



**Town of Barnstable  
Conservation Commission**  
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**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: June 2, 2009 – 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, several resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://town.barnstable.ma.us)), audiocassette 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 Houle. Also attending were Vice-Chairman Tom Lee, Commissioners John Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted.

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

**I MINUTES FOR APPROVAL**

A. May 12, 2009

A motion was made to approve the minutes ("A").

Seconded and voted unanimously.

B. Release of executive session minutes 5/31/05, 10/25/05, 5/09/06 and 12/12/06

Commissioner Foster abstained from the vote.

A motion was made to approve the release of the executive minutes ("B").

Seconded and voted unanimously.

**II REQUESTS FOR DETERMINATION**

**Robert Hallett.** Upgrade existing septic system at 20 Tree Top Circle, Marstons Mills as shown on Assessors Map 150 Parcel 035. **DA-09034**

The applicant was represented by Brad Hall.

Issues discussed:

- Filing was after the fact of the new septic installation.
- Concern for the site being scraped clean of vegetation between the house and the wetland.
- Re-establishing a planted buffer to the wetland
- A revised plan showing location of existing (old) system.

A motion was made to issue a negative determination.

(Hallett, cont'd.)

Seconded and voted unanimously.

**Frank D. Lovett, Jr.** Vista pruning in accordance with Commission guidelines at 140 Bay Road, Cotuit as shown on Assessors Map 007 Parcel 019. **DA-09033**

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

Issues discussed:

- Two view corridors were proposed.
- Abandoned boat on shoreline (not applicant's)

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Crosby Yacht Yard.** Repair 24 linear feet of existing fork lift boat launching area by installing two rows of timber piles with timber cap in front of existing bulkhead and deck out accordingly at 330 West Bay Rd., Osterville as shown on Assessors Map 116 Parcel 013. **DA-09035**

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

Issues discussed:

- Dan Horn, Harbormaster, said access to town landing must be maintained during construction, and the town and present project should be coordinated as necessary to avoid conflict.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Town of Barnstable/DPW.** Replacement of existing timber and steel sheet pile bulkhead with new steel sheet pile bulkhead and construction of road drainage improvements at Barnstable Harbor Marina at Millway and 110 Freezer Road, Barnstable as shown on Assessors Map 300 Parcel 022. **SE3-\_\_\_\_\_**

The applicant was represented by Greg Robbins, P.E.

Issues discussed:

- A bioretention basin and StormCeptor unit were proposed for site run-off
- A planted strip will be provided along the edge of bulkhead
- StormCeptor system will be maintained by the town on an as-needed basis under the D.E.P. stormwater regulations.

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

Seconded and voted unanimously.

### **IV REVISED PLANS**

Yachtman's Condominium Trust. SE3-4593 retaining wall 44-foot extension

The applicant was represented by Raoul Lizardi-Rivera.

Issues discussed:

- Abutters were notified at the Board's request

(Yachtman's, cont'd.)

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. | O'Keefe   | SE3-4450 | (coc,ez) | replace seawall with timber bulkhead * |
| B. | Heathwood | SE3-2792 | (coc,ez) | construct in-ground pool *             |

A motion was made to approve certificates ("A – B").

Seconded and voted unanimously.

**VI PROPOSED REVISED FILING FEE SCHEDULE (T.O.B. Code, Chap. 237 – Wetlands)**

<u>Notice of Intent:</u>	<u>Proposed Ch.237 fee:</u>
Category 1 (additions, pools etc.)	\$ 100
Category 2 (houses, beach nourishment etc.)	200
Category 3 (roads, commercial bldgs, etc.)	300
Category 4 (dredging etc.)	400
Category 5 (piers, seawalls etc.)	2.50/ft + additional 750 f/ saltwater piers + additional 250 f/ freshwater piers
Category 6 (confirm wetland delineations)	500
<u>Request for Determinations of Applicability:</u>	
General	100
Vista Pruning	150
Confirm wetland delineations	400
<u>Certificate of Compliance:</u>	
Initial docketing	100
Each re-docketing (revisit)	50
<u>Extension Permit:</u>	125
<u>Amended Order of Conditions:</u>	150
<u>Revised Plan:</u>	35
<u>NOI Waiver Request:</u>	150 + NOI fee
<u>After-the-fact filings:</u>	Twice the filing fee of NOI, RDA
<u>Enforcement Order Response Plan:</u> (where no after-fact filing)	200

Proposed revised filing fees:

- Applying the Enforcement Order Response Plan on a Commission-discretion basis
- Whether the After-the-Fact filing fee is merely punitive
- Is Category 3 fee sufficient?
- Importance to be cognizant of the hard economic times we are now in

A motion was made to approve the proposed fees as proposed, with the exception of Category 3 to \$425, and to allow Commission case-by-case discretion on After-the-Fact and Enforcement Order Response Plan fees.

Seconded and voted unanimously.

MN060209

## **VII OLD AND NEW BUSINESS**

### **A. Presentation by Rob Anderson of Cape Cod MX Track**

Cape Cod MX Track offered a presentation on off-road vehicle use and the organization's interest in finding a house for such use in Barnstable.

Quiet electric ATV's were proposed. Suggested use of the conservation parcels adjacent to Cape Cod Aggregates, under the power line. Stewardship measures were proposed, e. g., irrigation to keep the dust down and cleaning up the trash. A management agreement with the town would be sought. The enterprise would be self – or privately – funded.

Issues discussed:

- Consistent with Conservation/passive recreation requirements
- Whether "stealthier bikes" will bring about use problems which will be difficult to detect in the making
- Whether the Commission should move to a public hearing on the issue
- Town Councilor Ann Canedy expressed concern for enforceability of any management agreements and finds the parcel ill-suited to such use.

The Commission found, at the end of the presentation, that there was no compelling demonstration made for the Board to conduct a public hearing on the proposal.

No motion was made. The Commission thanked Mr. Anderson for his presentation.

### **B. Proposed Bush Brown conservation restriction**

Jaci Barton attended.

A motion was made to support the proposed Bush Brown conservation restriction, as it is in the public interest.

Seconded and voted unanimously.

A motion was made to support the proposed Galloway conservation restriction, as it, too, is in the public interest, and to hold the restriction if requested by the town.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:35 p.m.**