



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: SEPTEMBER 30, 2008 – 6:30 P.M.

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, several resources are available to you: video-on-demand (free on the Town website at 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 6:30 p.m. by Chairman Dennis Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Scott Blazis, Larry Morin, Tom Lee, and Louise Foster. Commissioner Peter Sampou was away. Conservation Administrator Rob Gatewood assisted.

The meeting was held in the Selectmen's Conference Room, Barnstable Town Hall, Hyannis, MA.

I MINUTES FOR APPROVAL

A. September 9, 2008

A motion was made to approve the minutes as amended on September 19, 2009.

Seconded and voted unanimously.

B. September 16, 2008

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Kate Mitchell and Patricia Toalson. Restoration and maintenance of the 50-ft. buffer zone of a bordering vegetated wetland and selective pruning of trees within buffer at 761 Main St., W. Barnstable as shown on Assessors Map 156 Parcels 061 and 062. **DA-08081**

The applicant was represented by Lisa Henrickson and Dr. Hillary Sandler.

Issues discussed:

- Invasive species include Norway Maple, black locust, bush honeysuckle, oriental bittersweet, and multiflora rose. Among the undesirable species is the staghorn sumac.
- A planting program would be implemented. A raspberry patch will be restored.
- The need for a native canopy species to replace invasive trees was discussed.
- The need for a follow-up report at the end of years one, two, and three, was discussed.
- A restored native shrub buffer would be maintained at varying heights. Some native trees will be included.

A motion was made to issue a negative determination.

(Toalson, cont'd.)

Seconded and voted unanimously.

Lois Payson. Demolition of existing dwelling; construct new dwelling with outbuilding, utility connections and landscaping at 110 Commerce Rd., Barnstable as shown on Assessors Map 319 Parcel 041. **DA-08083**

The applicant was represented by Arlene Wilson, PWS.

Issues discussed:

- Very little fill/excavation will be needed.
- The floodplain is the only jurisdiction. The Commission reserved the right in future floodplain development filings to require a Notice of Intent.
- Elevation views will be submitted.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Alan Bennet. Tear down and dispose of existing one-car garage; build new one-car garage at 112 George St., Barnstable as shown on Assessors Map 319 Parcel 067. **DA-08082**

The applicant was represented by Bob Glover, Agent.

Issues discussed:

- Drywells will be installed for the new garage and the existing shower.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Stanley Goldstone. Install new Title-5 septic system at 223 5th Ave., W. Hyannisport as shown on Assessors Map 245 Parcel 041. **DA-08084**

The applicant was represented by Daniel Ojala, P.E.

Issues discussed:

- Vegetation or stone shall be placed along the walls for aesthetic purposes.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Claire Bean. Raze and replace single-family dwelling within existing footprint at 200 Hollidge Hill Ln., Marstons Mills as shown on Assessors Map 081 Parcel 007. **SE3-_____**

The applicant was represented by Daniel Ojala, P.E.

Issues discussed:

- The house will be reconstructed in its existing footprint.
- An attempt to mitigate a cutting violation failed, with plants dying off. This restoration will occur prior to release of the Order of Conditions.
- The Commission imposed a requirement for restoration of the 50-foot buffer zone elsewhere on the property, consistent with its regulations. Staff approval will be required on the plan details. Meadow will be encouraged as a component.

(Bean, cont'd.)

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

Seconded and voted unanimously.

IV CONTINUANCES

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**

The Commission was concerned with the mounting continuances, while the DCPC regulations are under-development.

A motion was made to deny the project without prejudice.

Seconded and voted unanimously.

Byron & Joyce Haseotes. Site preparation; remove buried oil tank; abandon existing cesspool; construct 4-bedroom house addition (elevated/set on piers); construct new Title-5 septic system; grading at 293 Long Beach Rd., Centerville as shown on Assessors Map 185 Parcel 034. **SE3-4714**

The applicants did not attend.

The Commission was concerned with the mounting continuances, while the DCPC regulations are under-development.

A motion was made to deny the project without prejudice.

Seconded and voted unanimously.

Baxter Neck Road LLC./Lehman, Tr. Construct addition to existing house; remove trees for insurance purposes; construct pool; poison ivy removal; vista pruning and landscaping at 240 Baxters Neck Rd., Marstons Mills as shown on Assessors Map 075 Parcel 024. **SE3-4761**

The applicant was represented by Steve Wilson, P.E. and Bruce Besse. Mr. Lehman attended the hearing and participated.

