



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: August 30, 2011 – 6:30 P.M.

LOCATION: TOWN HALL HEARING ROOM

Note: Final Agenda at meeting may include some last minute filings

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 John Abodeely, Scott Blazis, Larry Morin, and Louise Foster. Commissioner Peter Sampou was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

I OLD & NEW BUSINESS

A. Resolve regarding wetland determination at 21 Buttonwood Lane, West Barnstable, Patrick Page, Trustee
POSTPONED

The matter was postponed.

B. Public Hearing on proposed revisions to Ch. 704 Regulation Governing Activity in the 100-foot Buffer Zone

Carol Ridley, The Commission's consultant, offered a brief summary on the evolution of the final draft regulation. Three workshops were held, and public comment solicited.

The expanded definition and best-practices sections were noted. Pre-existing licensed structures were clarified. The regulation would pertain to Notices of Intent only.

The Chairman noted that the "in lieu fee" per dollar/square foot charge was adjusted upward to \$3.50.

Arlene Wilson, P.W.S., offered comments stemming from her three-page letter received today.

Many comments pertained to wording; others were substantive.

Ms. Wilson attempted to clarify the appropriate use of the term "waiver," drawing a distinction between waiver and the term "design standard."

The Commission discussed how it might fully consider Ms. Wilson's input, i.e., whether to continue the public hearing. In addition, establishing an effective date of the regulation was also discussed.

A motion was made to continue the public hearing to October 11th.

Seconded and voted unanimously.

II MINUTES FOR APPROVAL

A. August 2, 2011

A motion was made to approve the minutes of August 2, 2011. Commissioner Blazis abstained from the vote.

Seconded and voted unanimously

B. August 9, 2011

A motion was made to approve the minutes of August 9, 2011. Commissioners Abodeely and Foster abstained from the vote.

Seconded and voted unanimously.

III REQUESTS FOR DETERMINATION

Estate of Marion B. Hanaghan. Replace existing septic system at 171 Riverview Ln., Centerville as shown on Assessor's Map 227 Parcel 093. **DA-11072**

The applicant was represented by Brad Hall.

Issues discussed:

- The Board of Health approval has been granted.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Robert & Cindy Goodof. Propose adding up to two feet to existing kitchen; add farmer's porch and/or patio to existing modified kitchen at 989 Sea View Ave., Osterville as shown on Assessor's Map 090-009-001. **DA-11073**

The applicants attended the hearing.

Issues discussed:

- The project assumes that adequate footings can be provided.
- A final sketch plan will be provided, in consultation with staff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Rachel L. Mellon. Construct single-family dwelling with driveway, patio, retaining walls, and associated appurtenances; construct pool and pool house at 9 Indian Trail, Osterville as shown on Assessor's Map 091 Parcel 015. **SE3-4954**

The applicant was represented by Peter Sullivan, P.E.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- No waivers are required.
- Elevations will be provided, only if visible from the water.

- The 50-foot buffer will remain intact.

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

Seconded and voted unanimously.

George R. Rowland, Jr. Repair of overwash erosion hole in existing revetment at 104 & 126 Great Bay Rd., Osterville as shown on Assessor's Map 093 & 072 Parcel 011 & 034. **SE3-4957**

The applicant was represented by Peter Sullivan, P.E.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- No concerns arose.

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

Seconded and voted unanimously.

F. Paul Broyer. Construct and maintain pier, ramp, and float at 26 Short Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 042. **SE3-4956**

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

Issues discussed:

- The proposed plans were displayed and noted as Exhibit A (1 – 3).
- The pier would serve two kayaks.
- The permanent construction was questioned. Mr. O'Dea said it was designed to minimize impacts to the salt marsh.
- Eight-inch piling was proposed for the ten to twelve-inch piling.

In the final analysis, eight-inch piling was substituted for ten to twelve-inch piling.

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

Seconded and voted: 5 votes: "Aye"; 1 vote: "Nay".

R. Robert & Brenda H. Popeo. Construct and maintain timber boardwalk, pier, ramp, and float; clear and maintain pathway to boardwalk at 120 Carriage Rd., Osterville as shown on Assessor's Map 071 Parcel 015-002. **SE3-4959**

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

A continuance was requested.

A motion was made to continue the hearing to October 25th.

Seconded and voted unanimously.

No testimony was taken.

Town of Barnstable/Conservation Div. Continuation of aquatic vegetation control via hydro-raking at Red Lily Pond and Lake Elizabeth, Centerville as shown on Assessor's Maps 226 & 227, Parcels (various). **SE3-4961**

The applicant was represented by Keith Gazaille, consultant.

Issues discussed:

- A PowerPoint presentation was provided, and noted as Exhibit A.
- Mr. Gazaille described the previous aquatic plant-management projects in the ponds, last performed in 1997.
- The present project targets plants (all native) which have grown to dominate the ponds.
- A brief wildlife habitat analysis was provided in the application.
- Mechanical hydro-raking was the proposed method of operation.
- Adjusting the project to enhance the herring fishery was discussed. The fall herring run will be avoided to the extent possible.

Public comment:

- Jim Lane of the Red Lily Pond Association spoke in strong support of the project. He stressed that no chemicals be used.
- Alice Brown also spoke in favor of the project.

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

Seconded and voted unanimously.

V CONTINUANCES

Paul Roiff/ 40 Crossway LLC. Construct new pile-supported pier with ramp and float; maintenance of existing path to water at 160 Peppercorn Ln., Cotuit as shown on Assessor’s Map 004 Parcel 011. **SE3-4948**

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

Issues discussed:

- A revised plan (suggested by the Commission) was provided. It was displayed and noted as Exhibit A.
- MA Natural Heritage and Endangered Species has approved the project.
- No boat is proposed at this time. Specifications will be provided for future consideration.

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. | Elias | SE3-2721 | (coc,ez) | raze & construct sfd; permit existing pier * |
| B. | Theriault | SE3-3937 | (coc,ez) | construct single-family dwelling * |
| C. | Theriault | SE3-4024 | (coc,ez) | construct in-ground pool * |
| D. | Anderson | ART-0166 | (coc,ez) | construct addition to single-family dwelling (not done) |
| E. | Wellington | SE3-0096 | (coc,ez) | construct addition to single-family dwelling |
| F. | Donahue | SE3-1304 | (coc,ez) | remove & replace permanent pier (not done) |
| G. | Tobin | SE3-4494 | (coc,ez) | raze & construct single-family dwelling * |

A motion was made to approve all certificates (A – G).

Seconded and voted unanimously.

VII OLD & NEW BUSINESS CONTINUED

A. Proposed conservation restriction, Sutherland to Barnstable Land Trust

Jaci Barton, director of the Barnstable Land Trust (B.L.T.), attended the hearing.

The proposed twenty-seven-acre conservation restriction was described. It would abut Shubael Pond, and be held by the B.L.T.

A three-page presentation, consisting of details and a plan of land, was provided and noted as Exhibit A.

A two-space public parking easement would be provided to the Town.

A motion was made to endorse the proposed conservation restriction to the Town Council. Commissioner Blazis abstained from the vote.

Seconded and voted unanimously.

B. DEP appeal onsite: Tradewinds pier Weds. 8/31 at 10.00am

Noted

C. Authorizing Administrator and Agent to issue Emergency Authorizations under Hurricane Irene Emergency Regulations.

A motion was made to authorize the Conservation Administrator and Agent to issue Hurricane Irene Emergency Certification when necessary.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:05 p.m.