



**Town of Barnstable
Conservation Commission**
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MINUTES – CONSERVATION COMMISSION MEETING

DATE: November 10, 2009 8:30 a.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, 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 8:30 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners John Abodeely, and Louise Foster. Commissioner Larry Morin was away, as were Peter Sampou, Scott Blazis. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent, and Fred Stepanis, Conservation Assistant.

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

<u>I</u>	<u>REVISED PLANS</u>	<u>project type</u>	<u>revision</u>
A.	Mazzola SE3-4613	retaining wall	pool, shed, patio, etc.

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

Issues discussed:

- Non-chlorine disinfection system required
- Draw-down leaching basin required.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Tobin SE3-4494	raze/rebuild sfd	deck
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The applicant was represented by Peter Sullivan, P.E.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Blair SE3-4389	dredging	footprint
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The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Increasing depth from -5 to -6
- Changing deposition site to adjacent parking lot location

(Blair, cont'd.)

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. CTS Fiduciary SE3-4827 pool, wall extend wall

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Rooze SE3-4781 addition, drive change to gravel, delete planting

The applicant attended the hearing.

Issues discussed:

- No fuel is to be stored in the shed.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Christodoulo SE3-4746 garage new foundation

The applicant was represented by John Schnaible, P.E. and Sean Raycroft, builder.

Issues discussed:

- No pile foundation de-watering required. The work limit remains the same.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. DPW SE3-4582 Barns. Harbor dredging SN deposition site

The applicant was represented by Robert Burgmann, P.E., and Nina Coleman, Park Manager.

Issues discussed:

- Washout of dike resulting from de-watering pipe
- Snow fencing to be used to stabilize gravel fill core
- Possible transplanting of Sandy Neck – indigenous shrubs, in consultation with staff; a letter to be provided.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

H. Laughran SE3-4710 raze, rebuild sfd footprint, shed

The applicant was represented by Chris Childs, Builder.

Issues discussed: No concerns arose.

(Laughran, cont'd.)

A motion was made to approve the revised plan.

Seconded and voted unanimously.

I. Payson DA-08083 raze, rebuild sfd in floodplain footprint, wall

The applicant was represented by Chris Childs, Builder.

Issues discussed: No concerns arose.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. Jenkins, Susan SE3-4573 2 sfd's w/common drive 1st Request; 3 yrs.

The applicant attended the hearing.

Issues discussed:

- Brush piles were placed by trespassers.

A motion was made to approve a three-year extension, subject to staff review of brush piles.

B. Oyster Harbor Golf Club SE3-3738 mgmt. of aquatic vegetation 3rd Request; 3 yrs.

The matter was withdrawn, and will be re-filed as a Notice of Intent.

C. Mazzola SE3-4613 retaining wall (and see above) 1st Request; 3 yrs.

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

Issues discussed: None

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

Seconded and voted unanimously.

D. O'Neill SE3-4580 revetment; beach grass 1st Request; 3 yrs.

The applicant was represented by Stephen Wilson, P.E.

Issues discussed: None

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

Seconded and voted unanimously.

E. Wilson SE3-4119 widen path; remove seaweed 2nd Request; 3 yrs.

The applicant was represented by Stephen Wilson, P.E.

Issues discussed:

- The project has not been implemented yet.

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

(Wilson, cont'd.)

Seconded and voted unanimously.

F. ToB/MEA SE3-4207 trail maintenance 2nd Request; 3 yrs.

The applicant was represented by Nina Coleman, Sandy Neck Park Manager.

Issues discussed:

- Marsh trail improvements have proven to be important in keeping many cottage owners off front beach.

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

Seconded and voted unanimously.

G. Benedetto SE3-4203 sfd 2nd Request; 3 yrs.

The applicant was represented by Stephen Wilson, P.E.

Issues discussed:

- Construction has begun on the house foundation and septic.

A motion was made to approve a second three-year extension, conditional upon the conservation restriction being completed within one year. A letter to be forthcoming.

Seconded and voted unanimously.

H. Silvera BCC-0187 sfd 1st Request; 3 yrs.

The applicant was represented by James and Janet Mendez.

