



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: May 4, 2010 – 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, 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 Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

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

I CONTINUED PUBLIC HEARING ON PROPOSED REGULATIONS FOR SHORE OUTHAULS

The Chairman read the several changes that were incorporated into the draft regulations as a result of the initial public hearing. These changes pertained to the “grandfathering” section and the regulations section, where a revocation clause was added.

Public comment:

Attorney Stuart Rapp, on behalf of the Shellfish Committee, requested the Commission to strike the phrase “legal document recorded at the Registry of Deeds,” on Page 6.

A suggestion was made to add the phrase “but not limited to,” after “including” on Page 11.

Arlene Wilson, PWS, requested that outhauls approved in Orders of Condition or Determinations of Applicability also be listed on Page 6 as proof of Town approval.

Phyllis Cole asked that she be allowed to speak on her parcel on Bay Street. The Chairman denied the request, as the Commission will be hearing a future application on that parcel's outhauls. Ms. Cole stated that she has shellfished since 1963, specifically around the outhaul posts.

Staff requested that “Determination of Applicability” be listed after “Order of Conditions” on Page 6 in the new revocations section.

The Chair stated that the deadline date for receiving applications for existing outhauls will be changed to September 1, 2010.

The Chair added that the Legal Department would like to discuss the “grandfathering” section of the proposed regulations in the weeks ahead.

A motion was made to continue the hearing to June 1st.

Seconded and voted unanimously.

II MINUTES FOR APPROVAL

A. April 6, 2010

A motion was made to approve the minutes for April 6, 2010.

Seconded and voted unanimously.

B. April 13, 2010

The minutes of April 13th will be considered at the 6/1/10 meeting.

III REQUESTS FOR DETERMINATION

Edward Salzberg. Construct 4' x 12' foundation wall and frame-in two walls for new stairwell at 54 Channel Point Rd., Hyannis as shown on Assessors Map 326 Parcel 072. **DA-10021**

The applicant was represented by Jeffrey Davis.

Issues discussed:

- A great deal of material being stored on shore.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Arne & Sarah Ojala. Construct 12' x 24' addition to existing garage; remove 2 pitch pines; relocate retaining wall and split-rail fence; install dry well at 211 Maple St., W. Barnstable as shown on Assessors Map 132 Parcel 005. **DA-10022**

The applicant attended the hearing.

Issues discussed:

- Drywell proposed for roof runoff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Town of Barnstable/Marine & Environmental Affairs. Removal of six diseased and decaying white pine trees as determined by tree warden within vicinity of public parking and boat storage at 235 Cedar Tree Neck Rd., Cotuit as shown on Assessors Map 076 Parcel 024. **DA-10023**

The applicant was represented by Eric Shufelt.

Issues discussed:

- A total of five trees were proposed for removal for safety reasons.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

None

V CONTINUANCES

Brett Fournier. Addition to single-family dwelling at 1175 Old Stage Rd., Centerville (Marstons Mills) as shown on Assessors Map 172 Parcel 009-001. **SE3-4877**

The applicant was represented by Jack Vaccaro.

Issues discussed:

- Mitigation ratio was reduced for the project.
- 1000 feet of planting mitigation to be concentrated in area of swing set and trampoline (which will be relocated away from the wetland). This to be in consultation with staff.

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

Seconded and voted unanimously.

Mary & Michael Renzi. Seek post-construction approval for extension to existing shed and chain-link fence at 387 Phinney’s Ln., Centerville as shown on Assessors Map 230 Parcel 093. **SE3-4878**

The applicant attended the hearing.

Issues discussed:

- Staff recommendation was to provide an 8-foot buffer of meadow along the pondshore in the shed section of the property.

A revised plan will be submitted.

Landscape timbers pondward of the fence will be removed.

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

Seconded and voted unanimously.

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

A.	Gowans	SE3-1693		Request for “corrected” CERTIFICATE OF COMPLIANCE
B.	Burkhead	SE3-4549	(coc,ez)	other hardscaping changes (not done); construct retaining walls
C.	Mitchell	SE3-4132	(coc,ez)	construct single-family dwelling (not done)
D.	Mitchell	SE3-4133	(coc,ez)	construct single-family dwelling (not done)
E.	Field	SE3-4511	(coc,ez)	construct boardwalk and bank stairs *
F.	Barrett	SE3-4575	(coc,ez)	permit as-built stone wall, path, & steps *
G.	Burton	SE3-4574	(coc,ez)	replace stone wall with revetment *

A motion was made to approve all certificates.

Seconded and voted unanimously.

<u>VII</u>	<u>REVISED PLAN</u>	<u>project #</u>	<u>project type</u>	<u>revision</u>
A.	Baker/Blakely	SE3-4824	pier, ramp, floats	extend timetable

The applicant was represented by Arlene Wilson, PWS and George Gilmore.

Issues discussed:

- A one-month seasonal time extension was requested.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 7:31 p.m.