



**Town of Barnstable  
Conservation Commission**  
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**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: September 19, 2006, 8:30 a.m.**

**LOCATION: Barnstable Municipal Airport 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 Tom Lee. Commissioners Scott Blazis and Pete Sampou were teaching. Darcy Karle, Conservation Agent, and Fred Stepanis, Conservation Assistant, assisted.

The meeting was held at the Airport Conference Center, Hyannis, MA

**I      REVISED PLANS/AMENDED ORDERS**      project type      revision

A motion was made to take the Revised Plans out of order, and take item “D” first.

Seconded and voted unanimously.

D.      Wm. & Paula O’Keefe      SE3-4450      bulkhead      remove stone wall

The O’Keefe’s were represented by George Gilmore of Gilmore Marine.

A motion was made to approve the amended order, upon the condition that Tom Marcotti has complied with the request. Note: an e-mail from Tom was submitted at 10:48 a.m., stating that he was fine with the request.

A.      J. Cruise      SE3-4459      addition, patio,  
garage/boat shed      locations swapped;  
remove tennis court

The applicant was represented by Steve Wilson.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.      Harold R. & Juliet Dixon      SE3-4371      pave driveway      to top of coastal bank

There was no one present to represent the Dixon’s.

A motion was made to re-schedule the matter for the next morning hearing.

Seconded and voted unanimously.

C.      P. Dubuque      SE3-4513      retaining wall      closer to wetlands

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

Discussion:      Mr. Wilson stated that Phyllis Cole has been retained to add more plantings to the property.

Commissioner Houle asked Mr. Wilson to copy all abutters on the revised plan.  
(Dubuque, cont’d.)

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A motion was made to approve the revised plan with the condition that abutters are notified regarding the project or any additional plantings.

Seconded and voted unanimously.

## **II EXTENSION PERMITS**

A. Nauticus Marina SE3-4172 1<sup>st</sup> request, 3-yrs.

The applicant was represented by John O'Dea, E.I.T.

A motion was made to approve the extension permit.

Seconded and voted unanimously.

B. Breault SE3-4185 1<sup>st</sup> request, 3-yrs.

The applicant was represented by John O'Dea, E.I.T.

A motion was made to approve the extension permit.

Seconded and voted unanimously.

## **III OLD & NEW BUSINESS**

A. Vine Associates – Barnstable Harbor dredging project – sampling from Blish Point disposal area

Christine Player was the representative on behalf of the Town of Barnstable.

A motion was made to approve the sampling at Blish Point, upon the condition that the sample points will be re-vegetated if needed.

Seconded and voted unanimously.

B. Barnstable County Land Management FY 2007 grant awarded to the Conservation Division

Darcy informed the Commission that the division was awarded a grant from the County for \$6,000, for the construction of a handicap trail.

## **IV ENFORCEMENT ORDERS**

A. Mark Feinstein – 100 Herring Run Drive, Centerville **SE3-2260**  
Alteration of a resource area and violation of a verbal warning by placing two sections of a fence back up after the Certificate of Compliance issued. Purple loosestrife was to be cut and removed from the property on a continual basis.

Darcy stated that the property owner called and said he would comply with the enforcement order.

A motion was made to approve the order as written.

Seconded and voted unanimously.

B. Frederick H. Thimme – 377 Wheeler Road, Marstons Mills **SE3-3330 (denial for dock, path and pruning)**  
Alteration of a resource area by having an unpermitted dock, path and pruning.  
(Thimme, cont'd.)

Mr. Thimme appeared before the Commission.

A motion was made to amend the enforcement order to read that the property owner shall remove the dock from conservation jurisdiction or retain a consultant by November 20, 2006, to seek approval. The path and vista pruning shall be abandoned, or a RDA application shall be filed to try and seek approval by November 20, 2006. If the property owner wishes to file the RDA for the path, the path should be brought back to a 4-foot width in all places.

Seconded and voted unanimously.

- C. Troy Bigelow – 29 Forest Glen Road, Hyannis, **SE3-3937**  
Violation of an enforcement order dated August 7, 2006, failing to request a COC.

No one attended the hearing.

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

Seconded and voted unanimously.

- D. Troy Bigelow – 29 Forest Glen Road, Hyannis, **SE3-4024**  
Violation of an enforcement order dated August 7, 2006, by failing to request a COC.

No one 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, Centerville **SE3-2721**  
Violation of a enforcement order dated August 7, 2006 by failing to request a COC.

