



# Town of Barnstable Conservation Commission

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## **MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: June 15, 2010 – 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, additional resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://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 6:31 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee, and Commissioners John Abodeely, Scott Blazis, and Larry Morin. Peter Sampou and Louise Foster were away. Rob Gatewood, Conservation Administrator, assisted.

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

### **I OLD & NEW BUSINESS**

A. Open Space & Recreation Plan with Elizabeth Jenkins

Elizabeth Jenkins, Principal Planner of the Growth Management Department, attended the hearing.

Ms. Jenkins summarized the draft of the Open Space and Recreation Plan, chapter by chapter. A public hearing will be held on June 21<sup>st</sup>, at which time further Commission comment would be welcome.

A motion was made to endorse the draft of the open space plan.

Seconded and voted unanimously.

### **II MINUTES FOR APPROVAL**

A. May 11, 2010

B. June 1, 2010

A motion was made to approve the minutes (“A – B”).

Seconded and voted unanimously. Commissioner Abodeely abstained from the vote with regard to the May 11<sup>th</sup> minutes.

Seconded and voted unanimously.

### **III REQUESTS FOR DETERMINATION**

**Mary Schoebel.** Replace septic system in northeast corner of site at 11 Nyes Point Way, Centerville as shown on Assessors Map 233 Parcel 069. **DA-10028**

A continuance was requested via letter.

A motion was made to continue the hearing until July 13<sup>th</sup>.

Seconded and voted unanimously.

No testimony was taken.

**Mystic Lake Hills Civic Association.** Permit existing beach nourishment, 10 – 15 yards of sand placed on beach at Mystic Lake, 30 Sawmill Rd., Marstons Mills as shown on Assessors Map 063 Parcel 062. **DA-10029**

The applicant was represented by Jesse Mahan.

Issues discussed:

- This was an as-built filing.
- The Commission was assured that, in the future, permits would be obtained.
- Fescue seed will be applied to the temporary access road.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Jay Bergeron & Joanne Crowley.** Replace existing cesspool located  $\pm 30'$  from MHW with a tight tank located  $\pm 76'$  from MHW at 59 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 034. **DA-10031**

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

Issues discussed:

- A tight-tank was proposed.
- The Commission discussed possible further reviewing of the final plan, should bedroom number increase.
- A revised plan is to be submitted showing the system approved by the Board of Health.
- Any inverse in nitrogen loading shall require additional review.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Bartlett Tree Experts.** Cut invasive gray willow trees to 6-12 inch stumps. Work to be done from water side; all debris to be removed from site via raft over water for proper disposal. Each stump to be painted with Glyphosate (Rodeo) using paint brush to suppress new sprouts and kill roots; one follow-up treatment may be applied to help further limit new sprouts. Work to be done along shorelines of Hamblin Pond, Middle Pond, and Mystic Lake, Marstons Mills as shown on Assessors Map (various) Parcel (various). **DA-10030**

The applicant was represented by Steve Heywood.

Issues discussed:

- Work to be overseen by a certified arborist, and all herbicide work shall be by licensed applicator.
- Plants shall be removed by float only. All work shall be performed from the water
- Advance consultation with staff required for off-loading areas.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**James P. Kelly.** Vista pruning and installation of chain-link fence to edge of vegetation and cut grass in front of pool twice per year, in May and October, at 150 E. Bay Rd., Osterville as shown on Assessors Map 140 Parcel 166. **DA-10032**

The applicant attended the hearing.

Issues discussed:

- Vista pruning guidelines shall apply
- The proposed fence will be elevated.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

#### **IV NOTICES OF INTENT**

**Donald & Maureen Salamack.** Additions to existing single-family residence at 614 Popponessett Rd., Cotuit as shown on Assessors Map 007 Parcel 002. **SE3-4883**

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

Issues discussed:

- The project consists of several additions. A net reduction of 16 square feet of structure will be removed from the 50-foot buffer.
- The Commission sought planting mitigation at a 3:1 ratio for the overall footprint within the 100-foot buffer.
- A clippings dump exists on the bank
- No drywells exist; they will be added
- A 20" oak on the west side of the house will be preserved.
- A 900-sq. ft. mitigation planting ratio was proposed, in consultation with staff.

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

Seconded and voted unanimously.

**David Der Hagopian.** Raze and replace existing single-family home with appurtenances; remove a section of existing driveway and cesspools; install new Title-5 septic system at 262 Ocean View Ave., Cotuit as shown on Assessors Map 033 Parcel 002. **SE3-4885**

The applicant was represented by Kieran Healy.

Issues discussed:

- The lower driveway and two cesspools are proposed to be removed from the 50-ft. buffer zone.

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

Seconded and voted unanimously.

