



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: August 24, 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](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 Commissioners John Abodeely, Peter Sampou, Larry Morin, and Louise Foster. Commissioners Tom Lee and Scott Blazis were away. Rob Gatewood, Conservation Administrator, assisted.

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

### I MINUTES FOR APPROVAL

A. July 27, 2010

B. August 10, 2010

A motion was made to approve the minutes.

Seconded and voted unanimously. [Commissioner Louise Foster abstained from both votes.]

### II REQUESTS FOR DETERMINATION

**Benjamin Baxter.** Construct 4-season room on existing deck (no change in footprint); deck area to be enclosed at 69 Studley Rd., Hyannis as shown on Assessors Map 306 Parcel 010. **DA-10048**

The applicant was represented by Sean Rycroft.

Issues discussed:

- The house has downspouts leading to the ground, not to leaching basins.
- Drywells will be provided under the downspouts.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Jetty Realty Trust/Jane A. Bertolami, Trs.** Construct new septic system; pump and fill old cesspools at 215 Sea View Ave., Osterville as shown on Assessors Map 162 Parcel 026-002. **DA-10046**

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

Issues discussed:

MN082410

(Jetty Realty Trust, cont'd.)

- The proposed plan was displayed. It was noted for the file as Exhibit A.

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Thomas G. and Nina K. Weld.** Replace septic system including site preparation and utilities; remove landscape trees and shrubs and replant native trees, shrub buffer flower beds and garden at 269 Seapuit Rd., Osterville as shown on Assessors Map 095 Parcel 005-002. **DA-10047**

The applicant was represented by Arlene Wilson, PWS.

Issues discussed:

- Bittersweet removal was proposed for the revetment.
- Proposed removal of two large evergreens in front yard.
- The Commission suggested a planting strip for mitigation along the top of the west revetment. Ms. Wilson said the trees were infected with tip-borer. She said the applicant would prefer replacing trees with trees. Alternatively, she offered to plant low-lying shrubs within the drip line of the trees to be planted.

A motion was made to issue a negative determination, requiring the requested shrub buffer.

Seconded and voted unanimously.

**Joseph J. & Lorraine A. Sousa.** To confirm wetland boundaries at 125 West Main St., Hyannis as shown on Assessors Map 290 Parcel 101-001. **DA-10049**

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

Issues discussed:

- The submitted site plan was displayed, and was noted for the file as Exhibit A.
- A letter from John Doan of Cape Cod Mosquito Control was submitted and noted for the file as Exhibit B.
- Additional correspondence from Mr. Sullivan dealing with the intermittent nature of the stream was submitted, and noted for the file as Exhibit C.

Public comment:

- Richard Murphy, abutter, said the stream may not be perennial. However, some long-term residents thought the stream flowed all year-round. He asked if future heightened flows could change the wetland boundaries.

A motion was made to issue a positive determination, confirming the resource area delineations, and finding the stream intermittent.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Andrew Newman, Tr./Pickwick Realty Trust.** Demolish existing carriage house/garage and caretaker's cottage, and remove existing paved driveway and parking area; construct new dwelling with associated appurtenances; construct pool house and pool; mitigation plantings proposed at 71 Ocean View Ave., Cotuit as shown on Assessors Map 034 Parcel 045. **SE3-4899**

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

(Newman/Pickwick, cont'd.)

Issues discussed:

- The proposed site plan was displayed, and was noted for the file as Exhibit A.

No concerns arose.

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

Seconded and voted unanimously.

**Christine Cotton.** Construct platform with benches/storage, and steps for pond access at 247 Scudder Rd., Osterville as shown on Assessors Map 139 Parcel 015. **SE3-4896**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Existing erosion on steep bank was noted;
- Erosion control plantings were suggested;
- Existing access path needs trimming.

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

Seconded and voted unanimously.

**Town of Barnstable/DPW.** Maintenance dredging at Cotuit pier and float areas, and beach nourishment at Dead Neck Beach (Sampson's Island) as shown on Assessors Map 035 Parcel 089 (Cotuit Town Dock) and Map 050 Parcel 002 (Dead Neck Beach). **SE3-4898**

The applicant was represented by Bob Burgmann, P.E.

Issues discussed:

- Dredging was last done in 1968.
- Dredge spoil to be deposited at Dead Neck.
- Standard conditions will be imposed with regard to keeping within proposed footprint and depth.
- A letter from MA Division of Maine Fisheries was discussed and was noted for the file as Exhibit A.

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

Seconded and voted unanimously.

**Jane Thompson.** Construct timber bridge over isolated wetland as driveway access to proposed single-family dwelling at 203 Scudder Lane, Barnstable as shown on Assessors Map 259 Parcel 007-001, -002. **SE3-\_\_\_\_\_**

The applicant was represented by Daniel Ojala, P.E. and Don Schall.

Issues discussed:

- A revised plan was submitted, as noted for the file as Exhibit A;
- A "conservation sketch" plan was displayed and noted for the file as Exhibit B;
- An aerial image was displayed and noted for the file as Exhibit C;
- Mr. Schall described the proposed bridge over the isolated wetland, and a discontinuous coastal bank.
- The Commission asked for the total area disturbed in the 50 – 100 foot buffer. Mr. Ojala estimated it to be approximately 2,000 square feet.

Public comment:

- Abutter, Bill Cook, said the zoning was changed to acres in 2009. He claimed that both lots lack a necessary two acres of upland. He added that the lot, by restriction, cannot be further subdivided. The Commission responded that it would stay focused on environmental issues only.

(Thompson, cont'd.)

- Diane Gouch, abutter, asked whether there was any environmental justification for a bridge through the wetlands.
- Deputy Chief Pulsifer of Barnstable Fire Department asked if the bridge could support fire department vehicles if turning radiuses were determined, and if periodic inspections and maintenance were anticipated.
- Ann Canedy, Town Councilor, submitted a letter, noted for the file as Exhibit D. She questioned why the bridge would have to connect through to Calves Pasture; why the Commission could not require periodic inspection; why the need for a large gravel parking area; and, why CCA-treated piling would be allowed.

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

Seconded and voted unanimously.

**IV CONTINUANCES**

**W. Frederick & Diana Uehlein, Trs./109 Eel River Road Nominee Trust.** Replace bulkhead and relocate stairs/landing down the bank at 109 Eel River Rd., Osterville as shown on Assessors Map 115 Parcel 009. **SE3-4889**

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

Issues discussed:

- Commissioner Foster having completed the requirements of the Mullin Act, became part of the quorum.
- The confirmation of Evidential Review was received and noted for the file as Exhibit A.
- The proposed site plan was displayed and noted for the file as Exhibit B.
- The bulkhead portion of the project was well-received, but not the stair relocation.

In the final analysis, after a thorough discussion, the proposed relocation of the stairs and deck were allowed by the Commission.

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

Seconded and approved.

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

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|----|----------------|----------|----------|-------------------------------------|------------|
| A. | Maddox         | SE3-4265 | (coc,ez) | replace pier; vista pruning *       | discussion |
| B. | Iyanough Hills | SE3-0195 | (coc,ez) | construct motel (now Comfort Inn) * |            |

A motion was made to approve all certificates (“A – B”).

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 8:50 p.m.**