



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: February 19, 2013 6:30 PM

LOCATION: HEARING 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, Larry Morin, and Louise Foster. Commissioners John Abodeely and Scott Blazis were away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

I MINUTES FOR APPROVAL

A. February 5, 2013

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Mass. Dept. of Transportation – Highway Division. Replacement of drainage pipe near a barn at 3800 Main St, on north side of Route 6A. **DA-13006**

The applicant was represented by Thomas McGuire, P.E., and Andrea Coates.

Exhibits:

- A copy of the easement was provided for the file and noted as Exhibit A.
- Photos were provided for the file and were noted as Exhibit B (1-14).

Issues discussed:

- Deep sump catch basins will be employed to reduce sedimentation.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Dorothy R. Baker, Tr./Dorothy R. Baker Trust. Construct retaining wall in back of house approx. 90 feet from edge of pond; extend existing lawn to edge of wall; relocate stairs to front of retaining wall at 142 Pond St., Osterville as shown on Assessor's Map 118 Parcel 100. **DA-13008**

The applicant was represented by John O'Dea, P.E.
MN021913

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

William & Prudence Pigott. Construct 7.2' x 23.9' (2-story) addition to existing house at 95 Sunset Ln., Barnstable as shown on Assessor's Map 301 Parcel 027. **DA-13007**

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

Issues discussed:

- A concern arose about the lack of mitigation for the project.
- A drywell will be provided for roof runoff, as needed.

A motion was made to issue a negative determination, contingent upon conformance with filing standards.

Seconded and voted unanimously, with one abstention.

Eugene M. McQuade. Replant foundation plantings; remove honeysuckle and bittersweet on coastal bank; replant with bayberry and pasture rose; remove 2 cedars at left of drive at 61 Dale Ave., Hyannisport as shown on Assessor's Map 286 Parcel 027. **DA-13009**

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

Issues discussed:

- Two trees were proposed for removal, as they block egress sight lines.
- No replacements were thought necessary.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Marcia S. & Robin A. Brown, Trs./Robin A. Brown Living Trust & Marcia S. Brown Living Trust. Elevate existing cottage to meet flood code; add 2nd story; replace septic system; construct guesthouse and access stairs at 250 Smoke Valley Rd., Osterville as shown on Assessor's Map 097 Parcel 002. **SE3-_____**

The applicant was represented by Arlene Wilson, P.W.S.

Exhibits:

- A copy of the proposed plan was displayed and noted as Exhibit A.
- Copies of the septic system permits were provided for the file and noted as Exhibits B and C, respectively.
- An 11x17 photo was provided and noted as Exhibit D.
- An 8½ x 11 photograph was provided and noted as Exhibit E.
- A copy of the Massachusetts Estuaries Project Report for Three Bays was provided and noted as Exhibit F.

Issues discussed:

- The peak of the proposed second floor is 2½ feet lower than previously proposed.
- The parcel contains 5.8 acres overall.
- First floor elevation will be 12.0 feet.
- The septic system was approved by D.E.P. and the Barnstable Board of Health.
- Three trees are proposed for removal and replacement.

- Approximately 200 square feet of existing lawn on the bay side of the house will be removed and replaced with suitable native shrubs.
- Ms. Wilson said that no design standards exist for aesthetics.
- The question of intensification of use was discussed; the applicants expressed their willingness to provide a 4:1 landscape mitigation, if required by the Commission

Public comment:

- A public comment letter from John Abodeely was read.
- The water quality impairment of the Marstons Mills River was discussed.
- The Chair maintained that the project would further degrade the water resource, as well as the local aesthetics. A de-nitrifying septic system was suggested. The summertime rotting algae situation in the locality was noted.
- The cottage is classifiable as a single-family residence, according to Ms. Wilson. It is served by a septic tank and a “stone bed.” Ms. Wilson said that the applicant would be willing to consider an add-on to the septic system which would produce a reduction in nitrogen.

A motion was made to continue the hearing to April 2nd.

Seconded and voted unanimously.

Christopher Stavros, Tr./936 Sea View Realty Trust. Raze and rebuild a single-family dwelling with appurtenances within the 100-foot buffer zone to coastal bank at 936 Sea View Ave., Osterville as shown on Assessor’s Map 091 Parcel 004. **SE3-5065**

The applicant was represented by Stan Humphries and Donald Bracken, P.E.

Exhibits:

- The proposed site plan was displayed and noted as Exhibit A.

Issues discussed:

- 2,127 square feet of mitigation planting was proposed, using native shrubs.
- No trees within the 50-foot buffer will be removed. Trees within 50 – 100 feet may be removed, in consultation with staff.

Public comment:

- Sheila Largay said that not all trees at the site were shown on the plans. She added that hardscape would result in pollution to the bay

A motion was made to approve the project with special conditions. No trees within the 50-foot buffer will be removed. Trees within 50 – 100 feet may be removed, in consultation with staff.

