



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION MEETING

**DATE: September 11, 2007, 6:30 p.m.**

### **LOCATION: SELECTMEN'S CONFERENCE ROOM**

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, several resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://town.barnstable.ma.us)), audiocassette 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 Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Peter Sampou, Scott Blazis, Larry Morin, Tom Lee, and Louise Foster. Darcy Karle, Conservation Agent, assisted.

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

### **I MINUTES FOR APPROVAL**

A. August 21, 2007.

A motion was made to approve the minutes.

Seconded and voted unanimously.

### **II REQUESTS FOR DETERMINATION**

**Barnstable Land Trust.** Hand-removal of invasive plant purple loosestrife at 100 and 120 East Bay Rd., Osterville as shown on Assessors Maps 140 and 141, Parcels 163 and 107. **DA-07061**

The applicant was represented by Red Bansfield.

Issues discussed:

- A letter of reference sent by Jonathan Sloane was read.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Santuit Road Realty Trust/Donald J. Goldberg, Tr.** Vista pruning at 551 Santuit Rd., Cotuit as shown on Assessors Map 007 Parcel 017. **DA-07062**

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

Issues discussed:

- Standard vista pruning guidelines
- Photos before and after

(Santuit Rd. Rlty. Tr., cont'd.)

- Consultation with staff.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Reconsideration of Frank P. & Lynn S. Minard.** Modification to roof line of existing boat house at 315 Main St., Osterville as shown on Assessors Map 164 Parcel 003-001. **DA-07052**

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

Issues discussed:

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Roger & Sheila Lockwood.** Vista pruning at 148 Mistic Drive, Marstons Mills as shown on Assessors Map 079 Parcel 043. **DA-07065**

The applicants attended the hearing.

Issues discussed:

- Standard vista pruning guidelines
- Removal of invasive grey willow
- "Snip and drip" method to be used
- Submission of protocol letter required.

A motion was made to issue a negative determination.

Seconded and voted:

5 votes "Aye;" Commissioner Blazis abstained.

The motion passed.

**Brian & Roey Covell.** Add 12' x 18' wood deck to existing deck at 415 Elliott Rd., Centerville as shown on Assessors Map 227 Parcel 107. **DA-07069**

The applicant attended the hearing.

Issues discussed:

No concerns arose.

Seconded and voted unanimously.

### **III NOTICES OF INTENT**

**Reconsideration of Susan Mykrantz.** Construct dinghy dock (pier, ramp and float) to access water for recreational boating at 531 Main St., Osterville as shown on Assessors Map 141 Parcel 099. **SE3-4567**

A letter requesting a continuance was read.

A motion was made to continue the matter to November 13<sup>th</sup>.

(Mykrantz, cont's.)

Seconded and voted unanimously.

**Stephen C. & Susan L. Regan.** Pier modifications to existing licensed pier in Shoestring Bay at 230 Clamshell Cove Rd., Cotuit as shown on Assessors Map 005 Parcel 006. **SE3-4662**

The applicant was represented Peter Sullivan, P.E.

Issues discussed:

- The function of the davit
- Boat draft/size
- Medical conditions as reason for larger float.

A motion was made to approve the project with the following special conditions:

- Removal of davit
- Replacement of lead caps with plastic caps
- Boat size at float – 11-inch draft
- Bow-in docking
- Light-transmitting material over sea grass
- Float stops

The motion was amended to change the description of the boat size to read: “Approved boat to be used at float shall be existing 16-foot Whaler with 70 hp. engine.”

Seconded and voted unanimously.

**Frank R. & Nancy M. Selldorff.** Demolish existing single-family dwelling; construct new single-family dwelling with septic, driveway, landscaping (including vista pruning), utilities, pool, pool house and all appurtenances at 102 Bluff Point Dr., Cotuit as shown on Assessors Map 034 Parcel 071. **SE3-4663**

The applicant was represented by Peter Sullivan, P.E. and David Barrows.

Issues discussed:

- Need for at least 2:1 mitigation planting
- Size and elevation of house
- Additional information required regarding number and location of trees to be removed
- Concern with pool in 50-ft. buffer
- Possible replanting of trees for mitigation

The applicant requested a continuance.

Attorney Hyland spoke on behalf of his clients, the Sullivans, who are in favor of the project.

A motion was made to continue the project to October 9, 2007.

Seconded and voted unanimously.

**Mark & Suzanne Mazzone.** Cut vegetation and construct swimming pool at 1039 Main St., Osterville as shown on Assessors Map 118 Parcel 009-002. **SE3-4665**

The applicant was represented by Eric Mitchell of J. C. Ellis Design.

Issues discussed:

- Number of trees to be cut within buffer zone

(Mazzone, cont'd.)

