



# **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: October 9, 2007, 6:30 p.m.**

**LOCATION: TOWN HALL HEARING ROOM**

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, several resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://town.barnstable.ma.us) ), audiocassette and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:33 p.m. by Chairman Dennis R. Houle. Also attending were Commissioners Peter Sampou, Scott Blazis, Tom Lee, and Louise Foster. Commissioners Larry Morin and John Abodeely were away. Darcy Karle, Conservation Agent, assisted.

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

### **The late Robert D. Smith, Town Attorney, – remembered**

Commissioner Blazis shared some thoughts on Town Attorney Bob Smith's passing. Chairman Houle read a letter written by Rob Gatewood in memory of Bob.

## **I MINUTES FOR APPROVAL**

- A. September 11, 2007
- B. September 18, 2007

A motion was made to approve the minutes, "A" and "B."

Seconded and voted unanimously.

## **II REQUESTS FOR DETERMINATION**

**Matthew Wake.** To seek approval for existing steps to pond; landscape tie wall, and add additional native plants and trees at 396 Huckins Neck Rd., Osterville as shown on Assessors Map 233 Parcel 031. **DA-07078**

The applicant did not attend the hearing.

A motion was made to continue the project to November 27<sup>th</sup>.

Seconded and voted unanimously.

No testimony was taken.

**Kathleen Jeffries.** Upgrade existing septic system at 110 Acorn Dr., W. Barnstable as shown on Assessors Map 216 Parcel 013. **DA-07072**

The applicant was represented by Brad Hall.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Saul & Irma Gershkowitz.** Repair septic system (cesspool to Title 5) at 75 Marshview Ln., Marstons Mills as shown on Assessors Map 076 Parcel 064. **DA-07073**

The applicant was represented by David Flaherty.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Laurie Danforth.** Sewage disposal system upgrade at 246 Carriage Rd., Osterville as shown on Assessors Map 071 Parcel 018. **DA-07074**

The applicant was represented by Roy Okurowski, P. E.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Sand Shores Association.** Vista pruning at beach area and along boat ramp; sand to cover beach; sand to cover exposed footing of retaining wall at 0 Lakeside Dr., Marstons Mills as shown on Assessors Map 102 Parcel 024. **DA-07075**

The applicant was represented by Michelle Atcheson.

Issues discussed:

- Drain holes at base of wall at grade should be kept cleaned out
- No further expansion of beach left to right or further into water
- Possibly adding some retaining steps to stop erosion on path

Public Comment:

Sharon \_\_\_\_ of 225 Lakeside Drive spoke of the partying that occurs at the beach

A motion was made to issue a negative determination with the following conditions:

- Standard vista pruning guidelines must be met; all work must be done in consultation with staff
- 3 to 4-foot understory undulating cutting will be granted
- Additional sand allowed to be added, but not on either side, or in the water
- Stabilization of path allowed, in consultation with staff, with a few water bars to prevent erosion

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Town of Barnstable/DPW.** Demolition of baseball field and gravel driveway; regrading and construction of temporary stormwater detention basin and construction fence; construction of 1,150 sq. ft. of asphalt driveway, parking and landscaping at 141 Bassett Ln., Hyannis as shown on Assessors Map 309 Parcel 264-008. **SE3-\_\_\_\_\_**

The applicant was represented by David Clark.

Issues discussed:

- Storm water controls have been increased for expansion of building and parking.

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

Seconded and voted unanimously.

**Vahan Martirosian.** Repair a portion of existing stone revetment at 25 Sea View Ave., Osterville as shown on Assessors Map 162 Parcel 026-001. **SE3-4664**

The applicant was represented by Peter Sullivan, P. E.

Issues discussed:

- Question of when planting will occur at the top of the bank.

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

- Construction protocol methodology to be approved by staff
- Planting to be done at top of bank.

Seconded and voted unanimously.

**Harold K. Alsman.** Construct addition and swimming pool; repair existing septic system at 460 Old Post Rd., Cotuit as shown on Assessors Map 054 Parcel 030. **SE3-4671**

The applicant was present and represented by Michelle Aucoin.

Issues discussed:

- Possibility of owner adding plants in the 50-foot buffer.
- Owner amenable to adding some plantings, in the future, near edge of road and in corner

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

Seconded and voted unanimously.

**Niraj Shah.** Construct addition to existing house at 106 East Bay Rd., Osterville as shown on Assessors Map 141 Parcel 104-004. **SE3-4672**

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

No concerns arose.

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

Seconded and voted unanimously.

