



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE : December 20, 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 E. Abodeely, Peter Sampou, Scott Blazis, and Larry Morin. Commissioner Louise R. Foster was away. 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. December 6, 2011

A motion was made to approve the minutes.

Seconded and voted unanimously.

### **II OLD & NEW BUSINESS**

A. Public Hearing on proposed acceptance of revised shellfish habitat rating maps

The Chairman opened the public hearing, noting that the proposed maps have been vetted through two previous workshops.

Tom Marcotti, Town Shellfish Biologist, gave a brief overview of the latest rating process. Rated areas were shown on two maps: Barnstable Harbor area and the Three-Bays-Prince Cove area. If adopted by the Commission, the maps will be recoded at the Town Clerk's office and used in conjunction with Chapter 703: Regulations for Private Piers and Docks.

Public comment:

- Arlene Wilson, P.W.S. discussed the evident increase in habitat value. Was the increase the result of shellfishery which is truly thriving in the face of the many docks and piers in the area? Or, was bias introduced into the rating process? Ms. Wilson said she hopes the next rating will produce results in which there can be greater confidence.

Mr. Marcotti described the effort as a work in progress. The Commission had previously pointed out some process improvements to be considered when the next rating occurs.

Because of the subjective nature of the ratings, the Commission regards a given rating as a presumption, but one which can be rebutted. The new ratings, although imperfect, represent a big improvement over the existing ratings.

Public comment:

- Dr. Pam Neubert, Marine Ecologist, asked if adding more individuals to the rating committee has been considered. She said that, doing so, would lend an important measure of statistical power to the analysis. Dr. Neubert offered her future “behind-the-scenes” assistance.

A motion was made to adopt the Barnstable Harbor ratings map, effective January 1, 2012.

Seconded and voted unanimously.

A motion was made to approve Three-Bays ratings map, effective January 1, 2012.

Seconded and voted unanimously.

### **III REQUESTS FOR DETERMINATION**

**Paul Sawyer.** Replant spartina alterniflora in bare areas on margin of marsh property at 1136 Craigville Beach Rd., Centerville as shown on Assessor’s Map 206 Parcel 088. **DA-11101**

The applicant was represented by Gordon Peabody and Laura Henry.

Issues discussed:

- The unique erosion problem is the square-back marsh crab (also known as Asian shore crab, according to the Commission.
- The use of marsh plantings, in conjunction with ecologically adapted seaweed to correct the problem, was proposed.
- A summary report will be provided at the end of this three-year restoration period.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Town of Barnstable/D.P.W.** Replace failed, clogged pipe/culvert under road connecting various parcels along Ames Way, Centerville as shown on Assessor’s Map 170 Parcels (various). **DA-11102**

The applicant was represented by Michael Perry, Sr.

Issues discussed: no concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**May & James Tung.** Renovate/maintain existing dwelling within existing house/deck footprint; remove 7 trees and relocate elsewhere on site at 222 Hayes Rd., Centerville as shown on Assessor’s Map 211 Parcel 030. **DA-11104**

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

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- No foundation supports are required for the in-fill areas. No change in footprint or elevation was required.
- Seven new specimen trees were proposed to replace pitch pines proposed to be removed to safeguard the house. Placement and tree selection to be done in consultation with Conservation staff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Capewide Enterprises.** Install new Title-5 septic system at 54 Acorn Dr., W. Barnstable as shown on Assessor's Map 216 Parcel 015. **DA-11103**

The applicant was represented by Jack Vaccaro.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- The soil absorption system was outsize, due to the tight soil.
- A total of six variances were granted by the Board of Health. Some 6½ feet of separation to groundwater will be attained.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

#### **IV NOTICES OF INTENT**

**West Barnstable Fire District.** Increase available parking and upgrade stormwater management facilities at 2160 Meetinghouse Way/Rte. 149, W. Barnstable as shown on Assessor's Map 154 Parcel 009. **SE3-\_\_\_\_\_**