No one attended the hearing.

Commissioner Abodeely stated that we should look into a civil or criminal action next.

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

Seconded and voted unanimously.

- F. Nuspeech Realty Corporation c/o Rahul Chaturvedi – 70 Airport Road, Hyannis, SE3-3833  
Violation of an enforcement order dated August 10, 2006 by failing to file an RDA.

When first opened, no representative was present. A motion was made to approve the enforcement order as written. The order was seconded and voted unanimously.

In the interim, Mr. Chaturvedi arrived, whereby a motion was made, and seconded, to re-open the matter.

After Mr. Chaturvedi spoke to the Commission, Chairman Abodeely reaffirmed the enforcement order. Mr. Chaturvedi said he would comply with the order by picking up an application at the Conservation office.

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

Seconded and voted unanimously.

- G. Patty O’Leary – 311 Navigation Road, West Barnstable  
Alteration of a resource area by replacing deck without prior authorization form the Conservation Commission (O’Leary, cont’d.)

In addition failure to request a COC to close out SE3-2370 before new work started.

Darcy informed the Commission that the builder has agreed to request the Certificate of Compliance for the outstanding order.

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

Seconded and voted unanimously.

- H. Seapuit Partners LLC. c/o Floyd Silvia of Silvia and Silvia – 237 Seapuit Road  
Alteration of a buffer zone by vista pruning without a permit and violation of an Order of Conditions by failure to maintain sediment controls and follow approved plan of records.

Mr. Floyd Silvia, property owner, and Peter Markunas of Coastal Engineering appeared at the hearing.

Chairman Abodeely asked Mr. Silvia the name of the landscaping company. Mr. Silvia said that it was Demello's that did the vista pruning.

A motion was made to amend the enforcement order, referencing the enforcement mitigation plan by Coastal Engineering dated 9/18/06.

Seconded and voted unanimously.

## **V CITATIONS**

- A. Mark R. Feinstein – Alteration of a resource area by construction of two sections of fence. - \$200.00  
B. Troy Bigelow – Violation of an enforcement order - \$300.00  
C. Jay M. Elias – Violation of an enforcement order - \$300.00  
D. Rahul Chaturvedi – Violation of an enforcement order - \$300.00  
E. Seapuit Partners – alteration of a buffer zone - \$200.00  
F. Seapuit Partners – Violation of an Order of Conditions - \$300.00

Citations "A" – "F" noted.

## **VI WRITTEN WARNINGS**

- A. Peter Plattes – 80 Lake Shore Drive, Marstons Mills  
B. Timothy Juleson – 66 Sheep Meadow Road, West Barnstable  
C. William Moore – 583 Lumbert Mill Road, Centerville  
D. Howard and Kimberly Reich – 105 Hillers Hayway, West Barnstable  
E. Mateus Carvalho – 287 Mitchell's Way, Hyannis

A motion was made to approve the Written Warnings "A" – "E" as written.

(Warnings, cont'd.)

Seconded and voted unanimously.

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## **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)**

A. Cook	SE3-4341	(ap, ok)	children's playhouse and swing set
B. Cook	SE3-4341	(coc, c)	construct garage & breezeway *
C. Dallow	SE3-4082	(coc, ok)	construct additions (not done); upgrade septic; construct swimming pool *
D. Rugg	SE3-4404	(coc, d)	construct seasonal dock *
E. Brown	SE3-3957	(coc, ok)	construct single-family dwelling *
F. Manning (Hanley)	SE3-4287	(ap,ok)	add third landing to bank stairway
G. Manning (Hanley)	SE3-4287	(coc)	reconstruct bank stairway; remove pier *
H. Silins	SE3-4330	(coc)	construct single-family dwelling *
I. Eleftherakis	SE3-4108	(ap,ok)	add deck, stairs, & stone wall
J. Eleftherakis	SE3-4108	(coc)	raze & construct barn *

A motion was made to approve A, C, D, F, G, I, and J.

Seconded and voted unanimously.

A motion was made to issue Certificate B, contingent upon staff verification of work limit plantings.

Seconded and voted unanimously.

A motion was made to issue Certificate E, contingent upon submission of a revised plan showing the deck and patio.

Seconded and voted unanimously.

A motion was made to deny Certificate H. Mr. Silins was told he could submit a revised plan with information from NHESP and proposed mitigation.

Seconded and voted unanimously.

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

**Seconded and voted unanimously.**

**The time was 11:02 a.m.**