



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: March 31, 2009 – 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 Tom Lee and Commissioners, Peter Sampou, Larry Morin, and Louise Foster. Commissioner John Abodeely was away and Commissioner Scott Blazis was ill. Darcy Karle, Conservation Agent, assisted.

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

I MINUTES FOR APPROVAL

A. March 3, 2009

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Oyster Harbors Club, Inc. Upgrade/repair septic system for beach cabana/bath house at 170 Grand Island Dr., Osterville as shown on Assessors Map 053 Parcel 012-001. **DA-09015**

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

Issues discussed:

- Leak test needed for tank.

A motion was made to issue a negative determination, subject to results of a leakage test.

Seconded and voted unanimously.

Stephen & Jane Woelfel. Permit and maintain 2nd-story deck at 140 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 106. **DA-09018**

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

Issues discussed:

- Check on drainage requirements.

(Woelfel, cont'd.)

A motion was made to issue a negative determination, subject to a check by staff on prior drainage requirements.

Seconded and voted unanimously.

Town of Barnstable/Growth Management Div. Re-grade parking lot/add new stone; extend split-rail fence on west side of parcel to end of parking area; brush clearing; fix split-rail fence near entrance and place boulder to deter vehicles from driving over shoulder; loam/seed west side of entrance; brush-clear around fence; remove metal dinghy poles/replace with dinghy rack at 71 Bridge St., Osterville as shown on Assessors Map 116 Parcel 119. **DA-09019**

The applicant was represented by Nicole Frame.

Issues discussed: no concerns arose.

A motion was made to issue a negative determination. All cutting to be done in consultation with staff; staff to report back on effectiveness of [kayak] racks.

Seconded and voted unanimously.

Michael D. Garnett. Trimming and clearing or removal of hedge, bushes and pampas grass at 169 Salten Point Rd., Barnstable as shown on Assessors Map 301 Parcel 003. **DA-09021**

The applicant attended the hearing.

Issues discussed:

- Question of whether species labeled is pampas grass or phragmites;
- If phragmites, correct measures must be used for its removal by licensed herbicidal applicator;
- Project should be considered as a vista pruning request only.

A motion was made to issue a negative determination; standard vista pruning guidelines to apply; phragmites removal will require a future filing of an NOI, and working with a licensed applicator.

Seconded and voted unanimously.

Barnstable Land Trust. Restore native blackberry vines; remove Oriental Bittersweet from small patch of upland along Gosnold St. that edges marsh. Bittersweet to be cut at its base – no herbicide to be used, at 21 and 23 Gosnold St., Hyannis as shown on Assessors Map 324 Parcel 044 and 110. **DA-09020**

The applicant was represented by Red Banfield.

Issues discussed: no concerns arose.

Seconded and voted unanimously.

III NOTICES OF INTENT

Arthur Perry, Jr. & Judith Kozlowski. Demolish existing dwelling; construct new single-family dwelling with patio, spa, and all appurtenances at 35 Little River Rd., Cotuit as shown on Assessors Map 053 Parcel 003. **SE3-4802**

The applicant was represented by Peter Sullivan, P.E., and Attorney Michael Ford.

Issues discussed: no concerns arose.

(Perry/Kozlowski, cont'd.)

A motion was made to approve the project with special conditions: a planting plan shall be submitted in consultation with staff.

Seconded and voted unanimously.

Roger Berman. Demolish/remove existing residence; construct new residence and garage/barn, driveway, utilities; remove stump from inland bank; install 2 gates opposite dock and boat ramp at 164 Point of Pines Rd., Centerville as shown on Assessors Map 230 Parcel 069. **SE3-4805**

The applicant was represented by Jack Vaccaro.

The Chair read a letter from the NHESP Program.

Issues discussed:

- Three-to-one mitigation should be implemented following Chapter 704 Town Code, enhancing the 50-foot buffer zone
- Submit statistics of existing hardscape versus proposed hardscape
- Looking for mitigation around whole parcel.

A motion was made to approve the project with special conditions: four items from MESA letter to be referenced in the special conditions; statistics for hardscape now versus hardscape later, and incorporate 3 – 1 mitigation around the property.

Seconded and voted unanimously.

John & Alicia Gonsalves. Re-construct existing in-ground walkway with elevated walkway; construct platform/deck structure near shed at lower level at 21 Beechwood Rd., Centerville as shown on Assessors Map 252 Parcel 002. **SE3-4808**

The applicant was represented by Wayne Tavares.

Issues discussed:

- Question of whether old steps should be removed.

A motion was made to approve the project with special conditions: Temporary grass seeding to be done until planting takes hold when steps are removed; annual reports submitted every growing season, for a period of three years.

Seconded and voted unanimously.

Joan Remmes-Foy. Upgrade existing septic system and replace retaining wall at 536 Shootflying Hill Rd., Centerville, as shown on Assessors Map 193 Parcel 029. **SE3-4807**

The applicant appeared at the hearing, and was represented by Brian Grady of G.A.F. Engineering.

Issues discussed:

- If a change of project from a patio to a deck is desired, applicant must submit a revised plan at a morning hearing.

A motion was made to approve the project with special conditions: subject to mitigation, in consultation with staff, and/or a 3 – 1 mitigation plan for a patio. Plants to be placed along waterfront.

Seconded and voted unanimously.

IV CONTINUANCES

Town of Barnstable/Conservation Division. Mystic Lake, a 148 acre deep kettle hole lake located in Marstons Mills, Barnstable, experiences chronically low oxygen in its bottom waters during summer. Under these conditions, phosphorus is released from the bottom sediments. This internal release of stored nutrients is the primary source of total phosphorus to the lake, which is leading to increasing productivity in the form of algal blooms. To significantly reduce the internal phosphorus recycling and improve ecological and recreational functions of the lake, a nutrient inactivation (i.e., alum) treatment is proposed. **SE3-4773 Requesting continuance to 6/30/09**

A motion was made to continue the hearing to June 30, 2009.

Seconded and voted unanimously.

Colonial Gas d/b/a National Grid. Gas pipeline replacement at Falmouth Rd./Route 28 as shown on Assessors Map 145, 144, & 146 in Barnstable (Marstons Mills, Centerville, Osterville). **SE3-4795** (from 2/3/09)

The applicant was represented by Brad Malo.

Issues discussed: no concerns arose.

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

Seconded and voted unanimously.

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

- | | | | | |
|----|------------------------|----------|----------|--|
| A. | Town of Barnstable/DPW | SE3-3553 | (coc,ez) | install generator on concrete pad * |
| B. | Edmonds | SE3-4355 | (coc,ez) | construct additions to sfd (not done) |
| C. | Talbott | SE3-4428 | (coc,ez) | reconstruct retaining wall; modify driveway; miscellaneous hardscaping & landscaping * |
| D. | Demko | SE3-4442 | (coc,ez) | construct addition to sfd * |

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

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

- A. none

A motion was made to adjourn

Seconded and voted unanimously.

The time was 8:10 p.m.