



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: SEPTEMBER 26, 2006, 6:30 p.m.

LOCATION: TOWN HALL HEARING ROOM

The meeting was called to order at 6:32 p.m. by Chairman John Abodeely. Also attending were Vice-Chairman Dennis Houle, and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Tom Lee. John Parker was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, Hyannis, MA

I MINUTES FOR APPROVAL

A. August 22, 2006

A motion was made to approve the minutes of August 22, 2006.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Steamship Authority. Modification of night berth for new fast ferry: multi-level deck to be replaced with single-level deck of slightly higher elevation at 174 Pleasant St., Hyannis as shown on Assessors Map 326 Parcel 131-001. **DA-06073**

The applicant did not show.

No concerns arose.

Commissioner Sampou wanted the standard CCA restriction to apply.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Sandra Cristina Tatara. Build retaining wall before tennis court at 30 feet from the creek at 64 Greenwood Ave., Hyannis as shown on Assessors Map 289 Parcel 114. **DA-06072**

The applicant attended the hearing.

Discussion: Vice-Chairman Houle pointed out that the retaining wall would be about 90-feet from the creek.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

(Tatara, cont'd.)

David Dali. Install 28-inch-high, narrow, cedar picket fence along shoreline for child safety at 130 Center Ln., Centerville as shown on Assessors Map 251 Parcel 018. **DA-06070**
The applicant attended the hearing.

Discussion: No concerns arose. However, Commissioner Morin requested (again) that the staff notes reference the morning meetings where enforcement issues are discussed. This would especially benefit the Commissioners who are unable to attend the morning meetings.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

William F. Moore. Plant two holly trees and removal of brush at 583 Lumbert Mill Rd., Centerville as shown on Assessors Map 146 Parcel 102. **DA-06071**

The applicant attended the hearing.

No concerns arose.

Discussion: Mr. Moore said that he planted the two holly trees.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Edward M. Kennedy. Clear/remove invasive species and vines from dune area between lawn and beach; replant American beach grass and return/maintain dune area to its historic condition at 47 and 50 Marchant Ave., Hyannisport as shown on Assessors Map 286 Parcels 023 & 024. **DA-06075**

The applicant was represented by Attorney Mike Ford.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Cundall, Steven. Remove existing roof system on main house; remove existing family room and porch; frame new roof and build addition with new family room and master bed up at 64 Old Harbor Rd., Hyannis as shown on Assessors Map 325 Parcel 067. **DA-06076**

The applicant did not show.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

J. Gary Burkhead. Landscape improvements with retaining walls, patio area, small shed, and plantings; change surface of existing driveway from asphalt to stone pavers at 27 North Bay Rd., Osterville as shown on Assessors Map 072 Parcel 022. **SE3-4549**

(Burkhead, cont'd.)

The applicant was represented by Peter Sullivan, P.E., and Michael Neath.

Discussion: Staff and Mr. Sullivan disagreed on the coastal bank delineation. Mr. Neath submitted a landscaping plan and fact sheets. The paved driveway would be replaced with pavers set on sand.
(Burkhead, cont'd.)

Commissioner Houle added that some twenty large trees would be removed. Mr. Neath said he would replace them with birch and dogwood.

Commissioner Blazis said that a canopy species landing vertical complexity would be required. The birch would grow to 26 feet. Mr. Neath offered additional trees.

Commissioner Morin suggested the terracing of the bank. Mr. Neath felt that it would destroy the project's integrity.

With additional high-canopy trees to be added, the Commissioner found the project acceptable.

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

Seconded and voted unanimously.

Frederick and Roberta Tonsberg. Raze and remove existing single-family dwelling and sheds; remove existing drive and fences; construct new single-family dwelling with decks, and up-graded septic system with retaining wall at 2 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 044. **SE3-4561**

The applicant was represented by Lynne Hamlyn.

Discussion: Ms. Hamlyn discussed the previous (now expired) approval. The former project was a raising of the house. This project is raze and reconstruct. A 51-square-foot increase in the footprint was proposed. The septic system would be an I-A system.