Commissioner Louise Foster recused herself.

Nineteen trees were proposed for removal as a requirement from applicant's home insurer.

Sideline enhancement plantings were proposed. Pool drainage will be accommodated in leaching basins beneath the driveway.

The pool work limit will be adjusted landward, as the wall itself will serve as a construction work limit. A revised plan will be submitted.

The planting plan will be revised in consultation with staff.

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

Seconded and voted unanimously.

Gargano, Paul & Sheila. To permit putting-greens and boardwalks at 251 Green Dune Dr., W. Hyannisport as shown on Assessors Map 245 Parcel 33. **SE3-4766**

(Gargano, cont'd.)

The applicant did not attend the hearing, having previously notified the Commission that he would not attend.

Issues discussed:

- The Chair excerpted statements from a recent letter from the applicant's attorney. Contrary to assertions therein, it was observed that the new irrigation spigots and sprinkler heads were not removed, nor were the new electrical boxes and new lighting fixtures. In addition, two of the putting course holes were still located in the coastal bank.
- Material was submitted by the Commission dealing with suspected toxicity of granulated rubber, a possible component of the putting course.
- Findings of fact were set forth. Seven holes of the nine-hole putting course are located within the 50-foot buffer, and two in the coastal bank. The two holes were ordered to be removed.
- The combined area of the remaining five holes in the 50-foot buffer is to be provided in mitigation plantings along the top of the bank at a ratio of 3:1.

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

Seconded and voted unanimously.

V AMENDED ORDERS

Robert Benedetto. Amended Order of Conditions **SE3-4203** (Revise house location and place conservation restriction) to relocation of proposed house and barn; modification of conservation restriction; construct additional 100 feet of drainage piping and backfill ditch at 359 Santuit Rd., Cotuit as shown on Assessors Map 020 Parcel 003.

The applicant was represented by Attorney Mike Ford and Steve Wilson, P.E.

Issues discussed:

- Mr. Ford provided case background.
- A conservation restriction was once again proposed as mitigation.
- Letters received from Joan Lynch and Robert McNutt, abutters, both supported the project.
- A letter from Cape Cod Mosquito Control Program was also supportive of the project
- A concern arose regarding conformance with the 50-foot buffer requirement relative to the remnant stream. Notwithstanding the fact that the house was within 50 feet of the wetland, it was not found to have significant impact.
- The Commission will reserve the right in future filings to determine the scope of its jurisdiction at the site.

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

Seconded and voted unanimously.

VI FOR RECONSIDERATION

Robert Bothwell. Reconsideration of project **SE3-4740** (Modification of existing stairway, pier and float) for sole purpose of reconsidering the number of motorized vessels which may be berthed at approved float at any one time at 252 Clamshell Cove Rd., Cotuit as shown on Assessors Map 005 Parcel 004.

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

Issues discussed:

- The applicant proposed berthing his 17-foot Edgewater (with 90 hp Yamaha) at the float in addition to the approved 36-footer.
- Berthing bow-in was suggested
- The second boat shall conform with the Commission's 12-inch draft requirement.

(Bothwell, cont'd.)

A motion was made to allow the second boat, contingent upon bow-in berthing and in conformance with the Commission draft regulation.

Seconded and voted unanimously.

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

- | | | | | |
|----|------------|----------|----------|---|
| A. | Perlmutter | SE3-4535 | (coc,ez) | construct terrace & stone wall * |
| B. | Carr | SE3-3711 | (coc,ez) | construct pool (not done); manage invasive plants * |
| C. | Kozloff | SE3-4359 | (coc,ez) | construct driveway; improve drainage; landscaping* |
| D. | Burwick | SE3-4227 | (coc,ez) | construct screened porch & elevated deck * |
| E. | TOB/DPW | SE3-3712 | (coc,ez) | drainage improvements to Bay Shore Road, Hyannis |
| F. | Lloyd | SE3-4268 | (coc,ez) | expand and improve roadway * |

A motion was made to approve all certificates (“A – F”).

Seconded and voted unanimously.

VIII OLD & NEW BUSINESS

- A. Barnstable Harbor Marina, Millway – emergency work to re-route stormwater flow to eliminate recharge behind bulkhead.

A motion was made to approve the staff-issued emergency work order.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:06 p.m.