restriction: Town of Barnstable to MA Division of Fisheries & Wildlife

Exhibits:

- A – Bike path route rail trail extension map

1st Assistant Town Attorney T. David Houghton attended the meeting, along with Lindsey Counsell.

The conservation restriction will allow for an extended bicycle path.

A motion was made to endorse the conservation restriction.

Seconded and voted unanimously.

II MINUTES FOR APPROVAL

A. July 22, 2014

A motion was made to approve the minutes.

Seconded and voted unanimously.

III CHAIR'S EXECUTIVE SESSION REVIEW

In consultation with the 1st Assistant Town Attorney, the Chair is taking the following actions: Approve and release the executive session minutes relating to the exchange of real estate interests between the Town and MA Fish & Wildlife for:

1. September 3, 2013
2. November 12, 2013

Noted

IV REQUESTS FOR DETERMINATION

Elva L. & Lawrence R. O'Brien III, Trs. of Elva L. O'Brien Revocable Trust. Request to resume annual bank vegetation maintenance, including pruning rosa rugosa hedge, removal of invasive vines from trees, removal of dead branches and standard vista pruning at 205 Ocean View Ave., Cotuit as shown on Assessor's Map 033 Parcel 025. **DA-14047**

The applicant was represented by Chuck Rowland, E.I.T.

A motion was made to issue a negative determination, allowing standard vista pruning, annual maintenance of rosa rugosa, and cutting invasive vines in the cedars on the bank in consultation with the Conservation Agent.

Seconded and voted unanimously.

Rose Marie Cass. Seek approval for swing set playground and grading at 125 Whistleberry Dr., Marstons Mills as shown on Assessor's Map 063 Parcel 092. **DA-14048**

The applicant was represented by Dennis Hansen.

Ms. Karle said this was an enforcement matter; juniper ground cover is allowed, per the Conservation Agent.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

V NOTICES OF INTENT

Town of Barnstable/D.P.W. Replace existing 18-inch drain with new 18-inch drain and install armor stone around exposed sections of the drain at 130 Oregon Way, Cotuit as shown on Assessor's Map 017 Parcel 018. **SE3-5212**

The applicant was represented by Roger Parsons, Town Engineer, Atty. Michael Ford, Sean Reardon, and Michael McGrath.

Exhibits:

- A – Sketch plan where work proposed
- B – Proposed site plan
- C – Photo pipe end treatment

The Chair read the concerns of the MA Division of Marine Fisheries in its report dated July 30, 2014.

Public comment: Bruce Berenson and Deborah Weinstein.

A motion was made to approve the project with standard and special conditions: DNR to be consulted, with regard to the height of the pond. No time-of-year restrictions were included.

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

VI CONTINUANCES

Town of Barnstable/D.P.W. Existing municipal roadway surface, drainage and safety improvements on Main Street, Cotuit (Ocean View Ave., to Oregon Way) as shown on Assessor's Map N/A Parcel N/A. **SE3-5184**

This project and the revised plan request under VII were heard simultaneously.

Exhibits:

- A – Sketch of proposed easement for wetland mitigation, dated 7/25/2014

The applicant was represented by Roger Parsons, P.E., and Susan Spratt of Tibbetts Engineering. Also, Chris Wiseman of Cotuit Water Department and Jon Gregory of Tata and Howard, Inc., attended.

Public comment: Michael McGrath and Elizabeth Hodgson

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

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

William F. Griffin, Jr., Tr., New Rushy Marsh Realty Trust. Construct/maintain 6-foot-wide x 1,550-foot-long bridle path, including 14,000 sq. ft. of dune restoration and mitigation planting at 1524 Main St., Cotuit as shown on Assessor's Map 017 Parcel 014. **SE3-5197**

The filing was withdrawn.

Town of Barnstable/Conservation Division: to replace an existing 12-inch pipe beneath Main St., Cotuit with two 15-inch pipes and to adjust inverts to allow flows from properties north of Main St. to discharge into Rushy Marsh as shown on Assessor's Map 017 Parcel 014. **SE3-5187**

Exhibits:

- A – Proposed site plan

The applicant was represented by Atty. Michael Ford, Sean Reardon, and Michael McGrath.

A motion was made to continue the hearing to 9/2/14.

Seconded and voted unanimously.

Town of Barnstable/Conservation Division. Request for Amended Order of Conditions under permit **SE3-4531**, proposes to - install 18-inch pipe through existing box culvert to reconnect Rushy Marsh Pond to Nantucket Sound to alleviate sediment buildup in culvert; also install two 15-inch pipes below Main Street to replace failed existing culvert and to create a positive hydraulic connection between resource areas. Improvements would be located at 60 Oregon Way and at 0, 1524 and 1541 Main St, Cotuit as shown on Assessor's Map 016 Parcel 011 and Assessor's Map 017 Parcels 015-001, 014, and 007.

A written request for a continuance to September 2nd, was submitted by the Town Attorney's office

A motion was made to continue the hearing to 9/2/14.

Seconded and voted unanimously.

No testimony was taken.

Harry Taylor. Redevelop existing residential property involving direct alteration of coastal bank and land subject to coastal storm flowage, and within buffer zone of other wetland resource areas at 56 Sand Point, Oyster Harbors, Osterville as shown on Assessor's Map 073 Parcel 017. **SE3-5208**

The applicant was represented by Atty. Michael Schulz, Jack Vaccaro, and Phil Cheney.

Exhibits:

- A – Revised Plan
- B – Breakdown of mitigation planting

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

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

VII REVISED PLANS

Project type

Revision

Town of Barnstable/D.P.W. SE3-5184 drainage; safety improvements water main replacement

A motion was made to approve the revised plan as a minor addendum.

Seconded and voted unanimously.

VIII AMENDED ORDER

Wingaway Trust. Request amendment to wetlands permit SE3-5154 to include the implementation of land management on coastal bank, removal of invasive species, coppicing of 4 trees and vista pruning within defined view corridor at 305 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcel 009. **SE3-5154**

The applicant was represented by Jennifer Exner of Wilkinson Ecological, and Lauren Woodward of Lombardi Design.

A motion was made to approve the amended order with standard and special conditions: a view corridor using standard vista pruning guidelines to be established only after house is built, and with prior approval of Conservation agent; coppicing of four trees allowed as a test case with annual reports for three years.

Seconded and voted unanimously.

IX CERTIFICATES OF COMPLIANCE (* = on-going conditions)

A. Rudman SE3-4886 (coc,ez) raze & construct single-family dwelling *

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 10:12 p.m.