Issues discussed:

- Approval subject to staff site visit.

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

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

A. John and Ardell Callas – 300 Smoke Valley Road, Marstons Mills **SE3-3488**
Alteration of the Conservation Commission's 50' buffer and 100' buffer zone by: mowing beach grass to the edge of southeast bulkhead, cutting trees, shrubs and mowing near north bulkhead and front of house.
Additional cutting of oaks within 50' and 100' buffer. (continued from October 13)

Mr. and Mrs. Callas were represented by Peter Sullivan, P.E., and Megan Montefusco.

An e-mail report from Karen Malkus of the Board of Health was read into the record. It expressed concern for human impact upon the water quality of Warren's Cove, which suffers from high bacterial counts.

A motion was made to amend the enforcement order to include the following:

The plan shall show the top of the bank as a "no-cut line" to the right of the pier. In addition, the plan shall show "no mowing" along the bulkhead to the left of the pier. The original path located on an earlier plan by Sullivan Engineering, Inc., may be maintained. Replanting of disturbed area shall include three native trees and shrubs, in consultation with Conservation staff.

(Callas, cont'd.)

Seven trees which were cut in front of the house shall be mitigated with twelve bearberry and three native trees. Trees may be planted in another area, in consultation with staff. There shall be no cutting of vegetation along the top of the second bulkhead. It must be determined whether stones in the path area have been permitted.

The property owners or their agents shall report to the Conservation Agent, indicating how many trees, three inches or greater, have been cut. A planting and location plan is to be forthcoming, in mitigation of the cut trees. Stump-management to be used with regard to growing sprouts. Demarcation of a 50-foot, undisturbed line in the field, to be determined in consultation with staff.

A motion was made to continue the hearing to December 8th for plan review and report on the cut oaks; planting to be done by May 15, 2010.

Seconded and voted unanimously.

IV CERTIFICATES OF COMPLIANCE

(ap = as-built plan) (coc = Certificate of compliance) (ez = no deviations, staff recommends approval) (ok = minor deviations, staff recommends approval) (c = staff recommends approval with contingencies) (d = deviations, staff recommends denial) (* = on-going conditions)

A. Bay Shore RT SE3-4314 (coc,c) stairway, pier, ramp, floats, etc.

The matter was continued to December 8th.

B. TOB/DPW SE3-4352 (coc) Centerville River dredging – Phase 2

The certificate was denied; post-dredge bathymetric surveys are necessary.

C. Lempres SE3-4504 (ap) as-built, free-standing kayak rack

The certificate was approved and seconded.

D. Lempres SE3-4504 (coc) construct pier, ramp, & float *

The certificate was approved and seconded.

E. Ryan SE3-4434 (coc) construct seasonal pier, ramp, & float *

The certificate was approved and seconded; a 21-foot Regulator was approved for berthing.

F. Ryan SE3-4186 (ap,ok) add blue stone steps to path

G. Ryan SE3-4186 (coc) raze & construct single-family dwelling *

The certificate was approved and seconded, contingent upon the submission of a foundation plan.

H. Baker SE3-4735 (coc) construct seasonal pier *

The certificate was approved and seconded, contingent upon the addition of 10-feet of undisturbed buffer.

V OLD & NEW BUSINESS

A. Crosby Yacht SE3-4758 reconfiguration zone clarification

Peter Sullivan, P.E., represented the applicant. The question arose as to whether a reconfiguration zone allows change to both floating and fixed piers. The current Commission belief is that it has approved only the reconfiguration of floats. The matter will be carried over to the December 3rd evening meeting. Other boat yards with approved reconfiguration zones will be notified.

B. Rules at Conservation-managed “ways-to-water”

The Commission discussed posting dinghy-removal requirements (off-season) at Crocker Neck, and the second Santuit Road “ways-to-water.” This was proposed in expectation that the Town’s trial effort at Ropes Beach will not be expanded anytime soon. To post said requirements without necessary enforcement back-up would be to create a “paper tiger.” Therefore, the interest died.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:25 a.m.