



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: April 20, 2010 – 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, 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, Peter Sampou, Larry Morin, and Louise Foster. Commissioners John Abodeely and Scott Blazis were away. Rob Gatewood, Conservation Administrator, assisted.

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

I PUBLIC HEARING ON PROPOSED DRAFT REGULATIONS FOR SHORE OUTHAULS

The Chair gave a summary on the evolution of the proposed regulations. Interest in shore outhauls originated in the Coastal Resources Management Committee. The ensuing Coastal Resources Management Plan recommended that the Conservation Commission regulate shore outhauls. Several Commission workshops on the proposed regulations preceded tonight's hearing.

The Chairman summarized the proposed regulations. Prior to calling for public comment, the Chair instructed attendees to direct their comments to the proposed regulations, and not to the specifics of their particular parcels.

Phyllis Cole expressed concern for being "hit from behind," just learning this past Friday about the proposed regulations. She said she has had an outhaul for the past forty years. She urged the Commission to treat existing outhauls the way existing piers were approved under the 1988 Amnesty Program.

Stan Liakus, on behalf of the North Bay Beach Association, asked about the limited grandfathering provided. The Chairman offered an expanded definition of grandfathering. Mr. Liakus said that, under Chapter 91, his outhaul is neither new nor unauthorized.

Gerard Ganey of the Barnstable Association of Recreational Shellfishing said outhauls present a [negative] visual impact and a safety hazard.

Stuart Rapp, Chairman of the Barnstable Shellfish Committee said that his Committee desires that no new structures be placed in shellfish habitat, as this is yet another way that shellfish habitat is lost. He suggested that owners of outhauls be issued a revocable – rather than permanent – license. He recommended one outhaul per parcel.

Tom Sullivan, shellfisherman since 1976, said shell fishing has never been better in Osterville, particularly where outhauls are located.

Bob Jones, Chairman of the Coastal Resources Management Committee, asked if the Commission's intent was to deny motor boat outhauls in relay areas. He believes outhauls are benign for the most part in terms of their shellfish impact.

(Shore Outhaul Regs., cont'd.)

Mr. Liakis felt that the Association property at the end of Bay Street actually helps buffer the impacts from high-use boat launching adjacent to the locus.

Commissioners offered a number of comments.

A motion was made to take the matter under advisement, but to leave the record open to written comment, and to continue the hearing to May 4th.

II MINUTES FOR APPROVAL

A. March 30, 2010

A motion was made to approve the minutes.

Seconded and voted unanimously.

III REQUESTS FOR DETERMINATION

Sanford Ader. Vista pruning and brush removal at 16 Colonial Farm Circle, Marstons Mills as shown on Assessors Map 044 Parcel 009-006. **DA-10018**

The applicant was represented by Peter Childs.

Issues discussed:

- Advance consultation with staff required.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Gerald W., III and Lucy U. Blakeley. Remove three trees, trim one additional tree, perform bank and buffer enhancement, add solar panels to roof at 250 Windswept Way, Osterville as shown on Assessors Map 051 Parcel 012. **DA-10019**

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

Issues discussed:

- Removal of bittersweet and honeysuckle was proposed
- Planting of replacement trees was requested by the Commission.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Donna Munsey. Clear shrubs, vegetation and weeds for proposed lawn area at 2429 Meetinghouse Way, W. Barnstable as shown on Assessors Map 155 Parcel 020. **DA-10020**

The applicant attended the hearing.

Issues discussed: none

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Ann H. Babcock. Raze and replace wooden stairs down a coastal bank at 11 Marchant Ave., Hyannisport as shown on Assessors Map 286 Parcel 026. **SE3-4879**

The applicant was represented by Dan Ojala, P.E.

Issues discussed:

- The bottom section of stairs to be removable
- Concern was expressed for cantilevered sitting platform; reconfiguring it to the lower lawn to be shown on a revised plan
- Ceasing the clippings dump on the bank
- 180 square feet of planting mitigation

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

Seconded and voted unanimously.

Oyster Harbors Club, Inc. Proposed golf short-game practice area at 110 Grand Island Dr., Osterville as shown on Assessors Map 072 Parcel 011-006. **SE3-4881**

The applicant was represented by John O’Dea, P.E., Doug Mayo, Club Manger, and Ryan Chase, Course Superintendent.

Issues discussed:

- The pond is closed system; no algae blooms are encountered in this irrigation pond.
- The site was historically a waste area. A water quality swale to be provided in the design.
- The entire course meets the Commissions standard condition for the use of residential fertilizer.

Public comment:

- Karen Carter, abutter, asked whether any trees would be felled, or any parking proposed.
- With regard to expanding the 50-foot buffer, Mrs. Carter said she supported the project.
- A revised plan will be submitted.

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

Seconded and approved: 4 votes “Aye; 1 vote “Nay.”

Susan M. Mykrantz. Proposed modifications to existing home, including addition; removal of sunroom and patio and replace with porch and patio; mitigation plantings at 531 Main St., Osterville as shown on Assessors Map 141 Parcel 099. **SE3-4880**

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

Issues discussed:

- Whether extra credit should be granted for the removal of existing hardscape within the 50-foot buffer.
- The Commission will require, nevertheless, a 3:1 mitigation (225 square feet, total).

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

Seconded and voted unanimously.

Nathan Rudman. Construct single-family home with appurtenances to include driveway, septic, walkways, landscaping, retaining walls, deck, garage, detached boat barn, utilities, etc., at 40 Waterman Farm Rd., Centerville as shown on Assessors Map 207 Parcel 091-002. **SE3-4882**

(Rudman, cont'd.)

The applicant was represented by Norman Hayes, P.W.S. and Kieran Healy.

Issues discussed:

- Board of Health approval for a five-bedroom house is currently valid
- Borrow pits will be filled and planted with suitable vegetation.
- A pathway to a viewing area on the top of the bank was proposed
- A silt fence only along the gently sloped area
- Approval contingent upon comments to be issued by Natural Heritage and Endangered Species Program (NHESP)

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.	Kelly	SE3-4616	(coc,ez)	construct single-family dwelling & access bridge *
B.	Antoine	SE3-4250	(coc,ez)	construct detached garage (not done)
C.	Coakley	SE3-4845	(coc,ez)	replace retaining wall & fence; modify driveway *
D.	Sullivan	SE3-3732	(coc,ez)	construct addition & swimming pool (not done)
E.	Soares	SE3-4496	(coc,ez)	permit existing wall; upgrade septic system *
F.	TOB/DPW	SE3-2658	(coc,ez)	replace culvert under Horseshoe Lane, Centerville *
G.	Warner	SE3-1537	(coc,ez)	convert garage to studio; upgrade septic

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

Seconded and voted unanimously.

<u>VI REVISED PLAN</u>	<u>project #</u>	<u>project type</u>	<u>revision</u>
ToB/Water Supply Div.	SE3-4838	site improvements	footprint

Commissioner Tom Lee recused himself, as his firm has a contractual relationship with the Town.

The applicant was represented by Justin Lambreau.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 8:42 p.m.