



**Town of Barnstable  
Conservation Commission**  
200 Main Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: July 18, 2006 8:30 a.m.**

**LOCATION: Town Hall, Selectmen's Conference Room**

The meeting was called to order at 8:30 a.m. by Chairman John Abodeely. Also attending were Vice-Chairman Dennis Houle, Commissioners John Parker and Larry Morin. Darcy Karle, Conservation Agent, assisted, along with Fred Stepanis, Conservation Assistant.

The meeting was held in the Selectmen's Conference Room, Barnstable Town Hall, Hyannis, Massachusetts.

**I REVISED PLANS/AMENDED ORDERS**

project type

revision

A. Donald Agnoli SE3-4331

boardwalk, pier

spiral achors

Craig Short represented the property owner.

A motion was made to approve the revised plan, based on the submission of a cover letter stating that each spring, for three years, a report will be submitted, outlining the success of the system and its impact on the marsh.

Seconded and voted unanimously.

B. John McGraw SE3-4485

pool, retaining walls

footprints

John O'Dea represented the applicant.

A motion was made to approve the revised plan dated July 12, 2006.

Seconded and voted unanimously.

C. Joseph Swan SE3-3857  
feature,

septic system

bluestone patio, water  
vista pruning

John O'Dea represented the applicant.

A motion was made to approve the revised plan request.

Seconded and voted unanimously.

**II EXTENSION PERMITS**

A. Ralph Willard SE3-4150

pool, patio, addition

1st request, 3 yrs.

John O'Dea represented the client.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

(Willard, cont'd.)

B. Town DPW/ Engineering SE3-4169 Craigville Bch. Rd. reconstruction 1st request, 1 yr.

No representative appeared.

A motion was made to approve a one-year extension.

Seconded and voted unanimously.

C. Charles Pieper, SE3-4163 Porch, landscaping, garage 1<sup>st</sup> request, 3 yrs.

Steve Wilson, P.E., represented the applicant.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

D. Nathaniel Davis et al, Tr. SE3-4157 repave road 1<sup>st</sup> request, 3 years

John O'Dea represented the property owner.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

E. Philip M. Boudreau SE3-4160 Sewer hookup 1<sup>st</sup> request, 3 years

John O'Dea represented the property owner.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

F. Matthew J. Mitchell SE3-4133 construct single-family dwelling 1<sup>st</sup> request, 3 years

John O'Dea represented the property owner.

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

### **III OLD & NEW BUSINESS**

A. Tobey and Joanne Hynes – 22 Great Bay Road – **DA-02033** – replanting plan

Wayne Tavares represented the property owner. Mr. Tavares requested that the new plantings could be trimmed down to a three-foot level.

A motion was made to approve the mitigation landscaping plan dated July 10, 2006.

Seconded and voted unanimously.

B. Up-dated planting list

(Up-dated planting list, cont'd.)

A motion was made to approve the up-dated planting list which was compiled by the Planning Committee, along with the Conservation Agent. It is currently featured on the Cape Cod Cooperative Extension Service website. Division staff will place it on the Town of Barnstable Conservation Commission website.  
Seconded and voted unanimously.

C. Commissioner Abodeely stated that the Town Attorney's Office is proceeding to petition the Court to hold Paul Gargano responsible for \$175,000 in fines and penalties in the form of a Court enforcement order and/or an injunction, as a result of an on-going enforcement issue.

#### **IV ENFORCEMENT ORDERS**

A. John MacLean – 282 Long Pond, Marstons Mills  
Alteration of a wetland resource area and 50' buffer by bring in sand to create a beach, cutting two trees, Replacement and expansion of existing wooden steps. Unpermitted vista pruning, including cutting of understory in 50 buffer.

Steve Wilson, P.E., represented Mr. MacLean, who was also present.

A motion was made to amend the enforcement order to read: "A sketch plan showing the replanting of three trees chosen from the approved planting list, and shrubs such as sweet pepper bush or inkberry in the area where the sand had been placed, shall be submitted by September 1, 2006. Replanting shall take place by October 1, 2006. The RDA application for the stairs and vista pruning shall be submitted by September 15, 2006."

