



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

FAX: 508-778-2412

## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: JULY 12, 2016 @ 6:30 PM**

**LOCATION: TOWN HALL HEARING ROOM, 367 Main Street 2<sup>ND</sup> Fl., Hyannis, MA**

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 F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle and Commissioners John E. Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise R. Foster.

Darcy Karle, Conservation Administrator, assisted.

### I OLD & NEW BUSINESS

#### A. Commission Reorganization

Chairman Tom Lee updated the Commission's need to re-establish a position of Clerk on the Commission. The Town Code and Commission statute calls for a Clerk position.

The Chair proposed a slate of officers for the coming year: Tom Lee as Chair, Louise Foster as Vice-Chair, and Dennis Houle as Clerk.

A motion was made to approve the slate of officers.

Seconded and voted unanimously.

#### B. Barnstable Land Trust (BLT) requesting commission support of grant application for the purchase property, 3.47 acres, #0 Church Street map 176 Parcel 006, West Barnstable – commitment from Commission to hold CR.

Jaci Barton, Executive Director of the BLT, gave an overview of the parcel. She indicated that it was a critical link for the Pathway Trail. Ms. Barton requested the Commission's support of the grant application and its willingness to hold the conservation restriction (CR) in the future. The CR itself would return at a future hearing.

A motion was made to support the grant application and agreement to hold the conservation restriction.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**Joseph A. & Jing C. Patrinostro.** Addition of footings under existing rear deck area for structural integrity for purpose of roof area over portion of deck at 64 Thornberry Ln., Centerville as shown on Assessor's Map 186 Parcel 087. **DA-16040**

The applicant was represented by Jean Bowden of Capizzi Home Improvement.

(Patrinostro, continued)

No issues arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Warwick & Associates, Inc.** Upgrade to a new pressure-dosed Title-V septic system at 26 Johnson Ln., Centerville as shown on Assessor's Map 193 Parcel 041. **DA-16041**

A request for a continuance was received via email.

A motion was made to continue the hearing to July 26<sup>th</sup>.

Seconded and voted unanimously.

No testimony was taken.

**R. Andrew O'Brien, Tr., 83 Pleasant Pines Avenue 2015 RT.** Install seasonal aluminum dock; construct stone step path or landscape ties at 83 Pleasant Pines Ave., Centerville as shown on Assessor's Map 233 Parcel 054. **SE3-5400**

The applicant was represented by Daniel Ojala, P.E. of Down Cape Engineering, Inc.

Issues discussed:

- NHESP habitats
- Request for maintaining a vista requires an RDA application
- The plan of record should indicate a 4-foot path, especially as a linkage to the dock
- Tightening up the work limit line
- Possibility of relocating proposed dock, centering it more in the view corridor
- Current vista pruning not compliant to Commission guidelines.

A motion was made to continue the hearing to July 26<sup>th</sup>.

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**Anthony & Josephine Tavilla.** Construct seasonal dinghy dock with fixed intertidal and upland boardwalk at 0 Long Beach Rd., Osterville as shown on Assessor's Map 185 Parcel 050-001. **SE3-5394**

The applicant was represented by Arlene M. Wilson, P.W.S., of A.M. Wilson Associates.

Issues discussed:

- A quorum of all Commissioners was present
- Time-of-year (TOY) restrictions – no work on dock and boardwalk between April 1 – August 31
- No construction materials on beach
- New design changes reduce variances requested to 2

Correspondence (noted by Arlene Wilson):

- Derek Lawson and Dan Horn – email dated 6/29/16
- Letter from MA Division of Fisheries & Wildlife, dated 6/17/16

A motion was made to approve the project with special conditions, including a TOY restriction.

Seconded and voted unanimously.

**Michael A. and Ena Feinberg.** Raze and replace cottage; landscape improvements at 100 Herring Run Dr., Centerville as shown on Assessor's Map 229 Parcel 045. **SE3-5397**

The applicant was represented by Sarah Turano-Flores, Esq., Tarja McGrail, P.E., and Phil Cheney, landscaper.

Exhibits:

A – Two photos of shorefront

Issues discussed:

- A quorum was present
- Work protocol for equipment – a small loader or skid steer may be used to access peninsula
- Concern with hardscape being added closer to water (proposed deck over lawn).

