



**Town of Barnstable
Conservation Commission**
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MINUTES – CONSERVATION COMMISSION MEETING

DATE: JANUARY 8, 2013 6:30 PM

LOCATION: SELECTMEN'S CONFERENCE ROOM

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, 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 Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise R. Foster. Commissioner John E. Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Selectmen's Conference Room, Barnstable Town Hall, Hyannis, MA. At approximately 8:00 p.m., the meeting was moved to the adjacent Town Hall Hearing Room, at the consent of the School Committee.

I MINUTES FOR APPROVAL

A. December 18, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

William W. Staudt. Phragmites removal and invasive plant management at 95 & 117 Eel River Rd., Osterville as shown on Assessor's Map 116 Parcels 121 & 097. **DA-13002**

The applicant was represented by John O'Dea, P.E.

Staff discussed the concern over monitoring the increasing number of Phragmites control applications and the wide variety of methods proposed and used to remedy these prevalent conditions. For those applications approved as negative determinations, there is no procedure or mechanism for meaningful oversight or imposition of conditions. Accordingly, the Conservation Administrator recommended that the Notice of Intent track be used and relied upon, not only as to this project, but also as to other similar projects coming before the Commission at future hearings.

A motion was made to issue a positive determination.

Seconded and approved: 5 votes = aye; 1 vote = nay.

Town of Barnstable/M.E.A. Install utility pole and conduit leading out to existing pole on town dock at 37 Oyster Place Rd., Cotuit as shown on Assessor's Map 035 Parcel 089. **DA-13003**

The applicant was represented by Joe Gibbs, Assistant Harbormaster.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Ronald M. & Julie F. Thalheimer. Proposed pool and patio area and replace existing timber treads to pond with elevated stairway; vista pruning at 217 Wheeler Rd., Marstons Mills as shown on Assessor's Map 082 Parcel 022. **SE3-5054**

The applicant was represented by John O'Dea, P.E.

Mitigation planting was proposed.

The proposed plan was displayed and noted as Exhibit A.

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

Seconded and voted unanimously.

Robert Peck. Install in-ground gunite pool with attached spa and impervious paver patio at 171 Elliot Rd., Centerville as shown on Assessor's Map 228 Parcel 198. **SE3-_____**

Via letter, the applicant requested a continuance to February 19th.

A motion was made to continue the hearing to February 19th.

Seconded and voted unanimously.

No testimony was taken.

Three Bays Preservation, Inc. & Mass. Audubon Society, Inc. Proposed barrier beach management plan to include maintenance dredging and beach nourishment and other activities to enhance wildlife habitat and maintain integrity of barrier beach; proposing to remove the western-most 800 ft of Sampson's Island via dredging, and to use this sand to fortify the eroding front beach at Dead Neck. **SE3-5053**

The applicant was represented by Lindsay Counsell, Dr. Kathryn Parsons of Massachusetts Audubon, John Ramsey, P.E., and John O'Dea, P.E.

A management/restoration plan for Dead Neck & Sampson's Island was submitted, and noted as Exhibit A.

Photos of Three Bays were submitted and noted as Exhibit B; abutters' letter requesting additional information and clarifications was received by Atty. Eliza Cox and noted as Exhibit C.

At the onset, the Chair announced that tonight's proceeding would be fact-finding in nature. No decision should be expected tonight.

Letters were received from the following people and entities:

- Atty. Michel Ford on behalf of Bonnybrook Trust;
- John & Nancy Walcott;
- Warren and Suzie Wheelwright;
- Commissioner John Abodeely;
- MA Division of Marine Fisheries;
- Atty. Patty Daley;
- Stuart Rapp, Chairman, Town Shellfish Committee;
- Tom Marcotti, Town Shellfish Biologist;

- Atty. Eliza Cox on behalf of abutters on a list provided to the Commission.

