



**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: August 15, 2006 8:30 a.m.

LOCATION: Town Hall, Selectmen's Conference Room

The meeting was called to order at 8:31 a.m. by Chairman John Abodeely. Also attending were Vice-Chairman Dennis Houle and Commissioners John Parker, Larry Morin and Tom Lee. Commissioners Pete Sampou and Scott Blazis were away. Rob Gatewood, Conservation Administrator, assisted along with Darcy Karle, Conservation Agent, and Fred Stepanis, Conservation Assistant.

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

<u>I</u>	<u>REVISED PLANS/AMENDED ORDERS</u>	<u>project type</u>	<u>revision</u>
A.	Bonnybrook SE3-3648	pier	piling type, etc.

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

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Erica Brown SE3-4532	sfd	tree hazard
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The applicant attended.

Discussion: It was determined that the last three trees represent a hazard to the house, should they fall. Dennis Houle expressed concerns for the removal of healthy trees and replacement with mere shrubs. Larry Morin asked that the special circumstances be considered in this case.

A motion was made to approve the revised plan, as modified by the Chairman.

Seconded and voted unanimously.

C.	Arthur Gelb SE3-4340	sfd	vista pruning
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The applicant was represented by John Slominski.

Discussion: A revised view corridor plan was submitted.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

(Revised Plans, cont'd.)

AG

D. Janet Voute-Allen SE3-3851 sfd vista pruning

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

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Peter Murray DA-05010 2nd floor street-side addition

The applicant was represented by Dan Crowley.

Discussion: Mr. Crowley discussed the three proposed changes.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Holbrook Davis SE3-4415 bulkhead timing

The applicant was represented by Attorney John Alger and Bruce McCallister.

Discussion: The proposed change would allow work to begin after Labor Day. Most work occurs from land side.

Silt fencing will be deployed to minimize turbidity and sedimentation.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. Matthew Mitchell SE3-4132 1st extension 3-year request

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

Discussion: No concerns arose.

A motion was made to approve a 3-year extension.

Seconded and voted unanimously.

III OLD & NEW BUSINESS

A. Beach grass issue at Long Beach way to water

Don Gautreau of the Long Beach Association and Alex Murphy, abutter, attended.

Ms. Murphy expressed concern for beach grass loss at the Cross Street way to water.

Mr. Gautreau asked the Commission to consider a remediation step plan which he submitted for consideration.

(Old & New, - "Beach grass," cont'd.)

The Chair referred the petitioners to the Town Manager to evaluate the present proposal, as management of the Town Way is his domain.

B. Janet Hurd Trs. – 265 Ocean View Ave., Cotuit – replanting mitigation report

Mr. Burbank represented Ms. Hurd and Ms. Woodard, who were also present.

After review of Mr. Burbank's report dated July 19, 2006, the Commission agreed with protocol items nos. 1, 3, 4, 5, and 6. The Commission did not feel comfortable placing a monetary figure on the value of the trees removed, as written in the report.

A motion was made to have nine (9) two-inch caliper trees planted on the bank in consultation with staff. In addition, three clumps of young black locust trees were to be removed and replaced with beach grass as mitigation. A two-year maintenance clause and reports for the tree planting shall be required.

Seconded and voted unanimously.

C. September morning meeting date

It was preferred that the September morning meeting take place on the 19th, but demands on the room may require that the date remain September 5th.

D. Other

Darcy informed the Commission that she would like to apply for the County Land Management Grant. She is planning a proposed handicap-accessible walkway and deck at Sanutuit River Conservation area. Chairman Abodeely requested that we notify the Access Board. The Commission favored the idea.

IV ENFORCEMENT ORDERS

A motion was made to amend the agenda to take-up "J" first, instead of "A."

Seconded and voted unanimously.

J. Richard Novick & Joseph Keller, Trs. Brislane Realty Trust, and Eastern Mountain Sports **SE3-1958**
Alteration of Commission's 50' buffer zone and a resource area, bordering vegetated wetland, by maintaining a 10' wide path to Shallow Pond.

Mr. Keller was present at one point, but left prior to this item being called.

Eric Johnson, manager of EMS for the last six months, said that the recent trail widening was not done by EMS, as they have not used the trail for two years.

A motion was made to amend the enforcement order, requiring the property owner, Mr. Kelley, to meet with staff to adopt measures to abandon the trail. A letter will be issued.

