



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: October 15, 2013 6:30 p.m.

LOCATION: 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 John E. Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Darcy Karle, Conservation Agent, assisted, along with Claudette Bookbinder, Administrative Assistant.

I OLD & NEW BUSINESS (Continued from 10/1/13)

- 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.**

Note: Public comment will be taken on permit fees

The new regulations proposed the following:

- that certified range safety officers (CRSO's) now be used at the shooting range;
- the age be lowered to eleven;
- from three days open, to five days open per week;
- higher range fees (as a result of extended days/hours of operation).

On October 3rd, disclosure forms for Commissioners Abodeely and Sampou to vote on fees was approved by the Town Council.

On October 4th, Assistant Town Manager Mark Ells and others attended a meeting in Boston with the Division of Conservation Services (DCS) to address questions concerning the use of range/public property.

A motion was made to accept the hours as proposed.

Seconded and voted unanimously.

Public comment was heard by the following people:

Louis Whitman of Osterville; Hillary Sandler of W. Barnstable; Skip Simpson of W. Barnstable; Doug Moore; Mike Lallier of Marstons Mills; Judy Desrocher of W. Barnstable; James Sullivan of Osterville; Ann Canedy of Cummaquid; William Bullock, John Burnham of Marstons Mills; Michael Faria of Hyannis; Kevin York of Barnstable; Walter H. of W. Barnstable; Frank Cohane of Falmouth; Winston Stratton of W. Barnstable (left copy of comments); Philip Wallace of W. Barnstable; George Kirk of Falmouth; John Norman, Lisa Hendrickson of W. Barnstable; Frank Adinolfi of Cotuit, Mark Cohen, Bruce Blackburn of Cotuit, Don McCauley of Centerville; Russell Jacobson of Osterville; and Roger B.

Written comment was received by the following people:

Judith Desrochers of W. Barnstable; Robert F. Joyce of W. Barnstable; Dave Netzer of W. Barnstable; Frank Santos, NRA; Arthur Dolgoff; Rich Kneller of Marstons Mills; Ron Brumfield; Bill Monroe of Osterville; Douglas Hempel of W. Barnstable; Hilary Sandler of W. Barnstable; Gary Sharamek of W. Barnstable; Ann B. Canedy of Cummaquid; and, June M. Daley of Marstons Mills.

Permit fees were discussed by the Commission.

A motion was made to approve fees as proposed, pro-rated for the remainder of the fiscal year.

Seconded and approved: 5 votes = “aye;” 2 votes = “nay.”

A motion was made to adopt Chapter 702 regulations subject to review after 90 days, including fees and fee structure, weekdays vs. weekends, family rates, staffing and maintenance, all costs, including noise reduction and abatement, and for the Town to seek grants for funding the range.

Seconded and voted unanimously.

II REQUESTS FOR DETERMINATION

Timur Sakharuk. Convert and expand existing deck to become a 11' x 23' covered porch and a 23' x 33' 3-season room at 42 Madison Ave., Centerville as shown on Assessor's Map 247 Map 097. **DA-13062**

The applicant attended the meeting.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Raymond Kwasnick, Tr., Vine Street Realty Trust. Construct new soil absorption system to replace failed leach pit at 346 Holly Point Rd., Centerville as shown on Assessor's Map 232 Parcel 024 & 072. **DA-13061**

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

Exhibits:

- A – Approval by Board of Health

A motion was made to issue a negative determination.

Seconded and voted unanimously.

III NOTICES OF INTENT

Town of Barnstable/D.P.W. Repair two perforations and recoat a 50 LF steel bulkhead located at southern terminus of School St., Hyannis as shown on Assessor's Map 326 Parcel N/A. **SE3-5122**

The applicant was represented by Mike Ajemian of Ocean & Coastal Consultants and Roger Parson, P.E.

Mr. Ajemian said the bulkhead should last another 15 – 20 years with repairs.

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

Seconded and voted unanimously.

Brian E. Callahan, Tr., 79 Sand Point Realty Trust. Add coir envelopes and maintain previously approved sacrificial sand dune (SE3-4688) at 79 Sand Point Rd., Osterville; repair and maintain previously approved revetment, gravel core dune and sacrificial sand dune (SE3-4684) at 81 Sand Point Rd., Osterville as shown on Assessor's Map 073 Parcel 015-001. **SE3-5119**

The applicant was represented by Ron Gaskell of SITEC and Peter Rosen.

Exhibits:

- A – Revised plan
- B – Coastal Dune
- C – Photos and Powerpoint

Stone armoring on bank protected by sand dune, which is now gone.

The same construction as previous; the sacrificial dune is already permitted.

