



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

DATE: May 24, 2011 – 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](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 John Abodeely, Peter Sampou, Scott Blazis (arrived at 6:35), Larry Morin, and Louise Foster. 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. May 10, 2011

B. May 17, 2011

A motion was made to approve the minutes.

Seconded and voted unanimously.

### II REQUESTS FOR DETERMINATION

**Lynda Bedard & Maureen McCarthy.** Replace existing wood deck with L-shaped deck; install hot tub; add 9' x 3' x 2' stone wall for built-in gas grill; add small natural gas fire box to existing stone wall; build 600-gallon dry well for hot tub drainage at 59 Otter Ln., Cummaquid as shown on Assessor's Map 351 Parcel 010-003. **DA-11045**

The applicant was represented by Jarrod West.

Issues discussed:

- All work would be confined within the existing patio, itself surrounded by a slate kneewall.
- The size of the draw-down pit would be 600 gallons.
- No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### III NOTICES OF INTENT

**Peter Johnson.** Construct addition (garage) to existing house at 70 Moco Rd., W. Barnstable as shown on Assessor's Map 215 Parcel 006. **SE3-4938**

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

Issues discussed:

- The removal of the shoreline cottage twenty-plus years ago was discussed in terms of whether planting mitigation was to be provided now.
- Requiring less than a 3:1 buffer was discussed, to be implemented in consultation with staff. This could include a meadow to be mowed only twice annually.
- The proposed site plan was displayed and noted as Exhibit A.
- Elevation views were provided and noted as Exhibit B.

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

Seconded and voted unanimously.

### IV REVISED PLAN

A. Sturgis Charter Public School SE3-4931 New school bldg, driveways footprint driveways, park

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

The revised plan was displayed and noted as Exhibit A.

No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Barnstable DPW SE3-4673 Bridge repair additional riprap

The Town Engineer, Bob Burgmann, was unable to attend the hearing.

Staff outlined the revised plan to stabilize erosion.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Eastman SE3-4926 Retaining wall timing

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

No concerns arose.

A motion was made to approve the revised plan

Seconded and voted unanimously.

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

A.	Squier	SE3-4069	(coc,ez)	construct addition to single-family dwelling *
B.	Barnstable Water Co.	SE3-1362	(coc,ez)	renovate water supply
C.	Johnson	SE3-3839	(coc,ez)	construct detached garage *
D.	Perry	SE3-4130	(coc,ez)	permit existing stairway, platform, & dock *
E.	Lebel	SE3-1385	(coc,ez)	construct single-family dwelling *

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

Seconded and voted unanimously.

**VI OLD & NEW BUSINESS**

A. Workshop on draft revised Ch. 704 Buffer Zone Regulations (Time approx. 7.00 p.m.)

The Chair provided a brief overview of the evolution of the draft regulation and an introduction of Carole Ridley of C.R. Associates, consultant on the project.

Ms. Ridley provided a matrix of the comments provided by the public and from Commissioners to date. The matrix was provided and noted as Exhibit A. It included a column indicating how – or whether – a comment was incorporated in the current draft.

First discussion, item 704-2B: Should landscape alterations along with hardscape within the 50-100 foot buffer require mitigation?

Initially, comments from the Commissioners on this item demonstrated differences of opinion as to whether landscape alteration should be included. The Commission came to an agreement by requesting that, within the definition of hardscape, there be an ability to consider other types of alterations (e.g., landscaping), where impacts are determined to be “large and significant”.

Discussion items under Chapter 704-3B:

The two discussion items were to be further clarified by adding new language: “Where less than a 50-foot buffer exists...”

Discussion items under 704-4A:

The Commission agreed with retaining the flexibility to relocate existing structures, if the site can accommodate this. The focus was on striking the word “new.”

Should a project prove to be “impact-neutral” without mitigation to justify a waiver?

The Commission’s position was to not require such a finding before mitigation.

Should repair to long-existing structures (e.g., foundation repair to a gazebo pre-dating the act) trigger mitigation?

The Commission agreed that it would be site-specific, but that language should not be added at this time.

Discussion item 704-4B1:

The mitigation planting ratio in the 0 – 50-foot buffer zone was discussed. Adding language as given in the matrix was proposed. As for the specific ratio, a hardship exemption was proposed, along with a sliding scale between 3 – 6:1.

Staff suggested a 2:1 ratio in the outer buffer; a 4:1 ratio in the inner.

Discussion included language allowing a sliding scale between 3 – 5:

In the end, the Commission decided upon a 3:1 ratio in the outer buffer and a 4:1 ratio in the inner buffer.

Discussion item 704-4B3:

The Commission agrees that meadow restoration may be proposed by the applicant and the Commission, alike.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:23 p.m.**