**Bruce Khorie.** Raze existing house; construct new house on existing foundation; construct new garage and mitigation landscaping at 351 Huckins Neck Rd., Centerville as shown on Assessors Map 233 Parcel 041. **SE3-4884**

Issues discussed:

- The existing foundation will be retained.
- Elevation views were submitted

A 9A mitigation buffer was proposed and accepted.

Public comment:

- Jan Volk, abutter, asked about a work limit stake he thought was located on his property.
- Barbara Morris spoke in favor of the project.

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

Seconded and voted unanimously.

**John T. Connor, Jr. and Susan Scholle Connor.** Demolish fire-damaged dwelling; construct new house generally within same footprint with utilities and all associated appurtenances; remove fire-damaged trees at 110 Vineyard Rd., Cotuit as shown on Assessors Map 016 Parcel 020. **SE3-4887**

The applicant was represented by John O’Dea, P.E.

Issues discussed:

- The existing house was damaged beyond repair, except the west wing.
- For the proposed additions, a 3:1 planting mitigation program was outlined. Two canopy trees will be included.
- A septic upgrade was proposed
- Staff will be consulted on wildlife passage through the existing fence.

Public comment:

- Attorney Amy Eberly represented the Cahorans, abutters. She asked for the location of the air conditioning unit and the trees to be removed. Mr. O’Dea indicated that only two pitch pines, centrally located to seaward, would be removed.

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

Seconded and voted unanimously.

**Nathan Rudman.** Demolish existing house; construct new single-family dwelling with all associated appurtenances at 50 Waterman Farm Rd., Centerville as shown on Assessors Map 207 Parcel 104. **SE3-4886**

The applicant was represented by John O’Dea, P.E.

Issues discussed:

- The proposed mitigation planting strip, representing a 3:1 ratio, was outlined.
- Commissioner Blazis disclosed his personal friendship with the applicant
- Staff will review the possibility for Mosquito Control intervention in improving salt marsh flushing of a Phragmites area.
- The work limit is to be pulled landward above the borrow pit
- Natural Heritage comments will be included.

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

Seconded and voted unanimously.

## **V AMENDED ORDERS**

**Jerry Blakeley.** Allow placement and use of a floating lift at previously approved dock under Permit **SE3-4824**, at 250 Windswept Way, Oyster Harbors, Osterville, as shown on Assessors Map 051 Parcel 012.

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

Issues discussed:

- The proposed float lift would serve a small electric launch drafting only ten inches.

- Concern for setting a precedent with the boat lift
- Lack of a unique circumstance for the proposal

Ms. Wilson said the Commission’s concerns with lifts has always revolved around aesthetics. She said that the plan meets the Commission’s design requirements.

A motion was made to continue the hearing to July 27<sup>th</sup>.

Seconded and voted unanimously.

**Town of Barnstable/Dept. of Public Works.** Amend Order of Conditions (Permit **SE3-4876**) to also permit construction of a proposed walking path along Sandy Neck Rd., Barnstable as shown on Assessors Map 263 Parcel 001. The pathway would extend from the newly constructed sidewalk to the bathhouse, along a slightly different footprint than originally planned. Also, a slight footprint change to the approved garage will be considered.

The applicant was represented by Amy Ball and Tim Sawyer, R.A.

Vice Chairman Tom Lee recused himself.

Issues discussed:

- Pathway and garage footprints were altered on the revised plans.

Public comment:

- Attorney Bill Henchy asked the Commission to consider a limit of work ten feet off the proposed garage. Some re-vegetation within the work limit of the garage was requested.

The park manager spoke against planting nursery stock.

A revised plan will be submitted.

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.	Ellis	SE3-3856	(coc,ez)	construct addition and deck *
B.	Simons	SE3-4062	(coc,ez)	construct single-family dwelling (not done)
C.	Canzano	SE3-4215	(coc,ez)	construct single-family dwelling (not done)
D.	Palmyra RT	SE3-4538	(coc,ez)	construct additions to single-family dwelling *
E.	TOB/DPW	SE3-0637	(coc,ez)	drainage improvements on Craigville Beach Road

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

Seconded and voted unanimously.

**VII REVISED PLANS**

		<u>project type</u>	<u>revision</u>
A.	Miller SE3-4638	foundation	extension to footing/cap

The applicant was represented by John O’Dea, P.E.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

### **VIII EXTENSIONS**

A. Miller SE3-4638 foundation 1<sup>st</sup> Request; 3 yrs.

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

Issues discussed: No concerns arose.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

### **IX OLD & NEW BUSINESS CONTINUED**

A. Fuller Farm land acquisition (995 Rt. 149, Marstons Mills); map 103.001; map 102.003 & map 102.185 (22 acres). Proposed for conservation management.

A motion was made to endorse the acquisition of the Fuller Farm on Route 149.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:30 p.m.**