



# Town of Barnstable Conservation Commission

200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093  
MN072605

E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

## MINUTES - CONSERVATION COMMISSION MEETING

DATE – July 26, 2005, 6:30 p.m.

### LOCATION - TOWN HALL HEARING ROOM

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

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

### I REQUESTS FOR DETERMINATION

**Robert T. Jr. & Estelle Colgan.** Dead tree removal; Tree pruning; cabling; cleanup of briars and bittersweet from existing trees; vista pruning at 624 Poponessett Road, Cotuit as shown on Assessors Map 7 Parcel 1. **DA-05065**

Natasha Batchelor represented the applicant.

Ms. Batchelor explained the project.

A motion was made to issue a negative determination

Seconded and voted unanimously.

**Frank J. Kanapicki Jr.** Install approximately 6 sections of split rail fence in a 50' buffer zone along my northern border with 51 Nantucket Street as shown on Assessors Map 325 Parcel 24. **DA-05066**

The applicant represented himself.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Caryn L. Samuel.** Maintenance of existing wire-backed split rail fence, shed on blocks and tarps over arbor for safety and convenience of Alpacas at 4039 Route 6A, Cummaquid as shown on Assessors Map 335 Parcel 58. **DA-05067**

Arlene Wilson represented the applicant.

A neighbor Marsha Elliott expressed concern for the mosquito problem and other issues.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

## II NOTICES OF INTENT

**Michael Benoit, Trs.** Construct small dock at 77 Point Isabella Road, Cotuit as shown on Assessors Map 73 Parcel 31. **SE3-4416**

Attorney Michael Ford and Stephen Wilson, PE represented the applicant.

The prior filing SE3-4233 was placed on the record of the present hearing. The hearing was being continued under the old pier regulations.

Public Comment:

Mason Tenaglia, abutter said they didn't have an opportunity to argue against the matter being considered under the old regulations.

Mr. For outlined 3 issues: a mooring, available depth & accuracy of bathymetric survey.

The proposed boat is a 17 ft. Boston Whaler. Applied Coastal Engineering verified the soundings. No. inside berth would be used.

This new proposal increases the offset to the dock by 12'.

A letter from the Division of Marine Fisheries said it's a significant shellfish habitat where the pier would be located. Their letter was entered into the record.

A letter from Suzanne Geoffrionne was added to the record. It was in opposition.

Public Comment:

Mason Tenaglia, abutter cited a navigation/safety issue.

Sam Jeffries spoke in opposition to the pier, concerned about the spacing of the piers.

Joe Hanlon from Bourne Consultants, representing the abutters, said the key issue is appropriate access.

Lenny Clark said he shellfishes recreationally at this site in the winter.

Attorney Michael Ford discussed the public comments.

He added a letter to record herein. Mr. Welsh objected to the proposed construction of the abutter's piers back in 1985. A revised plan was submitted which increased the offset to the neighbors pier to 29 ft.

Attorney John Alger who represented Stanley Welsh affirmed the Benoit lot was always a separate lot.

Mr. Benoit said his attempt to interest the Parsons in sharing their pier hasn't gotten anywhere.

Back to the Commission.

Dennis said it seems a matter of fairness for the Benois.

Scott liked the revised plans, but said we're at the very edge of approvability.

John found the bathymetric study acceptable, and thus the draft requirement satisfied. No CCA material would be used. John thought navigation was still doable.

A motion was made to approve the project for the specified boat (17' Whaler and a 115 hp engine) but if the boat would change, that engine size be reduced to 90 hp.

**Michael Benoit, Trs, cont'd.**

Seconded and voted. 4 aye to 1 nay.

**E.A. Ready & Sons, Inc.** To conduct sub-surface soil testing with both drilling rig and excavator at 0 Main Street/Rte 6A, West Barnstable as shown on Assessors Map 197 Parcel 40.

Matt Farrell represented the applicant.

Proposed drilling of soil test holes (6") was the subject of the application. That would be the 1<sup>st</sup> phase. Then an excavator would do the follow-on percolation testing, if suitable soils were found. He would try to avoid vegetation to the extent possible.

