



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: October 1, 2013 6:30 p.m.

LOCATION: HEARING ROOM, TOWN HALL

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, along with Claudette Bookbinder, Administrative Assistant.

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

I MINUTES FOR APPROVAL

A. September 17, 2013

A motion was made to approve the minutes.

Seconded and voted unanimously.

II OLD & NEW BUSINESS

A. **Public hearing on the proposed operation plan for the Town of Barnstable shooting range, changes to Ch. 702 shooting range regulations, as well as new hours of operation and fees for the reopening of the shooting range to public use at the West Barnstable Conservation Area.**

Exhibits:

- A – Draft Regulations Chapter 702
- B – Summary, Shooting Range
- C – Drafts of Permit Fees, Hours of Operation, and Use Policy

The Chair discussed the necessary conflict of interest disclosures filed by Commissioners Abodeely and Sampou. The portion of the hearing dealing with proposed fees was continued without testimony until October 15th.

The Chair mentioned a recent letter from MA Division of Conservation Services, which informed the Town that the mitigation in the form of additional compensatory acreage may be required to accommodate the new shooting range.

The Chair read a recent memo from the Town Procurement Officer, explaining issues of insurance coverage, and how Barnstable's new plan meets them.

Commissioner Abodeely suggested the following framework for public comments:

- If against the range, please explain why;
- What it takes to be a Certified Range Officer;
- Opinions on “guests;”
- Hours of operation.

Public comment:

- Jere Fullerton said that, as a working person, he could take better advantage of the range with longer weekend hours;
- Andre Sampou spoke of the importance of a liberal guest policy to teach firearm use and safety to youth. He would like to see a family permit;
- Doug Dexter, a chief range safety officer (RSO) who teaches other range safety officers, commended the Town on its safety emphasis in its revised regulations;
- Kevin York, also a RSO, said that RSO’s see a wide variety of firearms and can deal effectively with the public using them when a problem arises. He stressed that RSO’s are enthusiasts;
- James Sullivan discussed range use as a “family affair.” He stressed the importance of the RSO. He took issue with the sharp reduction in proposed hours of operation. He also supported a family pass;
- James Burnham thought that longer hours would make sense;
- Hank Farnham of W. Barnstable said that most complaints were about Sunday shooting being too loud and too often, and mentioned further noise mitigation;
- Mark Cohen opposes cutback in days, saying Sundays should be open. He thought RSO’s would be an asset; that they would be less costly than police officers. The age of the child at the range should not be a factor (he trains kids from age nine);
- Jerry Griswold said he has an eight and nine year old, and wants them to learn; children, he says, should be taught early. He was in favor of a “family license,” and thinks the range should stay open at least four days;
- Bill Monroe of Osterville believes RSO’s – not police officers – should be at the range. Sunday should be open; Age eleven appropriate at a gun range, based on the Boy Scouts of America;
- Greg Durette commended the Commission, and said there are experts in town with experience to advise the Commission. After hours, he said, are when problems arise;
- John Vanderhoff of Barnstable believes in strict safety rules; one guest to shoot at a time; others behind the overhead. The rifle range creates the most noise complaints. He offered his services and invited the Commission to visit his range;
- Bill Quinn, Jr., of Orleans, soon to be a Barnstable citizen, thinks the Town should expand the hours of operation, and should control the number of people firing at a time. He said RSO’s will keep the range safe (several people raised their hands that they are RSO’s). Mr. Quinn thought there should be a camera to monitor activity, especially at night. A “Junior” RSO has fewer years of experience than a “senior” RSO, with no difference in certification;
- Lisa Hendrickson of W. Barnstable complained about the constant noise – would like Sundays closed; she was also concerned about dredge spoils being “highly contaminated;”
- Bob Frawey thought the range should be open all weekend, and was not bothered by the noise even though he lives near the range;
- K. (Patricia) Hannegan complained about the noise and proximity of the range, saying it was “much closer” to residential property than most citizens think. She said tax payers and Sandwich residents are seriously affected. At least, she stated, the range should be closed on Sundays;
- Andrew Biskamp said a shotgun is quieter than a rifle, etc.; OSHA, he said, should be the main focus;
- Charles G. said people can choose to live where they want;
- A gentleman from W. Barnstable thought hours of operation should remain as they were, with an RSO to oversee the range;
- Frank Adinolfi of Cotuit suggested noise suppressors and silencers. He mentioned there was a grant program that exists for shooting ranges; he thought hours should be extended.
- Aaron C. of Otis Air Force base thought too many people want to use the range, and asked how the Town can accommodate all;
- Thomas Furey of W. Barnstable liked the fact that Sundays were not too crowded; he would like the range open longer, 7-days per week, as before;
- Brian Malone of Marstons Mills said there are lots of volunteers available to be RSO’s, plus N. R. Officers are qualified;

- Don M. things age of child using the range should be up to the parent; he thought hours should be at least 5 days per week; he believed the town should try to reduce the noise levels;
- Steve Campbell of Barnstable wondered if the Commission would consider a fee waiver for any active duty personnel;
- Bruce Blackman of Cotuit thought a “family” permit was a good idea, as was RSO volunteers; he would like the range open 7 days, or a minimum of 5.