Correspondence:

- Letter from MA Division of Fisheries & Wildlife, dated 7/6/16.

A motion was made to continue the hearing to July 26<sup>th</sup>.

Seconded and voted unanimously.

**William & Barbara Walsh.** After-the-fact filing for dock maintenance work in Long Pond, at 111 Pond View Dr., Centerville as shown on Assessor's Map 229 Parcel 026. **SE3-5387**

The applicant was represented by Mark Burgess of Shorefront Consulting.

Issues discussed:

- A quorum present of Commissioners except for Scott Blazis and Louise Foster
- Two main issues that keep deck non-compliant with fresh-water guidelines: current material (pressure-treated wood), and non-seasonal dock.

Correspondence:

- Letter from NHESP dated 4/22/16 (noted by Mark Burgess).

A motion was made to approve the project as submitted, with a special condition stating that the dock will be reconstructed, either upon future maintenance or at the end of ten years, to comply with prevailing standards for fresh-water docks.

Seconded and voted unanimously.

**William F. Griffin, Jr., Tr./New Rushy Marsh Realty Trust.** Relocate wood shed structure for use as wetland observatory and relocate related walking path; landscape improvements and installation of wood fence at 1524 Main St., Cotuit as shown on Assessor's Map 017 Parcel 014. **SE3-5396**

The applicant was represented by Attorney Jeffrey Ford.

Issues discussed:

- A quorum was present
- Mr. Ford reviewed a letter submitted by Sean Reardon of Tetra Tech to Ms. Karle, dated 7/12/16

A motion was made to approve the project with special conditions, including withdrawing from the plan a shed structure to be used as an observatory, and mitigation.

Seconded and voted unanimously.

**V CERTIFICATES OF COMPLIANCE** (ez = no deviations, staff recommends approval) (\*= on-going conditions)

- |    |                      |  |          |  |
|----|----------------------|--|----------|--|
| A. | Wells                | SE3-5234                               | (coc,ez) | construct garage with room above *             |
|    |                      | 545 South Main Street, Centerville     |          | – Centerville River                            |
| B. | Cotton               | SE3-4896                               | (coc,ez) | construct platform and steps to pond *         |
|    |                      | 247 Scudder Road, Osterville           |          | – Neck Pond                                    |
| C. | Kapustin             | SE3-5285                               | (coc,ez) | construct dock, stairs, terrace, etc. *        |
|    |                      | 30 Newspaper Road, Hyannis             |          | – Shallow Pond                                 |
| D. | Gleyzer              | SE3-5004                               | (coc,ez) | replace foundation of shorefront cottage *     |
|    |                      | 386 Shootflying Hill Road, Centerville |          | – Wequaquet Lake                               |
| E. | Guzikowski           | SE3-5115                               | (coc,ez) | construct single family dwelling *             |
|    |                      | 30 Indian Trail, Barnstable            |          | – bordering vegetated wetland & stream         |
| F. | Swimm                | SE3-5188                               | (coc,ez) | modify & replace existing pier *               |
|    |                      | 286 Holly Point Road, Centerville      |          | – Wequaquet Lake                               |
| G. | Fazio                | SE3-4852                               | (coc,ez) | construct single family dwelling (not done)    |
|    |                      | 36 Deacon Court, Barnstable            |          | – bordering vegetated wetland                  |
| H. | Fazio                | SE3-4852                               | (coc,ez) | construct driveway (not done)                  |
|    |                      | 14 Deacon Court, Barnstable            |          | – bordering vegetated wetland                  |
| I. | Packaging Industries | SE3-0090                               | (coc,ez) | construct commercial warehouse *               |
|    |                      | 96 Airport Road, Hyannis               |          | – Fresh Hole Pond                              |
| J. | Abraham              | SE3-5226                               | (coc,ez) | construct seasonal dock *                      |
|    |                      | 54 Shirley Point Road, Centerville     |          | – Wequaquet Lake / Bears Pond                  |
| K. | TOB/DPW              | SE3-5184                               | (coc,ez) | reconstruct roadway; add boardwalk (not done); |
|    |                      | replace culvert. Main Street, Cotuit   |          | – Rushy Marsh Pond                             |

A motion was made to approve the certificates.

Seconded and voted unanimously.

**VI MINUTES FOR APPROVAL**

A. June 14, 2016

A motion was made to approve the minutes.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:13 p.m.**