The applicant was represented by Matthew Eddy and Fire Chief Maruca.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- The project would provide additional parking, while improving stormwater site drainage.
- The conservation trailhead will be reconfigured to connect to the new parking. The kiosk will be relocated there.
- The NW leaching basin is too close to ground water, and so functions poorly.
- A small rain garden will be provided to capture water bubbling out of the conveyance system. Of course, the components of the existing conveyance system will be cleaned to improve leaching. The new system will retain and infiltrate the 25-year storm.
- The Commission questioned the calculation in the storm water report. Mr. Eddy said his work was conservative in that regard, but he would be happy to further discuss the matter with Tom Lee, P.E., of the Commission.
- The Commission discussed the unsightly shed and grounds. The Chief said he would relocate the shed, as well as address the debris and scrap-metal by the shed.

Public comment:

- Dr. Wayne Miller, abutter, applauded the stormwater improvements. He objected to eight of the proposed sixteen parking spaces, finding only eight spaces necessary for most occasions. Dr. Miller said that an alternative exists. Five spaces could be freed-up by removing the old vehicles and by using Meetinghouse Farm for overflow parking needs. He was concerned about the placement of additional parking in a Zone II water supply well.
- Abutter Eric Hokans supported Dr. Miller's comments and said that rain events cause flooding of culverts on Route 6A, affecting his property.

Chief Maruca said that, while he has done his best to balance the parking at the facility, the proposed parking is truly needed.

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

Seconded and approved: 5 votes: "Aye;" 1 vote: "Nay."

**Robert Corcoran.** Construct a single-family dwelling with attached garage, driveway, utilities, landscaping and all appurtenances at 40 White Pine Lane, Centerville as shown on Assessor's Map 187 Parcel 037. **SE3-4978**

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

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- The project is in the outer riparian zone, and 95 feet away from the wetland.
- No concerns arose.

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

Seconded and voted unanimously.

## **V CONTINUANCES**

**Richard S. & Cheryl Rosen.** Raze existing 1-story garage and replace with 2-story garage; stairs to 2<sup>nd</sup> 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:

- The proposed revised plan was displayed and noted as Exhibit A.
- The driveway is to be stone.
- No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

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

A. None

## **VII REVISED PLAN**

A. Bilezikian (Gildea) SE3-4578 orig. project: pier modification revision: change of boat

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

Issues discussed:

- The applicant owns a Whisperjet-34, a jet boat for which he seeks approval, and a new boat, a Hunt Hurrier-25, drafting 36", which he would like to purchase.
- The Whisperjet provides 21" beneath the cowl.
- A sketch plan showing a reconfigured float and two new slips was distributed, and noted as Exhibit B.
- The locus is acknowledged as having low habitat value. High value shellfish habitat is approximately 600 feet to the south.
- Mr. Sullivan discussed the 1929 data upon which the depths were based, which may understate available depths by nearly one foot.

A motion was made to approve the two proposed boats, contingent upon the issuance of an Order of Conditions for the proposed pier reconfiguration.

Seconded and voted unanimously.

**VIII OLD & NEW BUSINESS, (continued)**

A. Leoni Ladd Rd., Centerville SE-4862 re-deploy float array

Mr. and Mrs. Leoni attended the hearing.

Mr. Leoni summarized his dilemma. He was unsuccessful in obtaining zoning approval for a proposed pier as an accessory use. He has invested approximately \$19,000 in the permitting process, to no avail. A long-held boat mooring in East Bay has been forfeited as a condition of his pier approval.

The Commission discussed requiring floatstops on the array. The Commission also discussed a memorandum of understanding to be drafted by Mr. Leoni which would spell out circumstances whereupon the allowance for use of the float array would cease. A ten-year sunset clause will govern.

B. E-mail correspondence between Commissioners

The Chair noted that all e-mails between Commissioners must be compiled and then disclosed at a public meeting.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:21 p.m.**