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The Chair announced that the Commission would now discuss Chapter 702 document:

- The term “Range officer” should be replaced by “RSO,” or “certified RSO;”
- The recommended hours of operation, he said, are Thursday, Friday, and Saturday, but will expand the hours. Also, we may add Wednesday and Sunday (not before 10:00 a.m. on Sunday);
- Commissioner Blazis thought reducing hours would cause a safety problem. Chairman Houle said that a disclaimer clause should be added;
- Commissioner Morin thought week days until 7:00 during daylight savings time was reasonable. He said that the Chapter on the shooting range should be re-written, as there appeared to be redundancy;
- Commissioner Abodeely said only RSO’s should have a key to the range, with specific hours of operation. Commissioner Blazis agreed;
- Commissioner Sampou thought only 1 gun should be allowed to shoot at a time (i.e., per permit holder); it would be easier to manage and less noise.
- Doug Kalweit, Director of Natural Resources said that usually permit holders had one firearm plus guests (with no weapons), and one position.
- Commissioner Houle stated that three guests (allowed) will probably be upheld;

The Chair said that Page 3, #16 of the draft range policy should replace “permission of all shooters” with “permission of the RSO.” However, he said an either/or clause would work.

With regard to the age issue, age twelve was chosen, however, it could be changed to eleven. Eleven seemed reasonable to the Commission.

Officer Sargent of the BPD thought that the use of RSO’s would be preferable from a budget standpoint.

The Chair announced that the discussion on the shooting range would be continued on October 15th at the next evening hearing of the Commission.

III REQUESTS FOR DETERMINATION

Steven M. & Robin L. Ellis. Proposed addition on landward side of house; second-floor dormers and roof modifications at 190 Pinquickset Cove Cir., Cotuit as shown on Assessor’s Map 005 Parcel 072. **DA-13060**

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

Exhibits:

- A – Proposed site plan

A motion was made to issue a negative determination.

Seconded and voted unanimously.

IV NOTICES OF INTENT

Brett A. & Mary Beth Quinn. Convert seasonal pier and platform to permanent pile-supported structure; no change in footprint at 108 Bay Rd., Cotuit as shown on Assessor’s Map 007 Parcel 022. **SE3-5123**

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

The original shellfish report was requested, as was documentation on the difficulty of installation of the seasonal pier.

A motion was made to continue the hearing to November 12th.

Seconded and voted unanimously.

Bruce Evans/Cape Beach House, LLC. Construct stone riprap along coastal bank; emplace fiber roll toe protection along dune; place sand fill; revegetate; reconstruct stairs at 27 Marchant Ave., Hyannisport as shown on Assessor's Map 286 Parcel 025. **SE3-5120**

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

Exhibits:

- A (1-5) – Site photos

Erosion of the beach and bank on the abutting Babcock property was discussed, as was the extent of compliance with project SE3-5001 recently completed at the parcel.

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

Seconded and voted unanimously.

K. Hyannis Hospitality, LLC. Remove portion of motel building, reconfigure parking lot, construct new storm water management system and new landscaping at 867 Rte. 132, Hyannis as shown on Assessor's Map 294 Parcel 017. **SE3-5121**

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

Exhibits:

- A – Proposed Site Plan

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

Seconded and voted unanimously.

V AMENDED ORDERS

Town of Barnstable/DPW. Install paved connector road within existing gravel right-of-way connecting to Freezer Rd.; repairs to existing paved access way running adjacent to Town parking lot and inner harbor, at Barnstable Inner Harbor/Freezer & Millway Roads as amendment to previously approved project under **SE3-5019**.

The applicant was represented by Christine Player and Mark Marinaccio.

Exhibits:

- A – Proposed site plan

A slight change in the calculation sheet for the stormwater system was requested.

A motion was made to approve the amended order.

Seconded and voted unanimously.

Town of Barnstable/MEA. Proposed amendment under **SE3-4582** to include placement of sand on dune adjacent to Sandy Neck parking lot; sand to be purchased and trucked in from off-site sand source to Sandy Neck Beach Park, 590 Sandy Neck Rd., W. Barnstable, MA as shown on Assessor's Map 263 Parcel 001.

The applicant did not attend.

Due to illness, a continuance was requested to October.

A motion was made to continue the hearing to October 15th.

Seconded and voted unanimously.

VI CONTINUANCE

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**
Continuance requested without testimony until October 15

The applicant did not attend.

A motion was made to continue the hearing to October 15th.

Seconded and voted unanimously.

No testimony was taken.

VII CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|--------|----------|----------|---|
| A. | Voute | SE3-4932 | (coc,ez) | construct path, boardwalk, pier, ramp, & float * |
| B. | C-O-MM | SE3-4993 | (coc,ez) | install water main along Wheeler Road, Marstons Mills |
| C. | Ader | SE3-4988 | (coc,ez) | raze & rebuild single-family dwelling * |
| D. | Manco | SE3-5023 | (coc,ez) | construct path, boardwalk, pier, ramp, & float * |

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

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:18 p.m.