



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE : December 6, 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), 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, Larry Morin, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Town Hall Hearing Room, 367 Main Street, 2nd Floor, Hyannis, MA.

I MINUTES FOR APPROVAL

A. November 8, 2011

A motion was made to approve the minutes of November 8, 2011.

Seconded and voted unanimously. Commissioner John Abodeely abstained.

B. November 15, 2011

A motion was made to approve the minutes of November 15, 2011.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Catherine (Childs) Hornor. Construct 12'x 13' addition to existing master bedroom supported above grade on 6'x 6' posts at 162 Main St., Osterville as shown on Assessor's Map 165 Parcel 073. **DA-11096**

The applicant was represented by Peter Brown, R. A.

Issues discussed:

- Hand excavation proposed.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Robert C. Granquist & Elena Pine, Trs. Septic system upgrade at 84 Birchill Rd., Centerville as shown on Assessor's Map 189 Parcel 022. **DA-11100**

The applicants were represented by Michael Pimental.

Issues discussed:

- Filing with the Board of Health to follow.
- No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Richard S. & Cheryl Rosen. Raze existing 1-story garage and replace with 2-story garage; stairs to 2nd floor; mitigation plantings at 93 Willow Run Dr., Centerville as shown on Assessor's Map 210 Parcel 058. **DA-11097**

The applicant was represented by Richard Avery.

Issues discussed:

- A revised plan was submitted and noted as Exhibit A
- Two sheets of photos were submitted and noted as Exhibit B (1 – 2).
- The gist of the new plan was to switch the original proposed garage footprint with the adjacent cottage.

A motion was made to continue the hearing to December 20th.

Seconded and voted unanimously.

The Khoury Cape Cod Real Estate Trust, A. J. Khoury, Trs. Construct new house over 100 feet from top of coastal bank; allow temporary work limit to be approx. 80' from top of coastal bank at closest point; disturbed area will be reseeded at 835 Sea View Ave., Osterville as shown on Assessor's Map 113 Parcel 002-002. **DA-11099**

The applicant was represented by Steven Wilson, P.E. and Bruce Besse.

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Miller Starbuck Construction Services. Construct and install personal elevator to existing residential property at 206 Long Beach Rd., Centerville as shown on Assessor's Map 206 Parcel 001. **DA-11098**

The applicant was represented by Philip Miller.

Issues discussed: No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Yasmine Realty Ltd., c/o Quabbin Capital, Inc. Rebuild pool with pool deck expansion, relocation of pool fence and walk at 253 Seapuit River Rd., Osterville as shown on Assessor's Map 051 Parcel 002. **SE3-4973**

The applicant was represented by Philip Cheney.

Issues discussed:

- Substantial mitigation plantings were proposed.

- Pool disinfection will be upgraded.

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

Seconded and voted unanimously.

Edward and Maureen Migdelany. Raze existing single-family dwelling and garage; construct single-family dwelling with attached garage, porch, deck, balcony, upgraded septic system and drive at 2641 Main St., Route 6A, Barnstable as shown on Assessor's Map 258 Parcel 044. **SE3-4974**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- The existing house is dilapidated, and the grounds are completely overgrown.
- The proposed septic system (requiring no variances) will be restricted to two bedrooms.
- Ivy will be removed by hand and is proposed as project mitigation.

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

Seconded and voted unanimously.

Millway Realty Trust. Repair foundation pilings supporting existing building at 277 Millway Rd., Barnstable as shown on Assessor's Map 301 Parcel 063-002. **SE3-4975**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- All work will be done by hand to shore-up and crack-fill the existing piling.
- Non-toxic epoxy will be used.

A motion was made approve the project with special conditions.

Seconded and voted unanimously.

Helen M. Burleson, Executrix of the Estate of Matthew J. Mitchell. Construct single-family dwelling with paved driveway, utilities, grading/landscaping, drainage, pool and associated appurtenances; vista pruning at 41 Sand Point, Osterville as shown on Assessor's Map 073 Parcel 014-001. **SE3-4976**

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

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- The exact same footprint was approved in 2003. The house was never constructed.
- Landscaping in the outer (50 – 100-foot) buffer will be done, in consultation with the conservation agent.

