



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: DECEMBER 16, 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), 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 Vice-Chairman John Abodeely and Commissioners Tom Lee, Peter Sampou, Larry Morin, and Louise Foster. Commissioner Scott Blazis was away. Rob Gatewood, Conservation Administrator, assisted.

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

I COMMISSION REORGANIZATION

A motion was made to re-nominate Dennis Houle for Chairman.

Seconded and voted unanimously.

A motion was made to nominate Tom Lee for Vice Chairman.

Seconded and voted unanimously.

The Chair expressed his thanks to John Abodeely for his many years of service and leadership to the Commission. Commissioner Abodeely will remain on the board.

II MINUTES FOR APPROVAL

A. November 25, 2008

B. December 2, 2008

A motion was made to approve the minutes of November 25th, as amended, and to approve the minutes of December 2nd, as submitted.

Seconded and voted unanimously.

III REQUESTS FOR DETERMINATION

Christian Camp Meeting Association. Septic system upgrade at 915 Craigville Beach Rd., Centerville as shown on Assessors Map 225 Parcel 001. **DA-08100**

The applicant was represented by Mike Pimental.

(Christian Camp Meeting Assoc., cont'd.)

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Craig & Ana Weatherley. Demolish/remove existing residence; construct new single-family residence and appurtenant utilities at 85 Salten Point Rd., Barnstable as shown on Assessors Map 280 Parcel 013. **SE3-4778**

The applicant was represented by Jack Vaccaro and Oliver Orwig.

Issues discussed:

- Sogginess of lower lawn; perhaps area best planted in wetland plants
- Since project involves razing house, restoring lawn within 50-feet of wetlands
- “Snugging” work limit closer to house construction after demolition
- A landscaping plan has been developed, but not available at hearing

A motion was made to approve the project with special conditions, subject to receipt of landscaping restoration plan developed in consultation with staff.

Seconded and voted unanimously.

Teresa Boyd. Remove existing patio and retaining walls; construct stone retaining walls, patio and wood deck; install kayak storage rack and landscaping at 97 Salten Point Rd., Barnstable as shown on Assessors Map 280 Parcel 019. **SE3-4777**

The applicant was represented by Steve Wilson, P.E. and Bruce Besse.

Issues discussed:

- Nature and scope of project warrants buffer zone mitigation
- Restored buffer 20–25 feet wide discussed

Public Comment:

Davis Bates raised concern for potential loss of his view. The consultants agreed that the stone wall would not exceed 40 feet in length.

Dr. Calvin said the kayak rack is subject to storm tides. He added that the marsh edge fluctuates from 4–6 feet.

Nancy Bates said storm tides rise to the edge of the existing patio.

The Chair added that Mr. Bates issues were outside the realm of the Commission regulations.

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

Seconded and voted unanimously.

Steven E. Hirsch, Tr./131 Ocean View Realty Trust. Renovations to existing single-family residence at 131 Ocean View Ave., Cotuit as shown on Assessors Map 034 Parcel 060. **SE3-4779**

The applicant was represented by Michael Borselli, P.E.

Issues discussed:

(Hirsch/131 Ocean View, cont'd.)

- A DEP bank exists at the site, but ordinance jurisdiction begins further downslope. The project resides outside of Commission jurisdiction under the ordinance. Thus, no buffer zone mitigation was required.

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

Seconded and voted unanimously.

Jack & Christina Rooze. Proposed addition, patio and deck 90'–100' from resource; retaining walls with re-grading and driveway with Stormwater control 50'–100' from resource at 430 Huckins Neck Rd., Centerville as shown on Assessors Map 233 Parcel 030. **SE3-4781**

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

Issues discussed:

- Drywells proposed
- Need for 0 – 50-ft. mitigation
- Snugging-up work limit to edge of grading
- A paved drive with drainage basin proposed
- A buffer 10 – 20 feet in width was suggested by the Commission
- No boxes or flammable materials in shed.

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

Seconded and voted unanimously.

