



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: MAY 14, 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 John Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. 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. April 30, 2013

A motion was made to approve the minutes.

Seconded and voted unanimously. Commissioner Abodeely abstained.

II REQUESTS FOR DETERMINATION

Town of Barnstable/D.P.W. Install surge stones and 1½" stones in eroded landing to prevent further erosion; renourish beach area with approx. 4" of native washed, screened sand at 1431 Phinney's Ln. Hyannis as shown on Assessor's Map 275 Parcel 002. **DA-13028**

The applicant was represented by John Juros, Joe Marshall, and Rebecca Nickerson.

Exhibits:

- Site photos were displayed and noted as Exhibit A (1 – 6).
- The proposed site plan was displayed and noted as Exhibit B.

Issues discussed:

- Importance of not over-nourishing over tree roots.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Kazmierus & Karen Snieska. To put a 40" wide concrete walkway encircling house to accommodate wheelchair; blacktop driveway from garage to street; add 10' x 10' deck to back NE corner of existing deck for hot tub at 23 Blossom St., W. Hyannisport as shown on Assessor's Map 246 Parcel 023. **DA-13024**

The applicants attended the hearing.

Issues discussed:

- A hot tub draw-down leaching pit will be provided.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Dana J. & Caroline Cuffe. Rebuild timber wall and reset stones around it at 177 Crystal Lake Rd., Osterville as shown on Assessor's Map 139 Parcel 056. **DA-13026**

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

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Murray Scudder/Hyannis Harbor Tours, Inc. Maintenance dredge 2,200 cu. yards with upland disposal, at 220 Ocean St., Hyannis as shown on Assessor's Map 326 Parcel 070. **SE3-5081**

Request for continuance

A continuance was requested via letter.

A motion was made to continue the hearing to June 11th.

Seconded and voted unanimously.

No testimony was taken.

Michael & Trudy Sullivan. Construct addition to existing house; remove roof; increase height of 2nd floor; construct new roof; relocate septic tank; landscaping and mitigation planting at 448 Starboard Ln., Osterville as shown on Assessor's Map 167 Parcel 054. **SE3-5086**

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

Exhibits:

- The proposed site plan was displayed and noted as Exhibit A.
- Elevation views were displayed and noted as Exhibit B.

Issues discussed:

- House has four bedrooms on three acres; it would remain thus;
- Inability to convey amount of mitigation planting to be provided.

A motion was made to continue the hearing to 6/25/13.

Seconded and voted unanimously.

Indian Point, Inc. Construct single-family dwelling with septic system, driveway, pool and cabana; all associated appurtenances; relocate utilities to the way; 4-foot-wide path to water at 10 Indian Trail, Osterville as shown on Assessor's Map 091 Parcel 014. **SE3-5088**

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

Exhibits:

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

Issues discussed:

- Need for photo overlay to show remnant trees;
- Need for future landscaping plan with additional planting;
- A revised plan reconfiguring the easterly portion of retaining wall.

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

Seconded and approved: 6 votes = “Aye;” 1 vote = “Nay.”

Robert Littleton. Reconfigure existing licensed seasonal dock and convert to permanent dock; shorten dock to reduce encroachment with new dredged channel in Centerville River at 23 Hayward Rd., Centerville as shown on Assessor’s Map 141 Parcel 123-001. **SE3-_____**

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

Exhibits:

- The proposed site plan was displayed and noted as Exhibit A.
- An overlay plan showing various configurations was noted as Exhibit B.

Issues discussed:

- An email from the Harbormaster requesting a continuance to enable the committee to review the project;
- An email from the Town Shellfish Biologist finding no adverse effect;
- A comment letter from the MA Division of Marine Fisheries;
- A letter from the Thorpes (abutters) concerned with erosion;
- The proposed configuration would actually improve navigational passage;
- A determination needed on the exact extent of the two waivers being requested;
- History on previous pier approvals and rationales at the site.

A motion was made to continue the hearing to 6/25/13.

Seconded and voted unanimously.

Barnstable Harbor Builders. Renovate existing single-family dwelling and reconfigure existing drive at 194 Bay Ln., Centerville as shown on Assessor’s Map 186 Parcel 075. **SE3-5085**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Although mitigation is not required, shrub clumps will be provided (300 square feet);
- Work limit line provided.

