



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: July 21, 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 Commissioners John Abodeely, Peter Sampou, Scott Blazis, and Louise Foster. Vice-Chairman Tom Lee, and Commissioner Larry Morin were away. Darcy Karle, Conservation Agent, assisted.

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

I MINUTES FOR APPROVAL

A. June 16, 2009

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Pickwick Realty Trust/J. Robert Casey, Tr. Upgrade/repair failed septic system at 71 Ocean View Ave., Cotuit as shown on Assessors Map 034 Parcel 045. **DA-09044**

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

Issues discussed: None

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Michael P. & Gisa E. Belanger. Upgrade failed septic system at 100 Cross St., Cotuit as shown on Assessors Map 033 Parcel 032. **DA-09045**

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

Issues discussed:

- The project will be designed with a small well at one end.

A motion was made to issue a negative determination.

(Belanger, cont'd.)

Seconded and voted unanimously.

Wequaquet Estates Beach Association. Re-nourish common beach area with clean sand above high spring water mark at 30 Lake Drive, Centerville as shown on Assessors Map 230 Parcel 077. **DA-09047**

The applicant was represented by Julie Badot.

Issues discussed: None

A motion was made to issue a negative determination with the condition that the work shall not begin until after Labor Day, and will be completed by March 1st.

Seconded and voted unanimously.

III NOTICES OF INTENT

Town of Barnstable/DPW. Sewer extension project in the Lake Wequaquet and Long Pond areas as shown on Assessors Map 193 Parcel 007 (Shootflying Hill Rd., CC Building). **SE3-4826**

The application was withdrawn.

Michael & Marilyn Price. Construct retaining wall and landscaping for bank stabilization at 430 Baxter's Neck Rd., Marstons Mills, MA as shown on Assessors Map 075 Parcel 034. **SE3-_____**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- The need for a pre-construction meeting
- A construction protocol was submitted at the hearing by Gilmore Marine
- Aesthetics and the need for a retaining wall – everyone agreed that something needed to be done

Public comment:

- Diane Rothstein of 431 Baxter's Neck Rd. was concerned about possibility of damage to her property.

A motion was made to approve the project, subject to the receipt of a revised plan showing the placement of fiber logs with plantings in front of the retaining wall. This plan shall be prepared in consultation with staff. A status report on the project and the success of the plantings shall be submitted by the consultant after a two-year period. There shall be an onsite pre-construction meeting with all contractors and staff before work begins.

Seconded and voted: 4 votes – “Yea;” 1 vote – “Nay”

CTS Fiduciary LLC, Tr./Mampoo Real Estate Trust. Replace existing in-ground pool with new pool, retaining wall and landscaping at 83 Oyster Way, Osterville as shown on Assessors Map 072 Parcel 043. **SE3-4827**

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

Issues discussed: None

A motion was made to approve the project with special conditions: a revised plan showing the flood zone change and location of the pool equipment area.

Seconded and voted unanimously.

Paul Sullivan. Construct new asphalt driveway at 68 Cedarwood Rd., Cotuit as shown on Assessors Map 020 Parcel 078. **SE3-_____**

(Sullivan, cont'd.)

The applicant was present and was represented by Wayne Tavaras.

Issues discussed:

- The legal ad and project description
- Concern by the Commission with placing a fence in a designated roadway layout.

A motion was made to approve Phase I only, subject to a revised plan showing the substitution of the split rail fence in the road layout with a vegetated fence and French drain installed along the wetland side of the road. Notation of the square footage incursion in conservation jurisdiction will be noted in a future application regarding this property.

Seconded and voted unanimously.

Centerville-Osterville-Marstons Mills Water Dept. Install new municipal water service along Bumps River Road and a portion of Scudder Bay Circle as shown on Assessors Maps 168 and 188. **SE3-4828**

The applicant was represented by was represented by Daniel Ojala. Present also was Craig Crocker.

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

Seconded and voted unanimously.

IV CONTINUANCES

Town of Barnstable/DPW. Construct approximately 894 feet of sidewalk on south side of Ocean Avenue. The sidewalk will typically be a 7-foot hot mix asphalt walkway; also install highway guard rails, curbing and berms at Ocean Ave. from Keyes Beach parking lot, 894 feet past Stewart's Creek. **SE3-4797**

Because of the lack of a quorum, a motion was made to continue the hearing to August 18th.

Seconded and voted unanimously.

V AMENDED ORDERS

Town of Barnstable/DPW. Amend Order of Conditions under **SE3-4681** to include erection of wind turbine for alternative energy generation in area behind new Hyannis Youth & Community Center and adjacent to parking area at 141 Bassett Ln., Hyannis as shown on Assessors Map 309 Parcel 264-008.

The applicant was represented by Thomas Scarlata.

A motion was made to approve the Amended Order.

Seconded and voted unanimously.

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

- | | | | | |
|----|-----------|----------|----------|---|
| A. | Green | SE3-4755 | (coc,ez) | construct stairway (not done) & deck; reset dock (not done) * |
| B. | Capizzi | SE3-4451 | (coc,ez) | construct addition to sfd; construct pier, ramp, & float * |
| C. | Brown | SE3-4532 | (coc,ez) | raze & construct single-family dwelling * |
| D. | Ungermann | SE3-0811 | (coc,ez) | reconstruct bulkhead; modify dock * |
| E. | Sullivan | SE3-4426 | (coc,ez) | reconstruct house & landscaping * |

(Certificates, cont'd.)

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|----|---------|----------|----------|--|
| F. | Tellier | SE3-1618 | (coc,ez) | construct pier, ramp, & float * |
| G. | Reilly | SE3-3837 | (coc,ez) | construct barn (not done) & single-family dwelling * |
| H. | Robards | SE3-4725 | (coc,ez) | construct 2 nd – story addition (not done) & construct deck * |

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

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

A. Consider revisions to the Town of Barnstable Conservation Commission Fee Schedule promulgated 6/02/09 and revised 6/30/09.

For clarity, the following two sentences are proposed in the 2nd Revision to the Fee Schedule:

- Any Notice of Intent filed only under Chapter 237 of the Town Code, shall also be assessed a fee equivalent to the calculated “town share” derived from the MA DEP Wetlands fee calculation for that type project
- Any Revised Plan or Request for Amended Order shall also be assessed applicable project fees

A motion was made to approve the revision to the fee schedule.

Seconded and voted unanimously.

B. Update on Coastal Resource Committee

Noted

C. Discussion on voting at hearing, and number of Commissioners present

Noted

D. Bothwell update on hearings scheduled

Noted

E. Crocker Neck gate status

Noted

F. Sandy Neck update

Noted

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:17 p.m.