- New plan (20' scale) required
- Removal of green briar and poison ivy

A motion was made to approve the project with special conditions:

- Receipt of revised plan (20' scale)
- No touch zone between 0-50'; standard vista pruning guidelines
- Consultation with staff regarding poison ivy, briar and invasive plant removal in 50-ft. buffer
- Standard pool guidelines
- Retaining some trees in 50' to 100' area around pool
- Additional detail regarding pool, grading and landscaping
- Demarcation of 50' buffer to keep children out of area.

Seconded and voted unanimously.

**W. Frederick & Diana Uehlein, Trs.** Move existing dwelling to lot outside of conservation jurisdiction and construct new single-family dwelling with septic, driveway, landscaping (including vista pruning), terraces, utilities, and appurtenances; replace existing stairs down coastal bank and enlarge landing at 109 Eel River Rd., Osterville as shown on Assessors Map 115 Parcel 009. **SE3-\_\_\_\_\_**

The applicant was represented by John O'Dea, E.I.T. and Peter Sullivan, P.E.

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

Seconded and voted unanimously.

#### **IV CONTINUANCES**

**Roselee Trust.** Construct in-ground pool at 744 Sea View Ave., Osterville as shown on Assessors Map 114 Parcel 012-002. **SE3-4635**

The applicant/new owner of the property, Bruce Daniel, appeared at the hearing.

Mr. Daniel requested a continuance. He stated that he would notify abutters.

A motion was made to continue the project to November 13, 2007.

Seconded and voted unanimously.

No testimony was taken.

**Three Bays Preservation.** Maintenance dredging in the Seapuit River Channel, Osterville, and placement of the dredge spoil material on beneficial re-use area located on Dead Neck, Osterville. **SE3-4627.**

The applicant was represented by John O'Dea, E.I.T., and Peter Sullivan, P.E.

Issues discussed:

- Three continuances have been granted to date
- Recommendation to notify abutters with a letter clarifying the issues discussed:

A motion was made to allow the applicant to withdraw, without prejudice, and re-file.

Seconded and voted unanimously.

## **V ENFORCEMENT ORDERS**

### **A. Town of Barnstable DPW Highway Division c/o Cornelius (Neil) Andres – Navigation Lane, West Barnstable –**

Alteration of a wetland resource area by paving / resurfacing a section of dirt road, which runs through a marsh, with large pieces of millings (asphalt, concrete, brick and rock) without prior authorization from the Conservation Commission. Debris (millings) dumped beyond edge of existing road way.

A full staff report, issued by Agent Darcy Karle, dated September 10, 2007, outlined the current violation of September 5, 2007, as well as two previous violations dated November, 2003, and May, 2006. The report was made part of the public record, and dealt with the following issues:

- Concern by the Commission with the severity of the violation
- Repeated breakdown of DPW procedures
- Disciplinary action
- New procedure for work orders
- DPW employee training with Conservation staff assistance
- Occurrence of work in wetlands and ACEC
- Review of BPD report by Commission
- Discussion regarding rectifying damage
- Letter from Commission to Town Manager and Janet Joakim

A motion was made to issue new enforcement order with the following stipulations:

#### **PART I**

- All bituminous materials to be removed by scraping
- The edge of the original road must be staked
- The original elevation of the road must be established
- Clean materials only to be brought in and used
- Mitigation planting along edges of restored road to be done by professional landscaper.

#### **PART II**

Mark Ells, DPW Director, shall mandate the following:

- A comprehensive training program for DPW staff
- Develop and initiate internal procedures to ensure total compliance with wetland laws and regulations of the Mass. Department of Environmental Protection and the Town of Barnstable Conservation Division.

#### **PART III**

A letter will be sent by the Commission to Town Manager John Klimm and Town Council President Janet Joakim regarding the severity of the current violation. The letter will state that it is the third offense by the DPW Supervisor, Neil Andres.

#### **Public Comment:**

Barnstable resident William Walsh testified about the severity of the situation.

Mark Ells will be assigning Roger Parsons and Bob Lovell to the clean-up project.

## **VI OLD & NEW BUSINESS**

### **A. Request of Irwin Ehrenreich, 3780 Main St., Barnstable (Ehrenreich, cont'd.)**

A motion was made to uphold the enforcement order stating that Mr. Ehrenreich must file an RDA and remove the brush pile by November 1, 2007.

Seconded and voted unanimously.

**VII CERTIFICATES OF COMPLIANCE (ez = staff recommends approval) (\* = on-going conditions)**

A. Wright (Kent) SE3-0556 (coc,ez) remove refuse and invasive plants near marsh \*

A motion was made to approve the certificate.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:53 p.m.**