Public comment was provided by the following: Mark Lazari, Atty. Patty Daley, Charles Smartwood, Rich Berry, Rich Boden, Susan Hardy, Dave Brickour, Roman Briscus, Atty. Liza Cox, John Nawoichek, Mike Hope, Marion Skollis, and Suzanna Wheelwright and Atty. Lisa Cox. The great majority (but not all) of the comments expressed concern for the project, chiefly for possible adverse impact on shoreline stability and recreation. Atty Cox suggested the project should be referred to the Cape Cod Commission as a Development of Regional Impact.

A motion was made to continue the hearing to March 19th.

Seconded and voted unanimously.

Alan Green. Raze existing cottage and construct two-car garage at 101 Center Ln., Centerville as shown on Assessor's Map 251 Parcel 220. **SE3-5056**

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

The proposed plan was displayed and noted as Exhibit A.

Public comment:

Attorneys John Gibney and John McLaughlin, Paul Rowans and Linda Amato Loveman, all expressed their concern for the project, chiefly issues involving standing to file the application, aesthetics, and use of the proposed structure.

A motion was made to continue the hearing, at the applicant's request, to January 22nd.

Seconded and voted unanimously.

IV CONTINUANCES

Ocean Drive LLC. Construct in-ground pool with patio, pool house with utility shed, site prep and landscaping mitigation planting on-site at Eugenia Fortes Beach at 27 Marchant Ave., Hyannisport as shown on Assessor's Map 286 Parcel 25 and 40 Iyanough Ave., Hyannisport as shown on Assessor's Map 287 Parcel 132. **SE3-5045**

Via letter, a continuance to February 19th was requested. The requested date conflicted with the schedule of at least one Commissioner, but as neither the applicant nor their agent were in attendance, an alternate date could not be established.

A motion was made to continue the hearing to February 19th.

Seconded and approved: 5 votes = aye; 1 vote = nay.

No testimony was taken.

Edward Nelson. Replace existing shed and hardscape, retaining walls and patios at 75 and 0 Marshview Ln., Marstons Mills as shown on Assessor's Map 076 Parcels 064 and 008. **SE3-5051**

Via letter, a continuance to February 5th was requested.

A motion was made to continue the hearing to February 5th.

Seconded and voted unanimously.

No testimony was taken.

V REVISED PLANS

- A. Indian Point Inc. SE3-5042 additions, garage, pool mostly demo/ rebuild

The applicant was represented by John O’Dea, P.E.

The original and revised site plans were displayed and noted as Exhibits A and B, respectively; photos of partial foundation were displayed and noted as Exhibit C.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

- A. Proposed Conservation Restriction, Barnstable Housing Authority to Barnstable Land Trust on 4.48 acres at 70 Old Stage Coach Road and 151 Oak Street, Centerville.

Jaci Barton, Exec. Director of the Barnstable Land Trust, attended the hearing.

A motion was made to approve the proposed conservation restriction.

Seconded and approved: 5 votes = aye; 1 vote = nay.

VII CERTIFICATES OF COMPLIANCE

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|----|-----------|----------|----------|--|
| A. | McGraw | SE3-4485 | (coc,ez) | construct pool, cabana, & putting green * |
| B. | Selldorff | SE3-4850 | (coc,ez) | replace timber bulkhead * |
| C. | Ginsberg | SE3-4489 | (coc,ez) | construct condominium complex * |
| D. | Canzano | SE3-1223 | (coc,ez) | construct seasonal dock, ramp, & float * |
| E. | Mellon | SE3-0432 | (coc,ez) | construct bulkhead; dredging * |
| F. | Guarco | SE3-5033 | (coc,ez) | after-the-fact expansion of deck |
| G. | Warren | SE3-3493 | (coc,ez) | re-issue COC previously approved 12/4/2012 |
| H. | Warren | SE3-3494 | (coc,ez) | re-issue COC previously approved 12/4/2012 |

A motion was made to approve all certificates.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:55 p.m.