



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: OCTOBER 10, 2006, 6:30 p.m.

LOCATION: 2ND FLOOR HEARING ROOM

The meeting was called to order at 6:30 p.m. by Chairman John Abodeely. Also attending were Vice-Chairman Dennis Houle and Commissioners John Parker, Peter Sampou, Scott Blazis, Larry Morin and Tom Lee. Rob Gatewood, Conservation Administrator, assisted.

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

I MINUTES FOR APPROVAL

- A. September 12, 2006
- B. September 19, 2006

A motion was made to approve the minutes of 9/12/06, and the minutes of 9/19/06, as amended.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

John MacLean. Maintain existing path and steps to Long Pond; construct kayak rack; vista pruning at 282 Long Pond Rd., Marstons Mills as shown on Assessors Map 029 Parcel 005-003. **DA-06074**

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

A motion was made to issue a negative determination, contingent upon receipt of a revised plan locating the kayak rack.

Seconded and voted unanimously.

Edward Handy, Jr./Handy Realty Trust. Vista pruning on northern portion of property, to affect a 50-foot-wide corridor, beginning 25 feet from western boundary, extending east at 3676 Main St., Barnstable as shown on Assessors Map 317 Parcel 022. **DA-06080**

The applicant attended.

Discussion: Two (2) trees proposed for removal will be left to staff discretion.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Yachtsman Condominium Trust. Repair and replace timber retaining wall with fieldstone retaining wall at 500 Ocean St., Hyannis as shown on Assessors Map 324 Parcel 040CND. **DA-06082**

The applicant was represented by Jeff Johnson.
(Yachtsman Condo. Tr., cont'd.)

Discussion: Mr. Johnson presented an overview of the project.

Public Comment: Lynn Hamlyn representing the Hyannis Yacht Club questioned why a mere RDA filing was used to advance the project.

The Commission questioned why also. Staff said that they recommended the RDA filing because it would allow the quickest way to stabilize the site.

The Chair remarked that the Commission should not lower the requirement for an NOI in an enforcement case.

A motion was made to issue a positive determination, requiring a Notice of Intent.

Seconded and voted unanimously.

Nick Lawler. Pruning, vista pruning, and nuisance vegetation removal to include mainly the east, west, and south sides of the property at 461 So. Main St., Centerville as shown on Assessors Map 207 Parcel 067. **DA-06081**

The applicant was represented by Dan Shaunessy.

Discussion: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Massachusetts Audubon Society. Remove invasive and unwanted species, including Porcelain Berry, Fox Grape, and others deemed invasive in buttonbush swamp on Long Pasture Wildlife Sanctuary, via mechanical means, such as cutting base of stems and roots. Work is intended as a trial to determine best management practices for this wetland in the future at 345 Bone Hill Rd., Cummaquid as shown on Assessors Map 336 Parcels 095 and 101. **DA-06077**

The applicant was represented by Ian Imes.

Discussion: No chemicals would be used, nor would machinery.

A follow-up report was requested by the Commission.

A motion was made to issue a negative determination

Seconded and voted unanimously.

III NOTICES OF INTENT

Thomas Capizzi, Sr. Construct new single-family residence within buffer zone of isolated freshwater wetland at 4591 Falmouth Rd., Cotuit as shown on Assessors Map 024 Parcels 041-001 and 002 (combined). **BCC-0185**

The applicant was represented by Jack Vaccaro. Mr. Capizzi also attended.

Discussion: The project was much improved from the Commission's perspective.

A report for vernal pool certification was discussed by the Board.

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

Seconded and voted unanimously.
(N.O.I.'s, cont'd.)

Susan Mykrantz. Construct dinghy dock (pier, ramp and float) to access water for recreational boating at 531 Main St., Osterville as shown on Assessors Map 141 Parcel 099. **SE3-4567**

A letter written by Attorney Pat Butler was read into the record requesting a continuance.

A motion was made to continue the project until November 14, 2006.

Seconded and voted unanimously.

