



**Town of Barnstable  
Conservation Commission**  
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**MINUTES**

**CONSERVATION COMMISSION MEETING**

**DATE: MARCH 19, 2013 6:30 PM**

**LOCATION: 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](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 6:30 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, 367 Main Street, Hyannis, MA.

**I MINUTES FOR APPROVAL**

A. March 5, 2013.

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

**II REQUESTS FOR DETERMINATION**

**Harvey & Jayne Beker.** Construct addition to single-family dwelling; all work located in flood plain only at 290 Bridge St., Osterville as shown on Assessor's Map 093 Parcel 021-003. **DA-13013**

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

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Margaret E. Savery.** Upgrade two existing cesspools to fully compliant Title 5 septic system; no proposed increase in flow, at 16 Route 130, Cotuit as shown on Assessor's Map 010 Parcel 009. **DA-13012**

The applicant was represented by Darren Meyer.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**MA Highway/DOT/Highway Division.** Propose reconstruction of existing sidewalk on Route 6A between Hyannis Road and Commerce Road in Barnstable **DA-13014**

The applicant was represented by Thomas McGuire, P.E., and Andrea Coates.

An aerial photo showing wetland resource areas was distributed and noted as Exhibit A.

No concerns arose.

Public comment:

- Ann Canedy spoke about community involvement culminating in this project.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Joseph E. Hakim, Tr., 149 Island Ave. Residence Trust I & II.** Repair approx. 112 feet of existing sea wall at 149 Island Ave., Hyannisport as shown on Assessor's Map 265 Parcel 019. **SE3-5070**

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

The proposed plan was displayed and noted as Exhibit A.

Issues discussed:

- No impediment to longshore passage will be created.
- No concerns arose.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

**Donna May.** Propose in-ground pool with associated patio and wall at 192 Garrison Ln., Osterville as shown on Assessor's Map 114 Parcel 005-002. **SE3-5073**

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

Exhibits:

1. The proposed plan was displayed and noted as Exhibit A.
2. A proposed planting plan was displayed and noted as Exhibit B.

Issues discussed:

- Counting the proposed path footprint as mitigation area;
- Retaining two trees in the 50 – 100-foot buffer; providing replacements of 3" caliper;
- Portions of the pool apron reside in the 50-foot buffer;
- Providing several wildlife accessible bows in the pool fence.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

**David J. Der Hagopian, Tr., David J. Der Hagopian Trust.** Remove existing rotting stairs and deck; replace with new ramp and deck with 4-foot-wide path to water; removed invasive species and revegetate with native plants at 265 Ocean View Ave., Cotuit as shown on Assessor's Map 033 Parcel 020. **SE3-5072**

The applicant was represented by Michael Talbot.

Exhibits:

1. The proposed plan was displayed and noted as Exhibit A;
2. The existing conditions plan was displayed and noted as Exhibit B;
3. Site photographs were distributed and noted as Exhibit C (1-3).

Issues discussed:

- Hoping to preserve large white oak;
- Providing for town phone line to Loop Beach;
- Providing safe sloping access to the shore for the elderly family;
- Possibly adding canopy species to replace invasive black locust;
- Dimension of proposed deck (16' x 20'); existing deck is 8' x 12'. The switchback of the ramp has another deck;
- Whether the black locust could be eliminated at all.

Public comment:

- Attorney George Hyler represented Mr. Bendetsen, abutter, described the project as “enormous.” He presented three photos of the drainage improvement, subject of a previous filing. These photos were submitted and noted as Exhibit D (1-5).
- Mr. Bendetsen claimed a lot of misinformation in the filing, and not enough detail on potential impacts.

A motion was made to continue the hearing to April 16<sup>th</sup>.

Seconded and voted unanimously.

**Robert G. Bannish, Tr., 871 Sea View Avenue Realty Trust.** Propose pool with associated appurtenances at 871 & 889 Sea View Ave., Osterville as shown on Assessor’s Map 090 Parcels 003 & 014. **SE3-\_\_\_\_\_**

The applicant was represented by John O’Dea, P.E. and Rick Lamb, R.L.A.