The Commission said the pipe should be dealt with and Conservation staff to be informed as to where the water was coming from and what should be done with it.

A motion was made to approve the project with standard and special conditions, including coir envelope to be covered with sand and a revised plan to indicate no extension to pipe or pier.

Seconded and voted unanimously.

Steve Shuman/Akro Associates. Raze existing 3-bedroom dwelling and 1-bedroom cottage; replace with new 3-bedroom dwelling, gravel drive, and landscaping at 160 Tern Ln., Centerville as shown on Assessor's Map 212 Parcel 015. **SE3-5124**

The applicant was represented by Dan Ojala, P.E. and Steve Shuman.

Exhibits:

- A – Proposed site plan

No mitigation required; a voluntary planting plan to be submitted to staff.

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

Seconded and voted unanimously.

Leo & Lorraine Arnfeld, Trs., 74 Lake Drive Nominee Trust. Permit and maintain existing seasonal dock extending ± 48.6 feet into Lake Wequaquet at 74 Lake Dr., Centerville as shown on Assessor's Map 230 Parcel 080. **SE3-5125**

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

An enforcement order triggered this filing.

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

Seconded and voted unanimously.

Town of Barnstable/Conservation Div. Reduce fuel-loading within extreme wildland fire hazard area; remove 4.5 acre stand of phragmites by cutting and treating with Glyphosate-based herbicide (3-yr. mgt. plan); a one-time removal of 2.3 acres of understory vegetation on coastal bank by mechanical or control-burn at Crocker Neck Conservation area, Cotuit at 0 Santuit Rd. as shown on Assessor's Map 006-049, 9999 Crawford Rd. as shown on Assessor's Map 005 Parcel 017, and 98 Pinquickset Cove Cir. (Argy property) as shown on Assessor's Map 005 Parcel 066. **SE3-5126**

The applicant was represented by Darcy Karle, Conservation Agent.

Exhibits:

Ms. Karle explained where the work would be done:

- Area A – Phragmites to be removed;
- Area B – Control burn to be done after October 22, 2013.

Ms. Karle stated that a letter would be coming from Natural Heritage and Endangered Species (NHESP).

She said the area has been found to be an extreme fire hazard.

A motion was made to approve the project with standard and special conditions, including no burning to take place from March through October.

Seconded and voted unanimously.

IV CONTINUANCES

Stuart Bornstein/Stuborn LLC. Remove existing wharf, construct private docking facility to include maintenance dredging, removal of fill (considered improvement dredging), 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**

The applicant attended, and was represented by Atty. John Kenny, Matt Creighton and Kieran Healy.

Exhibits:

- A – Photo of structure to be removed
- B – Proposed revised plan

The structure is to be removed and a portion rebuilt; pilings to be reused, and new ones installed as needed.

Bulkhead to be removed; dredging to be done for increased water depth, though less than originally proposed. Now the plan calls for a 552 square-foot float, i.e., it has been greatly reduced.

Navigational safety was discussed by the Commission as being an important consideration.

Mr. Bornstein spoke, saying he thought the whale watch boat is the problem, being an over-size boat, not his (licensed) property.

Public comment:

- Peter Jasin distributed a handout to the Commission. In 1908 the channel was still in the public domain, and the pier was commercial;
- Anne Canedy spoke of her site visit with Commissioners, saying that the "choke point" was at the exact location as the [proposed] Bornstein pier;

A motion was made to continue the hearing to December 3rd.

Seconded and voted unanimously.

V AMENDED ORDERS

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. (Continued from 10/1)

The applicant was represented by Nina Coleman, Sandy Neck Park Manager.

Ms. Coleman stated that there is a superseding order by the State. This amended order is for the local ordinance, only.

The change order is for sand placement and for sand to be trucked in.

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

Seconded and voted unanimously.

VI REVISED PLANS

Project:

Revision:

A. Patriot Builders SE3- 4655

raze/reconstruct sfd

plant material/work protocol

The applicant was represented by Seth Hazard.

A motion was made to approve the revised plan: original mitigation to remain; other work to go forward. A letter is to be sent by staff requiring that the float and boat be removed from beach to upland storage.

Seconded and voted unanimously.

VII CERTIFICATES OF COMPLIANCE

A. Quigley SE3-5013 (coc,ez) construct seasonal dock *

B. Conway SE3-0115 (coc,ez) construct swimming pool

C. DeVesto SE3-4858 (coc,ez) construct stone retaining wall

D. Sollows SE3-0606 (coc,ez) construct single-family dwelling

E. Regan SE3-4970 (coc,ez) construct additions, etc. to single-family dwelling *

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

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:10 p.m.