Public Comment:

Rich Holsek abutter felt it an unbuildable lot. He said his well was 25 ft. away.

David Allen, abutter said in 2002 an earlier attempt to perc the lot failed. An enforcement history was cited.

The Commission was concerned for responsibility on the eventual reclamation of disturbed areas.

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

Seconded and voted unanimously.

**William Sullivan.** Remove and replace existing bulkhead and stairway at 990 Main Street, Cotuit as shown on Assessors Map 34 Parcel 34. **SE3-4418**

Stephen Wilson, PE, represented the applicant.

The davit was deleted by the Commission. Final wall design (to remove existing jogs potentially) and construction material will be in consultation with staff.

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

Seconded and voted unanimously.

**Peter & Catherine Murray.** Permit & maintain existing ramp & floats in and over Wequaquet Lake at 39 Vine St. (336 Holly Point Rd.), Centerville as shown on Assessors Map 232 Parcel 26.

Lynne Hamlyn represented the applicant. No concerns arose.

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

Seconded and voted unanimously.

**Steven Hirsch.** Demolition and removal of an existing detached guest house, construction of addition and new detached guest house with Title 5 septic system. Also proposed is the repair/construction of stone retaining walls at 149 Ocean View Avenue, Cotuit as shown on Assessors Map 33 Parcels 15, 30 & 31. **SE3-4324**

A motion was made to continue the project to August 9, 2005.

Seconded and voted unanimously.

No testimony was taken.

#### IV CONTINUANCES

**Seapuit Partners LLC, c/o Floyd Silvia.** Proposed reconstruction of existing licensed permanent pier, construction of new ramp, float, and elevated walkway, and maintenance dredging of existing channel at 237 Seapuit Road, Osterville as shown on Assessors Map 095 Parcel 014. **SE3-4375**

A motion was made to continue the project to August 23, 2005.

Seconded and voted unanimously.

No testimony was taken.

**Martha S. Tilton.** Build a seasonal 4x4 timber pier with 3 bents of 12 feet of permanent boardwalk to mean high water, access stairs and 14 bents of 8 feet of 4x4 construction for 112 feet plus a 3'x16' ramp and 10'x20' float extending in all 100 feet from mean low water at 136 Great Bay Road, Osterville as shown on Assessors Map 72 Parcel 34. **SE3-**

**Martha S. Tilton, cont'd.**

A motion was made to continue the project to September 27, 2005.

Seconded and voted unanimously.

No testimony was taken.

**Thomas Capizzi, Trs.** Construction of a single family home in buffer zone at 4591 Falmouth Road, Cotuit as shown on Assessors Map 24 Parcel 41-1. **SE3-4351**

Staff's opinion was that the quorum had been lost and that the applicant would be refilling.

Just to be safe, the following motion was made.

A motion was made to continue the project to September 13, 2005.

Seconded and voted unanimously.

No testimony was taken.

#### V OLD & NEW BUSINESS

A. Other

None

#### VI ENFORCEMENT ORDERS

A. DA-05001 – Pacheco – unpermitted deck reconfiguration and shed construction

Mr. Pacheco attended with his attorney David Lawler. Mr. Lawler informed that on the footprint of the unauthorized shed, a gazebo used to stand.

A motion was made to issue a written Enforcement Order with a cease and desist component and a requirement that a Notice of Intent be filed within 60 days.

Seconded and voted unanimously.

The Commission will expect suitable mitigation to be part of the submittal.

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

A. Gutierrez SE3-4040 (coc,ez) add boat lift, two floats, & ramp to pier \*

A motion was made to approve the Certificate.

Seconded and voted unanimously.

**VIII EXECUTIVE SESSION**

A. Pending litigation

A motion was made to enter executive session to discuss pending litigation the Chairman informed that the Commission would not be returning to public session,

**Executive session, cont'd.**

Seconded and voted by roll call.

John Abodeely – Aye

Scott Blazis – Aye

Dennis Houle – Aye

John Parker – Aye

Peter Sampou – Aye

Thus, the public session ended.

The time was 10:06 p.m.