Seconded and voted unanimously.

B. Kathleen E. Barrett – 652 Popponessett Road, Cotuit  
Unpermitted stone wall and steps in the 50' buffer zone. Stone left on the bank. Retained arborist to remove a tree and limb trees without contacting Conservation Division.

Steve Wilson, P.E., represented the property owner. Commissioner Houle brought up the fact that a tree should be planted to replace the one removed.

A motion was made to amend the enforcement order to read: "A Notice of Intent shall be filed by September 30, 2006, for the construction of the wall, as well as a plan showing the replanting of a tree(s)."

Seconded and voted unanimously.

C. Howard A. Fafard – 744 Seaview Avenue, Osterville  
Alteration of a flood zone and 100' buffer zone by construction of a patio under an existing deck.

No one attended the hearing. It was noted in the record that the RDA application for the patio was approved on June 27, 2006.

A motion was made to approve the enforcement order as written.

Seconded and voted unanimously.

D. Frederick C. Mycock – 765 Santuit Road, Cotuit – **tabled from June 6, 06 hearing - SE3-4177**  
Alteration of a resource area and 50' buffer zone by dumping fill (from foundation repair work) in a flood zone, 50' undisturbed buffer zone and TOB Conservation property across the street. (revised plan hearing was held on 4/18/06)

Mr. Mycock attended the hearing. Although the court report was not read into the record, it was entered as part of the record. Mr. Mycock apologized for the placement of the fill by his contractor.

(Mycock, cont'd.)

A motion was made to amend the enforcement order, with the stipulation that Mr. Mycock submit a letter stating that he will pay the \$500.00 in fines.

Seconded and voted unanimously.

- E. Joan Lamminen – 5 Bay Lane, Centerville -  
Alteration of a wetland resource area and flood zone and Conservation Commission 50' undisturbed buffer zone by expanding width of two existing paths and cutting a path through a wetland.

Mr. Lamminen attended the hearing.

A motion was made to approve the cease and desist order to refrain from further trimming and/or clearing of the property, and to amend the enforcement order to state that an RDA must be filed in order to seek an agricultural exemption.

Seconded and voted unanimously.

- F. Mary W. Scott Trust – 988 Craigville Beach Road, Centerville “Barnacle”  
Alteration of a dune, barrier beach area and 100' buffer, plowing sand up onto dune to clear for parking/space

No one attended the hearing.

A motion was made to approve the enforcement order as written.

Seconded and voted unanimously.

- G. Susan and Richard Bloom – 2644 Main Street, Barnstable – **Emergency Certification March 23, 06**  
Violation of an emergency certification by failing to file a NOI by the deadline date.

The Bloom's were represented by Arlene Wilson.

A motion was made to amend the enforcement order to read: “The deadline for the submission of a Notice of Intent is September 30, 2006.”

Seconded and voted unanimously.

- H. Nuspeech Realty Corporation c/o Rahul Chaturvedi – 70 Airport Road, Hyannis – **SE3-3833**  
Alteration of the 50' buffer zone. By installing two section of fencing and mowing into  
20 “no disturbed zone” shown on approved plan of record.

No one attended the hearing.

A motion was made to approve the enforcement order as written.

Seconded and voted unanimously.

- I. Timothy W. Juleson – 66 Sheep Meadow Road, West Barnstable  
Alteration of a wetland and 50 undisturbed buffer zone by clearing vegetation. Cutting also occurred on an abutter's parcel without prior approval from the property owner.

Timothy Juleson and his father, James Juleson, were present at the hearing.

A motion was made to amend the enforcement order to read as follows: “Mr. Juleson will call the Conservation Department in two weeks to arrange a site visit to see the flagged trees which will be planted and moved to an area staked-out for planting. Four hardwood trees and two cedar trees will need to be planted by September 15, 2006. The sweet

(Juleson, cont'd.)

pepper bush will not need to be planted by the pond. Demarcation will be set along the edge of the maintained lawn (stakes or sections of fence). This will be completed by September 15, 2006.”

