



Town of Barnstable Conservation Commission

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MINUTES

CONSERVATION COMMISSION MEETING

DATE: JUNE 11, 2013 6:30 PM

LOCATION: SELECTMEN'S CONFERENCE 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, and Larry Morin. Commissioner Louise Foster was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Selectmen's Conference Room, Barnstable Town Hall, 367 Main St., Hyannis, MA.

I MINUTES FOR APPROVAL

A. May 21, 2013

II REQUESTS FOR DETERMINATION

Michael J. Gill, Tr., 143 Bayberry Way Realty Trust. Convert existing garden to lawn and convert lawn elsewhere to woody vegetation at 143 Bayberry Way, Osterville as shown on Assessor's Map 091 Parcel 009. **DA-13035**

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

Exhibits:

- A – The proposed site plan.

Issues discussed:

- Whether the mitigation should be provided in the 50-foot buffer;
- 3:1 mitigation within the 50-foot buffer can be provided, subject to a revised plan with mitigation footprint in consultation with staff.

A motion was made to issue a negative determination, subject to a revised plan with mitigation footprint, in consultation with staff.

Seconded and voted unanimously.

Hyannisport Civic Association/West Beach Club. Removal of invasive plants; planting native plants; installing lawn area at 9 Dale Ave., Hyannisport as shown on Assessor's Map 286 Parcel 031. **DA-13033**

The applicant was represented by Ali Thompson.

Exhibits:

- A – Revised planting plan and species list

Issues discussed: no concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Town of Barnstable/Conservation Div. Continue on as-needed basis invasive aquatic weed project, targeting plants such as fanwort and hydrilla by hand-pulling, benthic blanketing and suction harvesting to entire Wequaquet Lake and sub-basins and coves, including Bearse's Pond and Gooseberry Cove in Centerville. **DA-13036**

The applicant was represented by Rob Gatewood, Conservation Administrator.

Issues discussed:

- Possible conflicts with herring run: staff believes that none would occur;
- Need for a year-end report of what was accomplished and where;
- Staff suggested several conditions.

Public comment:

- Richard Chicalis of the Holly Point Association said his organization applauds the fanwort project, but objected to any "heavy-handed" chemical approach. He said the fanwort can assimilate a great amount of nutrients. He supports the proposed physical methods.
- Bob Nichols of Indian Ponds Association spoke in strong support of all three applications. He remarked that the contractor did a fine job of collecting the fragments;
- Alex Frazee of I.P.A. also expressed support for the town efforts;
- Christian Swenson said mechanical harvesting produces plant fragments that might propagate;
- Roger Bodley of Holly Point Association said his beach accumulates 1 – 3 bushels of fragments each day, and none has ever sprouted and grown. Conditions aren't right, especially the lack of mucky sediment;

A motion was made to issue a negative determination with special conditions.

Seconded and voted unanimously.

Town of Barnstable/Conservation Div. Continue on as-needed basis invasive aquatic weed project, targeting plants such as fanwort and hydrilla by hand-pulling, benthic blanketing and suction harvesting to entirety of Mystic Lake in Marstons Mills. **DA-13039**

The applicant was represented by Rob Gatewood.

Issues discussed:

- Proposed conditions were suggested by staff;
- A year-end report was requested by the Commission.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Town of Barnstable/Conservation Div. The Division seeks approval of a rapid response initiative to control invasive aquatic weeds such as hydrilla and fanwort by using physical methods only, including hand-pulling, benthic blanketing and suction harvesting when pioneer infestations are discovered. Objective is to hopefully eliminate smaller-sized infestations before they require more-involved means such as aquatic herbicides. **DA-13038**

Issues discussed:

- Proposed condition by staff;
- A year-end report was requested by the Commission.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

William MacDonald. Full dormer on north side of house at 134 Harbor Point, Cummaquid as shown on Assessor's Map 352 Parcel 003. **DA-13034**

The applicant attended the hearing.

Issues discussed:

- No concerns arose;
- Roof run-off from the dormer to be sent to a drywell.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Town of Barnstable/Conservation Div. Proposed project involves use of US EPA registered and state-approved herbicide *Sonar* for management of invasive fanwort within a portion of Gooseberry Cove of Lake Wequaquet in Centerville. **SE3-5096**

The applicant was represented by Joy Trahan-Liptack and Rob Gatewood.

Exhibits:

- A – Revised site map.

Issues discussed:

- Ms. Trahan-Liptack summarized the project. Her May 28th survey of the lake showed only scattered, very small plants, as growth has been slow this season;
- Flouridone (Sonar) is proposed for use; it is a systemic herbicide. A pelletized type of Sonar (Sonar Q) is proposed for use, at a target concentration of 8 – 10 ppm.
- Limno curtains will be used to localize the treatment at the precise patch, which is a positive.
- Ms. Trahan-Liptack related her firm's experience in a Stowe, VT pond, similar to Lake Wequaquet in its fanwort infestation. Fanwort, itself, can smother native plant populations. Dense plants can lead to rapid loss in dissolved oxygen;
- Fanwort as a negative influence on the ecology;
- Limiting the treatment to one year, with the possibility of future treatments with a request for an amended order.

Public comment:

- Richard Chicalis of Holly Point Association said that only 25% of native species will come back. He described fanwort as nature's "treatment plant." He said Secci depth readings improve when the fanwort grows.
- Christian Swenson of the Wequaquet Lake Protective Association expressed his association's support of the Sonar application.
- John Doriss asked about any correlation between geographical location within the pond and site runoff.
- The Division of Marine Fisheries recommended via letter a time restriction for herbicide use between March 15 – June 30th.

