



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE : November 8, 2011 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 2nd Floor Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA

I REQUESTS FOR DETERMINATION

Town of Barnstable/D.P.W. Replace and install updated drainage system in road to eliminate puddles and catch intermittent water runoff at 209 – 222 Bay St., Osterville as shown on Assessor's Map 117 Parcels (various).
DA-11091 (see below)

Town of Barnstable/D.P.W. Replace and install updated drainage system in road to eliminate puddles and catch intermittent water runoff at 144 – 211 Scudder's Ln., Barnstable as shown on Assessor's Map 259 Parcels (various).
DA-11092 (see below)

Town of Barnstable/D.P.W. Replace and install updated drainage system in road to eliminate puddles and catch intermittent water runoff at Oyster Place Rd., Cotuit as shown on Assessor's Map 035 Parcels (various). **DA-11093**

Town of Barnstable/D.P.W. Replace and install updated drainage system in road to eliminate puddles and catch intermittent water runoff at 22 – 38 Little River Rd., Cotuit as shown on Assessor's Map 053 Parcels (various).
DA-11094 (see below)

Town of Barnstable/D.P.W. Replace and install updated drainage system in road to eliminate puddles and catch intermittent water runoff at 80 Cross St., Cotuit as shown on Assessor's Map 033 Parcel 029. **DA-11095 (see below)**

The five Requests for Determination hearings were opened simultaneously.

The applicant of the projects was represented by Brian Celia.

Issues discussed:

- Drainage would be shunted to new solid catch basins and then into leach fields.
- The general rule of providing a two-foot separator to seasonal, high groundwater would not be met, but the systems could still provide significant benefits.

- Patrick Page said that the Conservation Division is not adequately supervising the many DPW projects across town. He asked where the sediment control was on such projects. Mr. Celia stated that sediment controls will be provided.
- With regard to Scudder Lane, Mr. Page asked if a TMDL study has been completed on the north side.
- With regard to Oyster Place, Mr. Page said that catch basins in his neighborhood do not receive such diligent treatment.
- With regard to Cross Street, no elevation information was provided in the application. A profile will be provided for staff.

A motion was made to issue a negative determination for each of the above Requests for Determination.

Seconded and voted unanimously.

Christian Camp Meeting Association. Septic system upgrade and bath house renovations at 915 Craigville Beach Rd., Centerville as shown on Assessor's Map 225 Parcel 001. **DA-11089**

The applicant was represented by Michael Pimental and Rich Capin.

Issues discussed:

- The application will be taken up by the Board of Health in December.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

II NOTICES OF INTENT

Kathleen Regan. Proposed renovations and additions to existing single-family dwelling with patio and associated landscaping and utilities at 14 Windrush Ln., Osterville as shown on Assessor's Map 093 Parcel 068. **SE3-4970**

The applicant was represented by John Schnaible, P.E.

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- The proposed flood plain filling would require a Letter of Map Revision, to be approved by FEMA.
- The buffer zone violation will be handled via a separate enforcement track, though several Commissioners questioned the advisability of such a separate track.

Public comment:

- Patrick Page applauded the Commission for its overture of fair treatment across the board.

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

Seconded and voted unanimously.

Geoffrey & Deborah Converse. To approve a sitting platform and restoration of a 20-foot vegetated buffer and ~350 square feet of additional mitigation planting at 558 Lumbert Mill Rd., Centerville as shown on Assessor's Map 146 Parcel 024. **SE3-_____**

The applicant was represented by Barbara Frappier.

Issues discussed:

- The sitting deck and 350 square feet of mitigation planting were proposed. A new gravel path was also proposed.
- The restoration of the 20-foot buffer was actually required of a prior owner under an earlier proceeding.
- The proposed plan was displayed and noted as Exhibit A.

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

Seconded and approved: 5 votes "Aye;" 1 vote "Nay."

Richard & Rosalyn Slifka. Construct porch, pool, patio; landscaping and associated appurtenances at 231 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 074 Parcel 004. **SE3-_____**

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

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- Project jurisdiction stems from a discontinuous coastal bank.
- The pathway to the water has grown from an approved three-foot path to a present-day estimate of eight feet.
- A golf cart is desired to travel the path, so a suitable width was requested.
- In consultation with staff, a justification of the path to the water will be provided and, in return for that, a planting plan within the jurisdictional area will be provided.

Public comment:

- Patrick Page said that Mr. Blazis' concern for precedent reminds him of his and his wife's own negative experience with the Commission.

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

Seconded and voted unanimously.

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

A.	Town of Barnstable /DPW	SE3-1286	(coc,ez)	dredging in Barnstable Harbor Inner Basin
B.	Sauerbrey	SE3-4256	(coc,ez)	construct stairs, pier, ramp, & retaining wall *
C.	Town of Barnstable /DPW	SE3-0033	(coc,ez)	dredging in Barnstable Harbor Inner Basin
D.	Persson	SE3-2678	(coc,ez)	repair & maintain stairs and coastal bank *
E.	Rhue	SE3-4933	(coc,ez)	construct seasonal dock *

Issues discussed: no concerns arose.

Public comment:

- Patrick Page expressed his concern that the requests for certificates were not timely.
- He claimed a federal violation over a breached pipe.

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

Seconded and voted unanimously.

IV MINUTES FOR APPROVAL

A. September 27, 2011

A motion was made to approve the minutes of September 27, 2011.

Seconded and voted unanimously.

B. October 18, 2011

A motion was made to approve the October 18, 2011 minutes.

Seconded and voted unanimously; two Commissioners abstained.

C. October 25, 2011

A motion was made to approve the October 25, 2011 minutes, as revised.

Seconded and voted unanimously; one Commissioner abstained.

V EMERGENCY PERMIT

A. Richard Smith, minor revetment repair at 111 George St., Barnstable; Map 319-052

A motion was made to approve the emergency permit for replacement of a revetment stone.

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

Review of an Open Meeting Law complaint filed with the Conservation Commission on Oct. 27, 2011 by Gary Lopez, for the purpose of formulating a response to the Attorney General's office

First Assistant Town Attorney David Houghton said that the Attorney General's regulations provide that local public bodies review timely complaints.

Public comment:

- Mr. Patrick Page took the podium to state that he has never been issued an apology. He said that Mr. Lopez acted on his own, but he (Mr. Page) stands strongly with him. He said he is a victim, and the Town needs to make things right.

A motion was made to authorize the Town Attorney to respond to the Open Meeting Law complaint filed by Gary Lopez, and to release a redacted version of the July 19, 2011 minutes.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 7:52 p.m.