Issues discussed:

- The absence of trees to be removed from the site plan, though shown on the landscaping plan;
- Mr. Lamb said only one cedar and one black pine are proposed for removal in the 50-foot buffer;
- Five black or pitch pine and one cedar are proposed for removal in the 50-foot buffer;
- Increasing the shrub planting for mitigation within the 50-foot buffer;
- In the 0 to 50 buffer zone, reducing the area of proposed lawn where now trees and shrubs exist. Mr. O’Dea said they are mitigating over and above the required amount;
- Adding tupelo to the western end of the project.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

**Town of Barnstable/Marine & Environmental Affairs.** Construct dune overlook adjacent to Sandy Neck bathhouse at Sandy Neck Beach Park, 590 Sandy Neck Rd., Barnstable as shown on Assessor’s Map 263 Parcel 001. **SE3-\_\_\_\_\_**

The applicant was represented by Nina Coleman, Park Manager.

Issues discussed:

- The overlook will be on wood footings and will not be cantilevered over the break in slope of the dune;
- Construction will be handicap-accessible.

A motion was made to approve the project with standard and special conditions

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**Three Bays Preservation, Inc. & Mass. Audubon Society, Inc.** Proposed barrier beach management plan to include maintenance dredging and beach nourishment and other activities to enhance wildlife habitat and maintain integrity of barrier beach; proposing to remove the western-most 800 ft of Sampson's Island via dredging, and to use this sand to fortify the eroding front beach at Dead Neck. **SE3-5053**

The applicant was represented by Lindsey Counsel, Peter Sullivan, P.E., John O'Dea, P.E. John Ramsey, P.E., Kathy Parsons, PhD, and Ellen Jedrey of MA Audubon Society.

#### Exhibits:

- The proposed site plan was displayed and noted as Exhibit A;
- A bathymetric map was displayed and noted as Exhibit B;

#### Issues discussed:

- The present project is preceded by approximately 20 permits over the years at the locus;
- Ms. Parsons said the dredging and nourishment project will enhance critical nesting habitat for rare coastal birds;
- Mr. Sullivan stated that a no-action response will produce significant vegetative impact on wetland values in the ecosystem;
- Mr. O'Dea discussed a four-year phasing concept for implementing the project, with each phase being closely monitored. A close watch on the turbidity would be included. A public meeting would be held before a subsequent phase was implemented.
- John Ramsey described how Sampson's Island is at the terminus of two closed littoral systems (his Power Point slides were previously submitted);
- Sampson's Island barrier beach provides minimal flood protection due to its low relief.
- Significant shoals offshore serve to stabilize southern Cotuit shoreline, and these will continue to break away if the project is implemented.
- A six-year Cotuit shorelines monitoring plan was proposed.

Correspondence: The Chair noted the following names, and addresses and dates of letters/emails received by the Commission:

- 3/6/13, John T. Fallon, Osterville; 3/7, 3/11, 3/14/13 Warren & Susie Wheelright, Cotuit; 3/8/13, E.J. Jaxtiner, Hyannis; 3/5/13, Hollbrook R. Davis, Osterville; 3/14/13, A.S. Callahan III, MD (no address); 3/14/13, Cleve Skelton 646 Mass. Ave., Osterville; 3/14/13, Michael J. Young, Marstons Mills; 3/14/13, Megan Farrington (no address); 3/14/13, Penn Edmonds (no address); 3/14/13, David M. Kelly, Barnstable; 3/14/13, Philip Danby, Osterville; 3/14/13, Lloyd Boardman, Marstons Mills; 3/14/13, Howard Agranat, 175 Tower Hill Rd., Osterville; 3/15/13, Sally Edmonds, Barnstable; 3/15/13, Leslie Will, Osterville; 3/15/13, Susan Kelly, Barnstable, 3/18/13, Brad Wheelwright, Cotuit; 3/16/13, Warren Carstensen, Jr., Osterville; 3/16/13, Robin St.John (no address); 3/17/13, Tom Burgess (no address); 3/18/13, Andrew Pesek (no address); 3/18/13, Richard A. Frazee, Osterville; 3/18/13, Edward M. Crosby, Jr., W. Barnstable & Osterville; 3/18/13, Lisa Rockwell, Centerville; 3/18/13, Fred Kern, Cotuit; 3/18/13, Richard P. Largay, Hyannis; 3/19/13, Larry Odence (no address); 3/19/13, David Ryan (no address).