Seconded and voted unanimously.

Christopher Stavros, Tr./21 Wianno Head Road Realty Trust. Raze and rebuild single-family dwelling with appurtenances within the 100-foot buffer zone to coastal bank and land subject to coastal storm flowage at 21 Wianno Head Rd., Osterville as shown on Assessor’s Map 091 Parcel 005-001. **SE3-5066**

The applicant was represented by Stan Humphries and Donald Bracken, P.E.

Exhibits:

- The proposed plan was displayed and noted as Exhibit A.

Issues discussed:

- Approximately 2,169 square feet of mitigation planting was proposed, using bayberry, beach plum and sweet fern.
- Four trees were proposed for removal within the 50-foot buffer.

- The Commission requested a revised plan showing the trees, although only the cherry tree was allowed to be removed.

Public comment:

- Michael Kaneb expressed concern for tree removal and for the change in neighborhood character the project would bring about. He asked that his property not receive any additional runoff.

Details of a FEMA LOMR are still being worked out, and the applicant requested a continuance to complete that task.

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

Seconded and voted unanimously.

Charles M. & Janet M. Daley. Extend existing bulkhead approximately 54.5 linear feet at 280 North Bay Rd., Osterville as shown on Assessor's Map 072 Parcel 007. **SE3-5060**

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

Exhibits:

- The proposed plan was displayed and noted as Exhibit A.

Issues discussed:

- A revised plan will be submitted to indicate the best possible connection of this structure with that of the abutter.

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

Seconded and voted unanimously.

Brian Dacey. Construct pathway/boardwalk from 46 Little Island Drive to access beach area at dock on 45 Little Island Drive, at 45 Little Island Dr., Osterville as shown on Assessor's Map 093 Parcel 058-007. **SE3-5064**

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

Exhibits:

- The proposed plan was displayed and noted as Exhibit A.

Issues discussed:

- Cross-sloped sections of pathway would be constructed as elevated boardwalk using grated decking.
- Compensatory mitigation planting will be provided in the existing lawn, in consultation with staff.
- A revised plan will be submitted.

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

Seconded and voted unanimously.

IV CONTINUANCES

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. **SE3-5057**

The applicant was represented by Peter Brennan.

Exhibits:

- The proposed plan was displayed and noted as Exhibit A.

Issues discussed:

MN021913

- A draw-down pit was not shown; a revised plan will be required.
- A clearing/dumping violation will be handled on a separate enforcement track.

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

Seconded and voted unanimously.

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**

The applicant was represented by Arlene Wilson, P.W.S.

A motion was made to continue the hearing to April 30th.

Seconded and voted unanimously. No testimony was taken.

Wolfram Vedder/WVDV/Island Ave. R.T. Convert existing cottage to one bedroom; construct guest house, new septic, and landscaping at 119 & 129 Island Ave., Squaw Island, Hyannisport as shown on Assessor’s Map 265 Parcels 018-001 & 018-002. **SE3-5059**

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

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

Seconded and voted unanimously. No testimony was taken.

V CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|---------------|----------|----------|--|
| A. | CTS Fiduciary | SE3-4827 | (coc,ez) | replace in-ground pool; add retaining wall * |
| B. | Sheehan | SE3-0535 | (coc,ez) | construct detached garage |

A motion was made to approve all the certificates (A – B).

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

Proposed additions to the Shooting Range Regulations, Chapter 702 of the Town of Barnstable Code. The proposed additions include future required liability waivers for all users and additional requirements for minors.

Exhibits:

- The proposed liability waivers were distributed and noted as Exhibit A (1-3).
- Caroline Charlan offered a suggested liability waiver, noted as Exhibit B.

Discussion followed.

The Chair informed the public that adequate insurance is not available for the range as an unsupervised site, as it has been in the past. The Town is pursuing a business plan which would provide staff supervision during shooting hours. The Town is also keeping options open for potential privatization of the range. Safety improvements are also being targeted. Additional requirements for minors have not been drafted as yet. Once completed, they’ll be discussed at a future public hearing.

- Patrick Burns said that the Town should not be held accountable for an accident at the range unless a Town employee was directly responsible. The Town is responsible for providing a safe range.
- Kevin York, certified firearms instructor, said the range has been proven safe for many years. He said range users are “certified good citizens.”
- Bruce Wagman suggested making some of the users “volunteer range officers” to help keep expenses in check.
- Frank Adenoffi said we [the town] are waiving everything that could happen, even if it’s the Town’s negligence. He asked that it be reviewed.

A motion was made to approve the three waivers.

Seconded and voted: 4 votes: “Aye;” 1 vote: “Nay.”

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:08 p.m.