Chris McNamara, Trustee, Lombard Realty Trust. Installation of a natural gas service line by Keyspan to within 5-ft. of a wetland at 96 Lombard Ave., W. Barnstable as shown on Assessors Map 155 Parcel 014. **SE3-4568**

The applicant was represented by Dave Flaherty.

Discussion: Standard gasline installation conditions would apply.

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

Seconded and voted unanimously.

John F. Fish, Trustee, Chrisjen Realty Trust. Repair of a sacrificial dune; redesign and replant the eroded vegetation at 86 Sand Point, Osterville as shown on Assessors Map 073 Parcel 015-002. **SE3-4563**

The applicant was represented by Peter Rosen, Ph.D.

Discussion: Mr. Rosen discussed his background and the project.

The gravel will be the more expensive round or "river" gravel, 2—8-inches in size.

The operable certificate of compliance requires re-nourishment of the sacrificed dune. However, the sediment can cover shellfish beds or fill the channel.

John Parker thought a follow-up report would be advisable.

The Chair asked the Commission to consider invoking its consultant fee regulation in this case.

Several Commissioners expressed the desire to obtain opinions from Tom Marcotti and the Harbormaster.

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

The motion failed: 4 votes to 2.

A motion was made to reconsider.

Seconded and voted unanimously.

A motion was made to invoke the consultant fee regulation, and to continue the matter to December 12, 2006.

Seconded and voted unanimously.

Catherine DeSimone. Replace stone wall on coastal bank, above mean high water; landscaping at 156 Harbor Bluffs Rd., Hyannis as shown on Assessors Map 325 Parcel 170. **SE3-4566**

The applicant was represented by Bernard Young, P.E.

(DeSimone, cont'd.)

Discussion: The Commission strongly desired a landscaping plan for the seaward-most portion of the lawn.

It would be a contingency, if approved.

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

Seconded and voted unanimously.

IV CONTINUANCES

James F. Cleary. Construct a 4'-wide 140-foot 4 x 4 pier with 3' x 14' ramp and 10' x 20' float extending in all 170' for mooring of private boats at 25 Cove Ln., Oyster Harbors, Barnstable as shown on Assessors Map 052 Parcel 009. **SE3-4545**

The applicant was represented by Attorney John Alger and Peter Sullivan, P.E.

Discussion: A letter from Tom Marcotti was read to the record, as was a letter from MA Division of Marine Fisheries.

Mr. Alger acknowledged that the area is a significant shellfish habitat. Thus, they redesigned the pier to accommodate the Commission's regulations for use by non-motorized craft.

Scott Blazis said the pier could be shortened much further, and the float size reduced, too.

Pete Sampou said the pier should be seasonal in a significant shellfish habitat.

A motion was made to continue the project until November 28, 2006.

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**

The applicant was represented by Ed Pesce, P.E.

Discussion: An extensive site evaluation was submitted previously by Norm Hayes, as was Mr. Pesce's revised plan. Road run-off from the site is playing a role in site hydrology.

Public comment: The Chair read two letters from abutters into the record (from Mrs. Morash and Mrs. Volke). They conveyed concern for off site flooding.

Dennis Houle asked that the two old outbuildings be removed.

Mrs. Morash and Mrs. Volke both spoke to reinforce the points of their letters. Mary Volke also expressed concern for flooding that may result from the proposed project.

Mr. Pesce responded to the neighbors concerns. Scott Blazis expressed concern for use of both soil and plant composition to determine the wetland. He said that Chapter 237 refers only to plant composition.

A motion was made to continue the hearing to Nov. 28, 2006.

Seconded and voted unanimously.

V OLD & NEW BUSINESS

A. Next meeting: Oct. 17 8.30 a.m. Also, ConCom at Council on 10/19 at 7.00

The dates were acknowledged.

C. Other

None.

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

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|----|------------------|----------|----------|--------------------------------|
| A. | Norberg | SE3-4310 | (coc,ez) | construct guest house * |
| B. | Holman/Stickells | SE3-4478 | (coc,ez) | construct stairway & walkway * |
| C. | Sher | SE3-4117 | (coc,ez) | enlarge float * |

A motion was made to issue the certificates of compliance A through C.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:50 p.m.