



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

DATE: December 5, 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 and Commissioners John Parker, Larry Morin and Tom Lee. Commissioners Pete Sampou and Scott Blazis were teaching. 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</u>	<u>project type</u>	<u>revision</u>
A.	Cafferky SE3-4543	additions	wall material change

The applicant was represented by Kevin Bowhan.

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Gerald Healy SE3-4516	install pvc retaining wall	add/replace concrete slab
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No one appeared at the hearing.

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Svenson SE3-4438	repair boathouse	multi
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The applicant was represented by John O’Dea, E.I.T.

Discussion: Chairman Abodeely asked for clarification as to whether the beach house was also to be repaired. A letter from the contractor will be submitted, confirming that the boathouse is in relatively good repair, especially the foundation. The letter must be received in advance of the work to be done.

A motion was made to approve the revised plan, contingent upon advance consultation with staff.

Seconded and voted unanimously.

D.	Wianno Club SE3-4541	porch dining room & terrace	increase footprint for firewall
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The applicant was represented by Peter Sullivan, P.E.
(Wianno Club, cont’d.)

AG

Discussion: Additional mitigation plantings were requested by Dennis Houle. A revised plan will be submitted.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Crosby Yacht SE3-4411 re-construct wharf multi

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

Discussion: The plan was proposed as the final plan (post-DEP settlement) under the Town Ordinance.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. ToB/MEA SE3-4207 repair/maint. Road/marsh trail 3-yrs., 1st ext.
at Sandy Neck

The applicant did not show.

Discussion: No concerns arose.

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

Seconded and voted unanimously.

III OLD & NEW BUSINESS

A. Daniel Ciotti and Peter Gens – 246 Ocean View Ave., Cotuit – replanting mitigation report

The property owner was represented by Attorney George Hailer. Property owner Michael Talbot was unable to attend.

A motion was made to approve the planting/mitigation report dated November 7, 2006.

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. Damian Dupuy – end of Powers Drive, Centerville
Violation of an Order of Conditions and approved plan of record for file SE3-4317

No one appeared at the hearing.

Darcy advised the Commission that the structure has been removed, in compliance with the enforcement order.

Public comment was taken from the abutter, Dr. John Doriss.

(Dupuy, cont'd.)

Chairman Abodeely told the abutter that his (Dr. Doriss') concerns rested with the Building Dept. and/or the ZBA. Darcy will check on the footings that remain, and will issue a warning letter if they are not in compliance with the approved plan for SE3-4317.

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

Seconded and voted unanimously.

B. Harriet Buono Moody / Joyce Landscaping – 10 Kent Road, Barnstable
Alteration of the 100' buffer zone by planting large screening trees without prior authorization from Conservation.

Chris Joyce represented the client.

Darcy said that Chris Joyce and the property owner have complied with the enforcement order by filing the RDA, heard on November 28, 2006. The project received a negative determination.

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

Seconded and voted unanimously.

C. Laura Trust Tr. / Joyce Landscaping – 183 Bay Street, Osterville
Alteration of a resource area and 50' undisturbed buffer zone by mowing understory and beach grass along North Bay.

Chris Joyce represented the client.

Darcy explained that Mr. Joyce has complied with the enforcement order, and has staked out the "no mow zone."

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

Seconded and voted unanimously.

D. Joseph D. McDonald – 191 5th Ave. Hyannisport (vacant lot off Ocean Drive)
Alteration of a wetland resource area, coastal bank and Conservation Commission 50' undisturbed buffer by dumping landscaping debris on vacant lot.

Mr. McDonald was present at the hearing.

Mr. McDonald requested that he be allowed to leave all of the debris.

The Commission left it up to Staff to make the decision on what should be removed. Darcy circled two areas on two photographs, indicating what was to be removed, and gave them to Mr. McDonald. She had met with him already on site.

A motion was made to amend the enforcement order to require removal of the two sections of the pile by February 15th, 2007. The old section of path, as shown in a 1995 aerial photo, may remain. No further dumping in this area is allowed.

Seconded and voted unanimously.

E. Helena M. Power Tr. – 60 Powers Drive, Centerville
Alteration of a wetland resource area by deploying a float/platform without prior approval from the Conservation Commission.

No one appeared at the hearing.

Darcy reported to the Commission that the float has been removed.
(Power, cont'd.)

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

Seconded and voted unanimously.

F. Robert J. Bothwell – 252 Clamshell Cove Road, Cotuit
Violation of an enforcement order, failure to record restrictive covenant for dock.

Darcy stated that this issue has been tabled until January 2nd, 2007.

G. Paul and Patricia A. Mazzola – 644 River Road, Marstons Mills
Alteration of the 100' buffer zone, construction of a retaining wall without prior authorization and failure to use sediment controls.

Chris Joyce and Arlene Wilson represented the client.

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

Seconded and voted unanimously.

H. Richard Kiusalas – 2454 Meetinghouse Way, West Barnstable
Alteration of the 50' buffer zone during clean up behind building, dirt and wood debris pushed to edge of wetland.

Darcy informed the Commission that she met with Mr. Kiusalas on site. He has already complied with the enforcement order by pulling the fill back, and removing wood debris.

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

Seconded and voted unanimously.

V CITATIONS

A. Christopher J. Joyce – alteration of a buffer zone / crew continued to work after verbal cease and desist.
\$200.00

Noted.

B. Christopher J. Joyce – alteration of a buffer zone / failure to deploy siltation controls. \$200.00

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. O'Leary (Bock) SE3-2370 (coc) move shack to former location *

B. Babcock (Fallon) SE3-2433 (coc,ok) permit existing pier, ramp, & float *

A motion was made to approve certificate "B," contingent upon sign installation.

Seconded and voted unanimously.

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|---------------------------------------|---------|----------|----------|--|
| C. | Catania | SE3-4076 | (ap,ok) | add fence, shed, wall, etc. |
| (Certificates of Compliance, cont'd.) | | | | |
| D. | Catania | SE3-4076 | (coc,ez) | construct addition to single-family dwelling * |
| E. | Stewart | SE3-4023 | (ap,ok) | reconfigure dock, change to plastic |
| F. | Stewart | SE3-4023 | (coc,d) | construct 2 nd story addition to sfd; approve existing dock * |

A motion was made to approve certificate "F," contingent upon fence modification.

Seconded and voted unanimously.

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|----|---------|----------|----------|--|
| G. | Kennedy | SE3-4216 | (coc,ez) | construct stairs and pier, ramp, & float * |
| H. | Botello | SE3-3952 | (coc,c) | expand existing single-family dwelling * |

A motion was made to approve certificates "A," "C – E," "G," and "H."

Seconded and voted unanimously.

A motion was made to adjourn the meeting.

Seconded and voted unanimously.

The time was 10:34