J. Adam J. Hostetter – 1350 Santuit-Newtown Road, Cotuit (property owner Daniel Hostetter)  
Alteration of a wetland resource area and buffer zone by having unpermitted dock and path cut into the bank.

Mr. Hostetter was present at the hearing.

A motion was made to amend the enforcement order to read: “The deadline date for removal of the dock is August 18, 2006. An RDA shall be filed by September 1, 2006, for the use of the existing path or the path abandoned. A Notice of Intent must be filed for any structural improvements.”

Seconded and voted unanimously.

K. Jay M. Elias – 582 Shootflying Hill Road, Centerville – **SE3-2721**  
Violation of an enforcement order dated January 19, 2006, failure to request a COC after 3 prior enforcement orders and two written warnings.

Steve Wilson, P.E., represented Mr. Elias who, at the last minute, did not show.

A motion was made to approve the enforcement order. In addition, the property owner must file a request for a certificate of compliance by August 1, 2006, in order to avoid an additional enforcement order and fine.

Seconded and voted unanimously.

L. Michael D. Forance – 557 Ocean Street, Hyannis  
Alteration of the Conservation Commission’s 50’ undisturbed buffer zone and flood zone by starting construction of a patio.

No one attended the hearing.

Darcy stated that an RDA application was actually approved at the July 11, 2006 hearing.

A motion was made to approve the enforcement order as written.

Seconded and voted unanimously.

M. Lesley C. Wallace – 305 Pine Street, Hyannis  
Alteration of the Conservation Commission’s 50’ undisturbed buffer zone, horse corral and RV edge of wetlands.

No one represented the Wallaces at the hearing.

Darcy stated that during the site visit to the property the Wallaces had agreed to comply with the enforcement order.

James Jenkins, an abutter, read his letter dated July 17, 2006, into the record. He also stated that the wires were still attached to the camper.

A motion was made to approve the enforcement order. In addition, staff will send a letter to the Wallaces demanding that all utilities be removed from the camper, and to cease and desist residing in the camper.

Seconded and voted unanimously.

## **V CITATIONS**

A.	Michael Hope / Ace Arboriculture - alteration of a buffer zone, unauthorized tree work - 652 Poponessett Road, Cotuit (Barrett property)	\$200.00
B.	Kathleen Barrett – Alteration of a buffer zone, construction of a stone wall	\$200.00
C.	Frederick C. Mycock – Illicit dumping on Conservation Property Frederick C. Mycock – Alteration of a resource area, fill placed in a flood zone	\$300.00 \$200.00
D.	Jay M. Elias – Violation of an enforcement order	\$300.00
E.	Jeff Eldredge – alteration of a resource area (flood zone) by starting to construct a patio	\$200.00

All of the above citations (“A – “E”) noted.

## **VI CERTIFICATES OF COMPLIANCE**

**(ap = as-built plan) (coc = Certificate of compliance) (ez = no deviations, staff recommends approval) (ok = minor deviations, staff recommends approval) (c = staff recommends approval *with contingencies*) (d = deviations, staff recommends denial) (\* = on-going conditions)**

A. Perry SE3-3901 (coc,d) construct in-ground swimming pool \*

The certificate of compliance was denied.

B. O’Neill SE3-4195 (coc,d) increase float size on existing pier \*

The certificate of compliance was approved.

C. O’Neill SE3-3989 (coc,d) set five granite chaise lounges \*

The certificate of compliance was approved, contingent upon the replanting of beach grass.

D. O’Neill SE3-3831 (coc,d) reconstruct revetment

The certificate of compliance was approved, contingent upon the submission of an erosion report.

E. Kennedy SE3-3351 (coc,ok) construct in-ground swimming pool \*

F. Bennett (Stanlar) SE3-3125 (coc,) construct single-family dwelling \*

Certificates of compliance “E” and “F” above, were approved.

**A motion was made to adjourn the meeting.**

**Seconded and voted unanimously.**

**The time was 11:59 a.m.**