A motion was made to continue the hearing to June 25th.

Seconded and voted unanimously.

Town of Barnstable/Conservation Div. Proposed project involves use of US EPA registered and state-approved herbicide *Aquathol K* for management of invasive hydrilla within a portion of Mystic Lake. **SE3-5095**

The applicant was represented by Keith Gazaille and Rob Gatewood.

Exhibits:

A - PowerPoint presentation slides.

Issues discussed:

- Mr. Gazaille summarized the project. The hydrilla treatment area is 5½ acres in size. Aquathol K has been selected for the herbicide at 4 – 6 ppm with a target of 3 ppm.
- Hydrilla population size exploded in 2012, leaving the target area A much too large to effectively control by physical means.
- IPA is limiting fragmentation from its hand pulling efforts;
- Whether the project should be limited to a single season treatment;
- Annual reports to be required;
- Toxicity data was requested for the continuance hearing;
- Possible criteria for extension of any Order of Conditions should be explored.

Public comment:

- Bob Nichols, Vice-President of the Indian Ponds Association, reminded the Commission that the treatment is far from whole-pond, both in terms of acreage and volume.
- The Division of Marine Fisheries recommended via letter a time restriction for herbicide use between March 15 - June 30th.
- Mono-potassium amine will not be formed, it's a toxic by-product of breakdown of the herbicide;
- John Doriss of Centerville Civic Association, asked about a correlation between runoff and hydrilla occurrence.
- Alex Frazee, President of the Indian Ponds Association, said she was unaware of any opposition.

A motion was made to continue the hearing June 25th.

Seconded and voted unanimously.

Tia Lilly. Rehab existing 5-bedroom single family dwelling; upgrade septic, vista pruning; remove existing swimming pool; construct new deck, patio and walkway; landscaping; repave driveway, and appurtenances at 24 Bay Rd., Cotuit as shown on Assessor's Map 020 Parcel 118. **SE3-5094**

The applicant was represented by Robin Wilcox, P.L.S.

Issues discussed:

- A revegetation plan was requested;
- A protocol for removing the old pool remains;
- Whether there is a rationale for tree removal within the 50-foot buffer, including definition and location of requested vista pruning corridors, as this is a currently existing structure;
- Determining the required amount of mitigation planting.

A motion was made to continue the hearing to July 9th.

Seconded and voted unanimously.

Anthony G. & Susan L. Wilson. To demolish house and build new single-family dwelling with all associated appurtenances at 130 Tern Ln., Centerville as shown on Assessor's Map 212 Parcel 012. **SE3-5093**

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

Exhibits:

- A – Proposed site plan
- B – Architectural views

Issues discussed:

- A net decrease of landscape is realized, therefore, no mitigation planting is required;
- Revetment repair will be the subject of a future filing;
- Adding two hardwood trees on pondward side will be considered in the forthcoming waterfront application.

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

Seconded and voted unanimously.

IV CONTINUANCES

Stuart Bornstein/Stuborn LLC. Remove existing wharf, construct private docking facility to include maintenance dredging, removal of fill, bulkheads, repair of existing bulkhead with protective stone revetment; placement of pier, ramp, floats in Barnstable Harbor at 153 Freezer Rd., Barnstable as shown on Assessor's Map 301 Parcel 006. **SE3-5052**

The applicant was represented by Kieran Healy, P.L.S.

Issues discussed:

- Commissioner John Abodeely completed the Mullen Rule requirements for joining the quorum;
- Mr. Healy requested a continuance to July 23rd; while this continuance request was based, in part, on the pending NOI of the abutter, Barnstable Marine Service, the Chair stated clearly that this would be the final continuance granted to the applicant under this filing, and without any regard to the status of the abutter's NOI;
- Whether new abutter notice should be provided; staff thought it was not necessary;
- Commissioner Lee will be away on July 23rd.

A motion was made to continue the hearing to July 23rd.

Seconded and voted unanimously.

Murray Scudder/Hyannis Harbor Tours, Inc. Maintenance dredge 2,200 cu. yards with upland disposal, at 220 Ocean St., Hyannis as shown on Assessor's Map 326 Parcel 070. **SE3-5081**

The applicant was represented by Rob Braman, P.L.S.

Issues discussed:

- The Division of Marine Fisheries requested a time of year restriction of January 15 – May 31;
- Dredging will be by mechanical method; dredge spoils will be disposed of in the upland located outside of Commission jurisdiction.

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

Seconded and voted unanimously.

V REVISED PLANS

A. Sound abatement berm #1 at Town shooting range

revision
final footprint

A motion was made to approve the project revised plan.

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Unauthorized trails at West Barnstable conservation area

This matter was tabled until July 9 hearing.

VII CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|----------|----------|----------|--|
| A. | Stewart | SE3-4472 | (coc,ez) | construct single-family dwelling * |
| B. | Lowrie | SE3-4871 | (coc,ez) | construct boardwalk (not done) |
| C. | Fournier | SE3-4877 | (coc,ez) | construct addition to single-family dwelling * |
| D. | Webb | SE3-0986 | (coc,ez) | construct cranberry bog and reservoir (not done) |
| E. | Prescott | SE3-4855 | (coc,ez) | remove and replace bank retaining wall |

A motion was made to approve the Certificates.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:34 p.m.