Gisela O'Neil. Addition of garage and deck to existing house (1000 sq. ft.); install new septic system; remove invasive plants and lawn behind house; install shrubs in mitigation area of 2200 sq. ft. at 34 Mt. Vernon Ave., Hyannisport as shown on Assessors Map 287 Parcel 114. **SE3-4785**

The applicant was represented by Steve O'Neil and Peter Hansen.

Issues discussed:

- Restoration plan well-conceived.

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

Seconded and voted unanimously.

V RECONSIDERATION

Steven C. & Jennifer M. Walske. Reconsideration of pier footprint only for the approved construction and maintenance of a timber pier, ramp and float at 47 Sunset Point, Osterville as shown on Assessors Map 051 Parcel 015. **SE3-4765**

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

Issues discussed:

- Total waiver requested is only 7 feet with no change in use being gained
- The revision better positions the pier in the center of the lot
- For the abutters, Attorney Michael Princi said the repositioning better centers the pier. The abutters will be seeking a shared pier; they will submit a letter expressing their agreement to a future binding condition on same.

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

(Walske, cont'd.)

Seconded and voted unanimously.

VI CONTINUANCES

Richard M. & Anna Tocci. Construct and maintain a timber pier, ramp and float in North Bay at 80 Great Bay Rd., Osterville as shown on Assessors Map 093 Parcel 074. **SE3-4764**

The applicant was represented by Sarah Alger and Peter Sullivan, P.E.
Issues discussed:

- A revised plan was submitted previously, repositioning the pier and shortening it since no motorcraft was proposed
- The seasonal pier would be out of the water when the shellfishing season occurs at the site
- All piling is 4" x 4." An 8' x 16' float was preferred by the Commission

Public Comment:

Lengthy and detailed comments emerged against the project from Lenny Clarke, Dick Ansen of BARS, Bob Sylva, Fred Dempsey, Matt Ostrowski, Andre Sampou, Paul Wausiluski, Betty Silva.

- It is, perhaps, the only site in Town where new shellfish setting occurs. A rating of 10 was awarded the area, – highest shellfish significance.

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

Seconded and voted: 4 votes – “Aye;” 2 votes – “Nay.”

Cape Cod Oyster. To amend SE3-4400 (install pier, FLUPSYs and dredge at 262 Bridge St., Osterville, Assessor’s Map 093 Parcel 021-001) to allow owner of adjacent property at 282 Bridge St., Osterville, to berth one pleasure craft at pier. **SE3-4400**

The applicant was represented by Attorney Sarah Alger and Peter Sullivan, P.E.

Issues discussed:

- A plan was submitted showing a potential pier on the lot proposed for restriction
- The lot would be restricted “no pier,” in perpetuity
- The boat would not exceed 28' LOA

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

Seconded and voted unanimously.

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 filing was withdrawn, via letter.

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

A.	Patriot Builders	SE3-4423	(coc,ez)	raze & construct single-family dwelling *
B.	Bogle	SE3-1762	(coc,ez)	landscaping, boardwalk, & grading (none done)
C.	Kiefer (McShane)	SE3-0710	(coc,ez)	construct single-family dwelling *

(Certificates, cont'd.)

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| D. | Oyster Harbors Club | SE3-4398 | (coc,ez) | raze & construct clubhouse * |
| E. | Vollman | SE3-4372 | (coc,ez) | construct addition to single-family dwelling * |
| F. | Cotuit Partners | SE3-4682 | (coc,ez) | landscaping; replace path steps * |
| G. | Hyannis Yacht Club | SE3-4275 | (coc,ez) | construct additions to club house (not done) |
| H. | Hill | SE3-3974 | (coc,ez) | landscaping; hardscaping; modify 2 nd -story of sfd * |

A motion was made to approve the certificates (“A – H”).

Seconded and voted unanimously.

VIII OLD & NEW BUSINESS

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| A. | Town of Barnstable Cons. Div. | SE3-4754 | Estey Ave. WTW | revised plan | footprint |
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A motion was made to approve the revised plan.

Seconded and voted unanimously.

- B. Other

None

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:15 p.m.