Seconded and voted unanimously.

A. Glenn J. Jasinski – 24 Harbor Bluff Road, Hyannis
Alteration of a resource area, flood zone, by bringing in fill to level out back yard.

Darcy informed the Commission that Mr. Jasinski had stopped by the Conservation Department and has agreed to comply with the enforcement order.

A motion was made to approve the enforcement order as written.
(Enforcements, – Jasinski, cont'd.)

Seconded and voted unanimously.

- B. Kerry M. McNamara – 18 Bay Lane, Centerville
Alteration of a resource area, flood zone, by installation of a title 5 system.

Darcy read the letter from Pesce Engineering, stating that they had been retained to complete the proper application.

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

Seconded and voted unanimously.

- C. Robert and Susan Tobin – 35 Hidden Lane, Osterville
Alteration of the Commission's 50' undisturbed buffer zone, by cutting vegetation, limbing trees and flush cutting one large cedar tree.

A motion was made to amend the enforcement order to add a planting deadline date of September 30, 2006. The future removal of bittersweet will require the appropriate filing. Staff will meet with the property owner to discuss the tree as described in the enforcement order.

Seconded and voted unanimously.

- D. David P. Dali – 130 Center Lane, Centerville
Alteration of the Conservation Commission 50' buffer zone by construction of a stockade fence on the edge of Lake Wequaquet.

Mr. Dali attended the hearing.

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

Seconded and voted unanimously.

- E. Jay M. Elias – 582 Shootflying Hill Road **SE3-2721**
Violation of an enforcement order (amended July 18, 2006) by failing to request a Certificate of Compliance by Aug. 1, 2006.

No one attended the hearing.

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

Seconded and voted unanimously.

- F. Troy Bigelow – 29 Forest Glen Road, Hyannis **SE3-3937 (house)**
Violation of an Order of Conditions by failing to request a Certificate of Compliance.

No one attended the hearing.

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

Seconded and voted unanimously.

- G. Troy Bigelow – 29 Forest Glen Road, Hyannis **SE3-4024 (pool)**
Violation of an Order of Conditions by failing to request a Certificate of Compliance.

No one attended the hearing.

(Enforcements, - Bigelow, cont'd.)

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

Seconded and voted unanimously.

- H. Charles W. Buckler – 181 Elliot Road, Centerville **SE3-1654**
Violation of an Enforcement Order and on going conditions in Certificate of Compliance by continuing to mow beyond work limit line.

Mr. Buckler attended the hearing.

Darcy stated that she would void the non-criminal citation for \$300.00 if Mr. Buckler would set-up an appointment to stake out the “no-mow” line.

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

Seconded and voted unanimously.

- I. Nuspeech Realty Corp c/o Rahul Chaturvedi
Violation of an enforcement order issued June 9, 2006 by failing to file an RDA for unpermitted fencing.

No one attended the hearing.

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

Seconded and voted unanimously.

V CITATIONS

- A. Jay M. Elias – Violation of an enforcement order - \$300.00
B. Charles W. Buckler – Violation of an enforcement order - \$300.00
C. Nuspeech Realty Corp – Violation of an enforcement order - \$300.00

Citations “A” – “B” were noted. Darcy agreed to void Charles Buckler’s citation.

VI WARNING LETTERS

- A. James Olney – 739 Route 149, Marstons Mills – an unpermitted dock (small)

A motion was made to approve the written warning.

Seconded and voted unanimously.

- B. Madalena Tatara – 64 Greenwood Avenue – fill and proposed retaining wall

A motion was made to approve the written warning.

Seconded and voted unanimously.

VII 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)
(Certificates, cont’d.)

A. Carey SE3-3579 (coc, d) construct pool (not done) and additions to sfd *

A motion was made to issue the certificate of compliance, contingent upon staff recommendations.

Seconded and voted unanimously.

B. Oyster Harbors SE3-4112 (coc,c) reconstruct bulkhead; resurface parking lot; drainage *
Marine

A motion was made to table the project.

Seconded and voted unanimously.

C. Maloney SE3-4346 (ap,ok) add stairs, bulkhead, A/C platform, & sandbox

D. Maloney SE3-4346 (coc) construct addition, porch, & deck to single-family dwelling *

A motion was made to issue certificates "C" and "D."

Seconded and voted unanimously.

A motion was made to adjourn the meeting.

Seconded and voted unanimously.

The time was 11:37 a.m.