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

Seconded and voted unanimously.

Steven M. & Robin L. Ellis. Construct sunroom at 190 Pinqickset Cove Circle, Cotuit as shown on Assessor's Map 005 Parcel 072. **SE3_____**

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

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.

- Staff found that the landform is a town-defined coastal bank; the Commission concurred.
- A waiver was granted but no mitigation was required, due to the nature of the project.

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

Seconded and voted unanimously.

IV CONTINUANCES

Whitney P. Wright. To approve/manage cutting of vegetation in 50-foot buffer zone at 4308 Main St., Cummaquid as shown on Assessor’s Map 351 Parcel 029 **DA-11074**

The applicant and his wife attended the hearing.

Issues discussed:

- The quorum did not include Peter Sampou.
- A revised project explanation was submitted and read by Mr. Wright; it was noted as Exhibit A.
- The merit of the proposal was discussed. A revised sketch plan will be provided. A discussion ensued as to whether the determination should be recorded. In the end, it was not required.
- A revised sketch plan will be provided, in consultation with staff.

A motion was made to issue a negative, conditional determination.

Seconded and voted unanimously.

R. Robert & Brenda H. Popeo. Construct and maintain timber boardwalk, pier, ramp, and float; clear and maintain pathway to boardwalk at 120 Carriage Rd., Osterville as shown on Assessor’s Map 071 Parcel 015-002. **SE3-4959**

The applicants were represented by Attorney Albert Schulz, Peter Sullivan, P.E., John O’Dea, P.E., and Dr. Pam Neubert.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A (1 – 3)
- An aerial photo of the site was displayed and noted as Exhibit B.
- The shellfish habitat rating was “NR” – not rated. Mr. Schulz took issue with portions of the letter from the Shellfish Committee Chair, Stuart Rapp.
- A comparison with the abutting Baker site was presented. A waiver had been granted for the Baker boat. The significant shellfish area is 30 – 60 feet from the salt marsh. From 60 – 100 feet, the substrate is muck. A 12-inch water column requirement should be the appropriate finding, argued the consultant.
- The report of the Town Shellfish Biologist was noted.
- Letters from the Town Shellfish Biologist, Tom Marcotti, Mr. Baker, and Mr. Rapp, were read.
- The project was described by a Commissioner as the “poster child” for re-suspension of sediment concern.
- Mr. Marcotti’s diagram and table were displayed as Exhibit C (1 – 3).
- Dr. Sampou of the Shellfish Committee does not expect the 17-foot Montauk to disturb the sediment. The jet boat would be a different story. A conventional-drive boat appeared acceptable to the Commission.

A motion was made to approve the proposed pier with a 17-foot Montauk with a maximum of 90 hp. Any second boat would be subject to Commission approval. The 12-inch rule would be in effect. Significant shellfish habitat exists in proximity (between 30 and 65 feet) of the shoreline.

Seconded and voted unanimously.

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

A. Stelling SE3-2187 (coc,ez) construct walkway, pier, ramp, & floats

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|----|-----------|----------|----------|---|
| B. | Nickulas | SE3-3753 | (coc,ez) | construct single-family dwelling * |
| C. | Heathwood | SE3-4958 | (coc,ez) | permit existing walkway, pier, ramp, & floats * |
| D. | O'Brien | SE3-4136 | (coc,ez) | relocate shed & fence; manage phragmites * |
| E. | Elmer | SE3-4240 | (coc,ez) | construct addition & detached garage * |
| F. | Tuten | SE3-4745 | (coc,ez) | pave driveway & construct drainage * |

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

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

- A. Continuation of workshop on revised shellfish habitat rating maps

The Chairman summarized the progress of the workshops to date. Finding the draft maps complete, the Chairman sought to move the draft maps to the public hearing of December 20th.

Public comment:

- Dr. Pam Neubert expressed her concern for improving water quality to preserve shellfish stocks.

Methods for improving the statistical significance of the ratings will be put off until the time of the next re-evaluation by Mr. Marcotti's committee.

A motion was made to take the maps to the public hearing of December 20th. The old rating values will be deleted.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:28 p.m.