A 1.6-foot reveal on the street side of the septic retaining wall was proposed. Commissioner Blazis said it should be entirely masked by plantings. The Commission discussed the functioning of an I-A septic system.

Public Comment: Attorney Michael Ford, representing the Healys, abutters, suggested the impacts to the Riverfront Area were significant, in that a much larger house would be added for year-round use, as Mr. Tonsberg acknowledged. He also suggested that the Commission look at aesthetics and cumulative impact. The Chair strongly disagreed with this perspective.

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

Seconded and voted: 3 votes "Aye;" 3 votes "Nay."

The motion failed to carry.

A motion was made to take the matter under advisement.

The motion was not seconded.

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

Seconded and voted unanimously.

Frederick J. and Aurora Curran. Demolish existing detached garage and construct pool and pool house with associated car port, and reconfigure existing driveway at 110 East Bay Rd., Osterville as shown on Assessors Map 141 Parcel 123-001. **SE3-4562**

The applicant was represented by Attorney John Alger and John O'Dea, E.I.T.

Discussion: Dennis Houle requested that a 4-foot buffer strip be planted along the top of the bank.

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

Seconded and voted unanimously.

Kerry McNamara. Construct single-family home, to be connected to a new Title 5 septic system (existing); disconnect existing garage/dwelling from existing septic system, and use [building] as a garage and for storage at 18 Bay Ln., Centerville as shown on Assessors Map 186 Parcel 082. **SE3-4564**

A continuance was requested via fax from Ed Pesce, P.E.

A motion was made to continue the project until October 10, 2006.

Seconded and voted unanimously.

No testimony was taken.

Big Yellow LTD Partnership. Construct single-family residence with attached garage, deck, stone drive, and septic system and all associated appurtenances at 484 Craigville Beach Rd., Centerville as shown on Assessors Map 246 Parcel 072-003. **SE3-4565**

The applicant was represented by Attorney John Alger and John O'Dea, E.I.T.

Discussion: Are revised plan will be forthcoming, wrapping the work limit line so as to protect the riverfront resource area.

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

Seconded and voted unanimously.

IV CONTINUANCES

Town of Barnstable/Conservation Division. Create inlet between Rushy Marsh Pond and Nantucket Sound by installing culvert, stone groin, snow fencing and associated appurtenances at 60 Oregon Way, Barnstable as shown on Assessors Map 016 parcel 011. **SE3-4531**

The applicant was represented by Rob Gatewood, Conservation Administrator, Peter Sullivan, P.E., John O'Dea, E.I.T., Lindsey Counsell, and Dr. Brian Howes.

Discussion: Rob Gatewood provided an historic perspective, while John O'Dea provided the technical presentation. Lindsey Counsell discussed the need to maintain the inlet several times per year, as he has been working with the DPW on this. Dr. Brian Howes discussed the degraded nature of the pond, and the promise that the project has to "restore a lost coastal resource," Rush Marsh Pond.

Public Comment: David Nisula, on behalf of the "Friends of Rushy Marsh Pond," read a letter of support to the record.

Commissioner Sampou said he appreciated the science that has been brought to bear on the project.

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

(ToB/Conservation, cont'd.)

Seconded and voted unanimously.

Francis and Julia Keally. Construct seasonal pier with ramp, float and lateral access stairs at 635 Old Post Rd., Cotuit as shown on Assessors Map 054 Parcel 051-002. **SE3-4500**

The applicant was represented by Arlene Wilson.

Discussion: Ms. Wilson outlined the project and its context for the filing. She stressed that it would solve an issue with inconsistencies with the DEP Superceding Order.

No concerns arose.

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

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Other

Commissioner Sampou said that the Commission was well-represented at the Coast Sweep Cleanup at Sandy Neck last weekend.

VII CERTIFICATES OF COMPLIANCE (ez = staff recommends approval) (* = on-going conditions)

A. Hance SE3-4406 (coc, ez) add ramp & float to seasonal dock *

A motion was made to approve the certificate.

Seconded and voted unanimously.

A motion was made to adjourn the meeting.

Seconded and voted unanimously.

The time was 9:19 p.m.