



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: OCTOBER 28, 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 6:30 p.m. by Chairman Dennis R. 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.

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

### I MINUTES FOR APPROVAL

A. October 14, 2008

A motion was made to approve the minutes.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**Mark Holmquist.** Repair existing failed septic system, including removal of cesspool, installation of new 3500-gallon septic tank/pump chamber and construction of pressure-dosed leachfield at 59 Nyes Point Way, Barnstable as shown on Assessors Map 233 Parcel 018. **DA-08087**

The applicant, Mark Holmquist, attended the hearing and was represented by Norm Hayes, P.W.S.

A motion was made to issue a negative determination.

Seconded and voted:     5 votes - aye  
                                  1 vote - nay.

Motion carried.

**Town of Barnstable/DPW.** Construct asphalt sidewalk with sloped granite curb along north side of existing edge of Sandy Neck Rd. from Barnstable/Sandwich town line to turnaround area just before gatehouse. Work will not affect sand dunes as most of project will be on grass strip along road within gravel and sand turnaround area at Sandy Neck Road. **DA-08088**

The applicant was represented by Silvio Genao, E.I.T., Nina Coleman, Sandy Neck Park Manager, and Richard French, Chair of the Sandy Neck Board.

Public Comment:

A letter from Mrs. Graebener spoke against the project. Ms. Coleman described it as a safety-related necessity. Paula Currey described it as a “sidewalk from nowhere to nowhere.”

Audrey Laughnan, Town Councilor Henry Farnham, Kris Clarke, President of the W. Barnstable Civic Association, and Sgt. Andrew McKenna of the Barnstable Police Department, spoke in favor of the project.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Hyannis Athletic Association.** Renovations/additions to existing press box at McKeon Field at 0 Old Colony Rd., Hyannis as shown on Assessors Map 326 Parcel 001-003. **DA-08090**

The applicant was represented by Brad Pfeifer.

Issues discussed:

- Gravel trenches at the drip lines to be provided.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Patrick & Susan Butler.** Remodel portion of existing single-family dwelling to include raising roof with dormers and construction of post-supported bay at 522 Bay Ln., Centerville as shown on Assessors Map 187 Parcel 068. **DA-08092**

The applicant was represented by Lynne Hamlyn.

Issues discussed: None.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Ronald Sidman.** Construct patio, reflecting pool, and stormwater runoff system at 372 Wheeler Rd., Marstons Mills as shown on Assessors Map 081 Parcel 004. **DA-08091**

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

Issues discussed:

- A revised plan dated October 20<sup>th</sup> was the focus
- The platform on pond shore needs permitting
- Erosion coming down drive needs to be checked

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**John C. & Mary S. Mechem.** Upgrade existing septic system and add addition and deck expansion at 312 Bridge St., Barnstable as shown on Assessors Map 093 Parcel 019. **DA-08089**

The applicant was represented by Mike Pimentel, E.I.T.

Issues discussed:

- Work on the project got ahead of the permitting

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Edmund Lukas.** Construct single-family home; landscaping, and all appurtenances outside of Conservation Commission jurisdiction at 281 Sandy Neck Rd., W. Barnstable as shown on Assessors Map 136 Parcel 011-002. **DA-08093**

The applicant was represented by Attorney Bill Henchy.

Issues discussed:

- Previous Request for Determination expired. No work to occur within Commission jurisdiction.
- Importance of copying previous RDA plan to this file, as none was provided with the application

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Robert Tyburski.** Construct single-family house, recirculating sand filter, and associated utilities, with minimal amount of grading at 483 Lumbert Mill Rd., Barnstable as shown on Assessors Map 146 Parcel 021. **SE3-4772**

The applicant was represented by Timothy Bennett.

Issues discussed:

- Substantial waivers needed from the 50-foot buffer requirement, and substantial variances needed from Board of Health
- Septic system cannot meet even 75-foot offset from the wetland
- Wetland delineation needs to be looked at again in places
- Strong recommendation of the Commission that the project go through Board of Health permitting prior to action by Conservation Commission
- Given the small lot size, the inability to provide potential mitigation for impacts within the 50-foot buffer.

A motion was made to continue the hearing to December 9<sup>th</sup>.

Seconded and voted unanimously.

**William Cloutier/The Steamship Authority.** Dredging required to support Slip #2 realignment at 71 South St., Hyannis as shown on Assessors Map 326 Parcel 130. **SE3-4770**

The applicant was represented by Bill Cloutier, P.E.

Commissioner Tom Lee recused himself.

Issues discussed:

- The previous application was based on the belief that the new slip could be developed without dredging. However, it turns out that dredging is necessary.

The difficulty experienced by the Steamship Authority was discussed, e.g., in pumping its marine head wastes in a uniform way in the several towns in which it operates.

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

Seconded and voted unanimously.

**IV CONTINUANCES**

**Jane Thompson.** Construct wooden bridge to provide vehicle access to residential lot owned by applicant. Bridge to be supported by timber piles to elevate bridge over scrub-shrub wetland. Work includes construction of pervious access driveway into lots at 203 and 205 Scudder Ln., and 58 Calves Pasture Ln, Barnstable as shown on Map 259 Parcels 007-001, -002, -004. **SE3-4717**

The matter was withdrawn without prejudice.

**Denise G. Swan.** Requesting confirmation of delineation of fresh water wetland and town-defined coastal bank at 170 Grand Island Dr., Oyster Harbors as shown on Assessors Map 053 Parcel 012-001. **DA-08065**

Via letter from her attorney, the applicant requested a continuance.

A motion was made to continue the hearing to December 9<sup>th</sup>.

Seconded and voted unanimously.

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

- A. O’Gorman SE3-4606 (coc,ez) construct seasonal pier \*
- B. Best SE3-0041 (coc,ez) fill low area, add loam, & seed

A motion was made to approve the certificates.

Seconded and voted unanimously.

**VI OLD & NEW BUSINESS**

- A. Article I hearing: 45 Mitchell's Way, Hyannis

Assistant Town Attorney Charlie McLaughlin attended the hearing.

A motion was made to decline interest in the parcel under Article 1.

Seconded and voted unanimously.

[Language in the deed will be considered which cautions about a no-disturb 50-foot buffer.]

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:10 p.m.**