



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: February 2, 2010 – 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 Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted.

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

I MINUTES FOR APPROVAL

A. January 12, 2010

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Michael DeDecko. To seek approval for driveway improvements: widening, grading and mulching edges; add retaining walls to gain access to dwelling and retaining wall for frost protection at 1317 Race Ln., Marstons Mills as shown on Assessors Map 064 Parcel 013. **DA-10007**

The applicant was represented by Darren Meyer.

Issues discussed:

- Work is as-built
- The need for a sketch plan for stabilizing top of slope area.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Jonathan M. Niloff. Replace existing rear deck with new deck; add new bay window at rear of 210 Mystic Dr., Marstons Mills as shown on Assessors Map 079 Parcel 046. **DA-10008**

The applicant was represented by Tim Luff, R.A.

Issues discussed:

- The need for mitigation planting at the site

- A planting strip 5-6 feet in width across the lawn-beach interface was required in place of the existing fence to create a naturalized buffer.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Christopher Outwin. Raze single-family dwelling and garage; construct new single-family dwelling, deck, detached garage and parking area; upgrade existing septic system; construct boardwalk/pier, ramp, floats with kayak rack at 25 Ladd Rd., Centerville as shown on Assessors Map 186 Parcel 053. **SE3-_____**

A request for a continuance was received.

A motion was made to continue the project until April 6, 2010.

Seconded and voted unanimously.

No testimony was taken.

Joseph Huckemeyer. Reconstruct existing bulkhead at 137 Pleasant St., Hyannis as shown on Assessors Map 326 Parcel 055, **SE3-4864**

The applicant was represented by Christine Player.

Replacement will be by timber sheet or steel sheet placed one foot in front of existing one. A tie-back system will be constructed.

No dredging was proposed.

The Commission discussed the appropriateness of placing/extending an additional foot seaward of the existing well. The issue was put off for future permitting.

An unidentified abutter phoned late 2/12 seeking the start time of the hearing, and was incorrectly informed by staff that this matter would be continued without testimony to April 6. Staff will notify all abutters and inform them of the correct status of this application.

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

Seconded and approved: 4 votes "Aye" – 2 votes "Nay"

Joseph Huckemeyer. Install piles to improve berthing at 149 Pleasant St., Hyannis as shown on Assessors Map 3256 Parcel 053. **SE3-4865**

The applicant was represented by Christine Player.

Issues discussed:

- The proposed piling would assist in berthing the boats on the respective properties.

Public comment: Robert Goodwin, abutter, spoke in favor of the project.

An unidentified abutter phoned late 2/12 seeking the start time of the hearing, and was incorrectly informed by staff that this matter would be continued without testimony to April 6. Staff will notify all abutters and inform them of the correct status of this application. A motion was made to approve the project with special conditions.

Seconded and voted unanimously.

IV CONTINUANCE

Town of Barnstable/Conservation Division. Mystic Lake, a 148 acre deep kettle hole lake located in Marstons Mills, Barnstable, experiences chronically low oxygen in its bottom waters during summer. Under these conditions, phosphorus is released from the bottom sediments. This internal release of stored nutrients is the primary source of total phosphorus to the lake, which is leading to increasing productivity in the form of algal blooms. To significantly reduce the internal phosphorus recycling and improve ecological and recreational functions of the lake, a nutrient inactivation (i.e., alum) treatment is proposed. **SE3-4773**

The applicant was represented by Dr. Ken Wagner.

Issues discussed:

- The lake cannot be fixed without correcting internal cycling. Dr. Wagner thought that the best estimate for dosing is between 40 – 50 gal. per sq. meter.
- Safeguards proposed for treatment were discussed.
- Staff discussed the history of the project and the contribution of the Indian Ponds Association Steering Committee.
- A 33% increase in dose will double the life-expectancy of the project.

Public comment:

- Dr. John Doriss opposed the project, suggesting a focus on infrastructure improvements and additional mussel surveys and studies on mussel mortality, e.g., why mussels die in high-oxygenated, upper level waters.
- Carolyn Garbutt spoke in opposition to the project, citing not only development, but also drinking water withdrawal as reasons for the demise of the pond’s water quality. Al Baker cited increased site runoff as a factor.

Dr. Emory Anderson rebutted previous speakers He offered that shallow-dwelling mussels may have succumbed to ammonia produced by biological decomposition.

Holly Hobart, IPA President, said that it is time to rescue the lake, which she described as “a tipping point.” She said Middle Pond would also benefit, as it is connected to Mystic Lake.

Alex Frazee spoke in favor of the project.

Dr. Carl Thut, Ph.D in chemistry, suggested that it is a mistake to focus on dosage, but rather, focus should be on the desired result. He said he hopes for a continued discussion with NHESP.

Dr. Wagner reiterated that watershed management will not fix the lake. He stated that high concentrations of cyanobacteria were documented. He expressed his disappointment that the State did not move quickly to study and determine the a cause of mortality of the mussel population.

Letters and emails from supporters to the project, as well as those in opposition, were noted.

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

Seconded and voted unanimously. Commissioner Morin abstained, as he was not on the quorum.

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

A.	Landry	SE3-1454	(coc,ez)	construct single-family dwelling *
B.	Moran	SE3-1520	(coc,ez)	replace storm drain & driveway (not done)
C.	Darras (Bodfish)	SE3-1332	(coc,ez)	construct single-family dwelling *

- D. Lenk SE3-4711 (coc,ez) raze & construct single-family dwelling *
- E. TOB/DPW SE3-3403 (coc,ez) install drainage and reconstruct road at Sandy Neck *

A motion was made to approve all certificates.

Seconded and voted unanimously.

VI NEW BUSINESS

- A. Support of application to Coastal Habitat Grants Program

A motion was made to approve a letter of support for the Estuary Restoration Grant.

Seconded and voted unanimously.

- B Preparing for workshop

A workshop will be held March 2nd at 6:00 p.m.,.

- C. Start time for 3/09 meeting

The morning meeting of March 9th will start at 9:00 a.m.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:02 p.m.