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

Seconded and voted unanimously.

IV CONTINUANCES

Thomas & Victoria Vallely. Construct addition to single-family dwelling at 448 Wianno Ave., Osterville as shown on Assessor’s Map 163 Parcel 026. **DA-13016**

Request for continuance

A continuance was requested via letter.

A motion was made to continue the hearing to 6/25/13.

Seconded and voted unanimously.

No testimony was taken.

John Ahern. Remove invasive vines on slope; prune dead and broken limbs in area; remove pitch pines closest to house at 640 Poponessett Rd., Cotuit as shown on Assessor's Map 006 Parcel 018. **DA-13019**

The applicant was represented by Justin O'Connor.

Exhibits:

- A revised landscape plan was displayed and noted as Exhibit A.

Issues discussed:

- Adding an American holly to the plantings;
- Adding shrub planting to near-bank buffer rather than on bank.

A motion was made to issue a negative determination.

Seconded and approved: 5 votes = "Aye;" 1 vote = "Nay." Commissioner Abodeely abstained.

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 Lindsey Counsell, Joe Ramsey, P.E. and Peter Sullivan, P.E.

Exhibits:

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

Issues discussed:

- No NHESP filing has been made to date;
- Greg Berman, coastal geologist, described the Applied Coastal Report as an excellent framework for the management plan. Mr. Berman's report (received since last hearing) prompted several questions and clarifications from the Commission;
- John Ramsey, P.E. said a phased, 3-part project would allow assumptions to be tested in step fashion.
- The phased approval would, in the end, provide 180,000 cubic yards of dredging and nourishment. Phase-I would be but 40,000 cubic yards;
- The proposed monitoring plan would provide the criteria for measuring success which, in turn, would provide the basis for launching further phases. However, the first year monitoring time between phases was considered much too short.
- Correspondence received since the last hearing was noted by the Chair as follows:
3/18/13, John C. Kiley of Cotuit; 3/19/13, Robert Johnson and Susannah Wheelwright of Centerville; 3/20/13, Zenas Crocker of Osterville; 3/21/13, Judith Wiseman of Marstons Mills; 3/22/13, Catherine Ellis of Osterville; 3/25/13, Jill Bourgeois of Cotuit; 5/6/13, 14 Barnstable residents (petition/letter to MEPA Office Director; 5/8/13, Steven Mojo of Cotuit; 5/8/13, Tom Burgess of Cotuit Civic Association; 4/8/13, Charles Bailey, Jr. (former resident).

Public comment:

- Atty. Liza Cox said she would reserve substantive comment for the next meeting. She will be meeting with the applicant next week;
- Patrick Sullivan said he would like to see an independent study done.

A motion was made to continue the hearing to 7/9/13.

Seconded and voted unanimously. Commissioner Abodeely abstained.

Stuart Bornstein/Stuborn LLC. Remove existing wharf, construct private docking facility to include maintenance dredging, removal of fill, bulkheads, repair of existing bulkhead with protective stone revetment; placement of pier, ramp, floats in Barnstable Harbor at 153 Freezer Rd., Barnstable as shown on Assessor's Map 301 Parcel 006. **SE3-5052**
Request for continuance to 6/11/13

Via letter, a further continuance was requested.

A motion was made to continue the hearing to 6/11/13.

Seconded and voted unanimously. Commissioner Abodeely abstained from the vote.

No testimony was taken.

V UNDER ADVISEMENT

Niraj & Jill Shah. Construct boardwalk across salt marsh to access East Bay at 110 East Bay Rd., Osterville as shown on Assessor's Map 141 Parcel 123-001. **SE3-5078**

The matter was withdrawn without prejudice

VI CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|---------|----------|----------|---|
| A. | TOB/DPW | SE3-1026 | (coc,ez) | install water main down Betty's Pond Road |
| B. | Crosby | DA-08045 | (coc,ez) | modifications to existing float |
| C. | Sousa | SE3-1075 | (coc,ez) | landscaping & driveway changes (not done) |
| D. | TOB/DPW | SE3-1018 | (coc,ez) | install drainage at Oak Street to Garretts Pond |
| E. | Vazza | SE3-4940 | (coc,ez) | construct single-family dwelling * |

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 9:52 p.m.