



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: March 4, 2008, 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 6:31 p.m. by Chairman Dennis Houle. Also attending were Commissioners Peter Sampou, Scott Blazis, Larry Morin, Tom Lee, and Louise Foster. Vice-Chairman John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted along with Darcy Karle, Conservation Agent, and Fred Stepanis, Conservation Assistant.

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

### I MINUTES FOR APPROVAL

A. February 19, 2008

A motion was made to approve the minutes.

Seconded and voted unanimously.

### II CONTINUANCE

**Robert Benedetto.** Amend Order of Conditions **SE3-4203**. Construct single-family residence, septic and landscaping (as an amended order of previously permitted project SE3-4203); construct additional 100 feet of drainage piping and backfill ditch at 359 Santuit Road, Cotuit as shown on Assessors Map 020 Parcel 003.

The applicant was represented by Attorney Michael Ford, and Stephen Wilson, P.E.

Issues discussed:

- The low flow (occasionally observed) or no-flow condition of the stream
- Acknowledging the Town's right to convey future flow through the Benedetto site
- Whether the easement is already encumbered by the northerly neighbors
- The existing Order of Conditions (unappealed) requires the granting of an easement over the northerly portion of the lot
- The possibility of this culverting being a precedent for similar work elsewhere
- Possibility of amending the Order only to the extent of yielding on the conservation restriction.

A motion was made to amend the Order of Conditions to delete the requirement for the Conservation restriction only.

(Benedetto, cont'd.)

Seconded and voted: 3 votes "aye;" 2 votes "nay" (approval under the Town; to be determined under the State).

Commissioner Louise Foster abstained, as she was not part of the quorum.

### **III NOTICES OF INTENT**

**Michael A. & Laurie A. Paternoster, Jr.** Bluestone patio area with associated drainage and landscaping improvements (rebuild stockade fence and enhance plantings) at 292 Long Beach Rd., Centerville as shown on Assessors Map 185 Parcel 025. **SE3-4707**

Due to the project location being within the proposed DCPC, the hearing was opened and then immediately continued.

A motion was made to continue the hearing to June 10.

Seconded and voted unanimously.

No testimony was taken.

**Paul H J O & Janet J. Voute.** Retaining wall with fill and associated drainage for proposed parking area at 116 Wild Goose Way, Centerville, as shown on Assessors Map 167 Parcel 046. **SE3-4708**

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

Issues discussed: None

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

Seconded and voted unanimously.

**Jay Bergeron & Joanne L. Crowley.** Construct permanent timber pier with seasonal ramp and float at 59 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 034. **SE3-4709**

Issues discussed:

- Shellfish value of zero
- No boat purchased yet
- Whether a shellfish survey is needed
- The fact that no waivers have been granted under the new regulations
- Disturbance of surface sediments and resultant nutrient release
- Suitability of seasonal dinghy dock, except for gangway and float
- The subject site as the only one remaining in the cove without a pier
- Consideration of a length-of-pier waiver request (disallowed in the end).

A motion was made to approve the project with special conditions, subject to a revised plan rendering the pier as a shortened dinghy dock.

Seconded and voted unanimously.

#### IV MORE CONTINUANCES

**Town of Barnstable/DPW.** Demolish existing bathhouse/concession building; construct new bathhouse/concession building and new Coastal Interpretive Center; expand and redesign existing parking facilities at Sandy Neck Beach Facility, Sandy Neck Road, W. Barnstable as shown on Assessors Map 263 Parcel 001. **SE3-4661.**

The applicant was represented by Bob Burgann, Town Engineer.  
Commissioner Tom Lee recused himself.

Issues discussed: None

A motion was made to continue the hearing indefinitely.

Seconded and voted unanimously.

**Grabscheid & Bloom, Trs., The Sheila R. Bloom 2004 Trust.** Construct and maintain interlocking block wall; no grade changes proposed at 193 Wheeler Rd., Marstons Mills as shown on Assessors Map 082 Parcel 023. **DA-08019**

Via letter, the matter was withdrawn.

#### V REVISED PLANS

A. Joseph Fallon DA-07035 approved porch, landscaping, pool fence proposed pool hse

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

Issues discussed: None

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Town of Barnstable/ D.P.W. SE3-4598 rebuild Pleasant St. dock delete pumpout

The applicant was represented by Bob Burgmann, P.E., Town Engineer.

Commission Tom Lee recused himself.

Issues discussed:

- The three deep-sea fishing boats will not utilize the proposed pumpout
- The harbormaster cannot staff the proposed pumpout
- The sewer line will be constructed to accommodate a future need

The matter was tabled until a future date when the Commission will consider the Pleasant Street pressure main Notice of Intent.

#### VI REQUEST FOR AMENDED ORDER

**Town of Barnstable/Conservation Division.** Amend Order of Conditions **SE3-4531** (construct inlet between Rushy Marsh Pond and Nantucket Sound by installing culvert, stone groin, snow fencing and associated appurtenances) by eliminating (or making optional) the proposed mitigation consisting of abandonment and removal of old existing groins at 60 Oregon Way, Cotuit as shown on Assessors Map 016 Parcel 011.

The applicant was represented by Rob Gatewood, Conservation Administrator.

Issues discussed:

- At the property owner's request, the proposed removal/abandonment of four long-existing groins was discussed.

A motion was made to approve the Amended Order with the deletion of the proposed groin-removal mitigation.

Seconded and voted unanimously.

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

A.	Ward	SE3-4189	(coc,ez)	manage invasive plants *
B.	Gildea	SE3-4578	(coc,ez)	modify pier *
C.	Barnstable Harbor Ventures	SE3-4601	(coc,ez)	construct retaining walls & pool *
D.	Keyspan Energy	SE3-4323	(coc,ez)	extend gas main & install service connection systems *
E.	Berman	SE3-3838	(coc,ez)	permit existing pier *
F.	Davis	SE3-4157	(coc,ez)	repave roadway & replace culvert *

A motion was made to approve all certificates.

Seconded and voted unanimously.

**VIII OLD & NEW BUSINESS**

A. Morning meeting 3/11 8.30 a.m.

Noted

B. Other

None

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:56 p.m.**