Correspondence from the Town Shellfish Committee and Town Shellfish Biologist were read.

#### Other issues discussed:

- Whether the interval between phases provides enough time for needed project modifications;
- Staff said the Cape Cod Commission found no present need for the project to be referred as a Development of Regional Impact;
- How the Town by-law dealing with recreational interest applies to the site;

Public comment:

- David Rickland asked about the flushing improvement expected from the project and what the dynamics are at the Osterville cut; might the jetty be modified?
- Susan Hardy described the project scope as extreme, with filling-in of the mooring basins a likely consequence.
- Patricia Daley disputed that the no-action alternative would have drastic effects. She speculated that other sand sources were available.
- Sarah Turano Flores of Nutter, McClennan & Fish said her office would be deferring comments until a peer review by Woods Hole Group is completed.
- Arlene Wilson pointed out that the applicant failed to note impact to dunes in the Notice of Intent. She said the project would alter wave climate and the shoals that now protect the shoreline.
- Michael Moynihan, an avid boater, spoke in favor of the project, saying it backed by considerable analysis. He found the coalition of Three Bays Preservation and MA Audubon unique.
- Jack Cotton spoke in support of the phased project evolving over four-plus years.
- Brad Wheelwright, amateur oceanographer, spoke in opposition to the project. He said that returning the project to 1938 template casts a blind eye to documented sea level rise and related impacts. He blamed dredging impacts as responsible for the demise of eel grass in the three bays.
- Heather Jackson thanked the applicants for the privilege of enjoying recreation on their properties. She welcomed a third party review and spoke in favor of a reduced scope of work for the project.
- Joe Bullard questioned how eleven acres can be caused to disappear.

A motion was made to continue the project to May 14<sup>th</sup>.

Seconded and voted unanimously.

**Stuart Bornstein/Stuborn LLC.** Remove existing wharf, construct private docking facility to include maintenance dredging, removal of fill, bulkheads, repair of existing bulkhead with protective stone revetment; placement of pier, ramp, floats in Barnstable Harbor at 153 Freezer Rd., Barnstable as shown on Assessor’s Map 301 Parcel 006. **SE3-5052**

A letter from BSC Consultants was noted, requested a continuance to May 14<sup>th</sup>.

A motion was made to continue the hearing to May 14<sup>th</sup>.

Seconded and voted unanimously.

No testimony was taken.

**V REVISIED PLANS**

A. Town of Barnstable/ MEA SE3-4207 marsh trail maintenance timing

The applicant was represented by Nina Coleman, Park Manager.

Issues discussed:

- Due to winter storms, an extension to April 5<sup>th</sup> to complete the work was requested.

A motion was made to approve the revised plan, subject to approval by Natural Heritage and Endangered Species Program (NHESP).

Seconded and voted unanimously.

**VI CERTIFICATES OF COMPLIANCE**

- A. Stoesser SE3-4788 (coc,eZ) construct driveway; replace culvert \*
- B. Canavan SE3-4660 (coc,eZ) construct addition & porches to sfd \*
- C. Piknick SE3-0098 (coc,eZ) re-grading; install lawn \*

D. Sutphin SE3-1164 (coc,ez) construct single-family dwelling \*

E. Glick SE3-4630 (coc,ez) construct addition to single-family dwelling \*

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

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 10:22 p.m.**