**Laurie Danforth.** Proposed access stairs, pier, ramp, and float at 246 Carriage Rd., Barnstable as shown on Assessors Map 071 Parcel 018. **SE3-4670**

(Danforth, cont'd.)

The applicant was represented by Roy Okurowski.

Issues discussed:

- Letter from MA Division of Fisheries and Wildlife was read by Chairman Houle.
- E-mail from Joe Gibbs stated no objections of Waterways Committee or Harbormaster Staff
- Tom Marcotti's survey read into record regarding the existence of quahogs
- Not enough sounding data on plan
- Comparisons with other areas (between 50–80 feet density) to be made before the next meeting (e.g., Tilton's and Rodgers' applications)
- Cutting on bank
- Will request clarification from Tom Marcotti as to whether this is a high-value shellfish habitat.

A motion was made to continue the project to November 27<sup>th</sup>.

Seconded and voted unanimously.

**Robert Ciolek.** Construct detached garage at 325 Green Dunes Dr., W. Hyannisport as shown on Assessors Map 246 Parcel 157. **SE3-4677**

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

Issues discussed:

- A revised plan was submitted
- Possibility of restoring 15 feet off the retaining wall shall be planted with native plants in consultation with staff.

A motion was made to approve the project with special conditions, stating that 15 feet off of the retaining wall shall be planted with native plants in consultation with staff.

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**Steve Richards.** Remove existing deteriorating concrete beneath deck; install 2' x 2' stone to perimeter, and gravel to center at 43 Stetson, Hyannis as shown on Assessors Map 306 Parcel 066. **DA-07066**

The applicant was represented by Jonathan Tyler.

Issues discussed:

- Work limit-line difficulty
- Removal of concrete must be done by hand because of close proximity to wetland
- Dumping of grass and brush into wetlands
- Runoff containment

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Frank R. & Nancy M. Seldorff.** Demolish existing single-family dwelling; construct new single-family dwelling with septic, driveway, landscaping (including vista pruning), utilities, pool, pool house and all appurtenances at 102 Bluff Point Dr., Cotuit as shown on Assessors Map 034 Parcel 071. **SE3-4663**

(Selldorff, cont'd.)

A letter was read requesting a continuance.

A motion was made to continue the project to December 11<sup>th</sup>.  
Seconded and voted unanimously.

No testimony was taken.

## **V ENFORCEMENT ORDERS**

- A. Robert Bothwell - 252 Clamshell Cove Road, Cotuit  
Court remand for purpose of supplementing the record in enforcement matter

A motion was made to continue the matter to November 13<sup>th</sup>.

Seconded and voted unanimously.

- B. Albert L. Silva Jr. - 72 Three Ponds Drive, Centerville **SE3-0433**  
Alteration of the of the Conservation Commission's 50' buffer zone by removing vegetation.

A motion was made to amend the enforcement order to state that the property owner must demarcate the 50-foot buffer zone with a split-rail fencing, or by other means, as approved by staff.

Seconded and voted unanimously.

## **VI NON-CRIMINAL CITATIONS**

- A. Albert L. Silva Jr. – alteration of a buffer zone by cutting vegetation - \$200.00

Noted.

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

- |                  |          |                  |                                             |
|------------------|----------|------------------|---------------------------------------------|
| A. Wells         | SE3-3590 | (coc,ez)         | construct garage (not built) and addition * |
| B. Elliott       | SE3-0032 | (coc,ez)         | construct roadway                           |
| C. Elliott       | SE3-4446 | (coc,ez)         | construct roadway *                         |
| D. Bay Road R.T. | SE3-4547 | (partial coc,ez) | construct single-family dwelling *          |
| E. Bay Road R.T. | SE3-4158 | (coc,ez)         | construct stairs, dock, ramp, & float *     |

A motion was made to approve all the above certificates "A" through "E."

Seconded and voted unanimously.

## **VIII OLD & NEW BUSINESS**

- A. Proposed conservation restrictions (5): Lamb, Gibson, Sonderegger, Ungermann and Dillingham to Barnstable Land Trust

(Old & New Business, cont'd.)

It was decided that unusual proposed restrictions should be considered on evening agendas.

B. Meetings: 8.30am 10/16; 4.45 arrival for 5.00pm range workshop on 10/17

Noted.

C. Crocker Neck Update

Dennis Houle has been volunteering to lock and unlock the gate since Labor Day.

D. Material Removed from Cordwood Landing

Material removed from Cordwood Landing was the same material which was placed at Navigation Road.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:46 p.m.**