



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION MEETING

DATE: June 19, 2007 8:30 a.m.

LOCATION: TOWN HALL, SELECTMEN’S CONFERENCE ROOM

The meeting was called to order at 8:30 a.m. by Chairman Dennis Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Larry Morin, Louise Foster, Tom Lee, Peter Sampou, and Scott Blazis (8:40 a.m.). 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.

I REVISED PLANS

project type

revision

A. Benoit SE3-4233 dock install lighting

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

Discussion: None

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Burton SE3-4574 remove retaining wall modify slope/revetment

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

Discussion: Proposed wall steepness may make it difficult to retain the sand veneer. The Commission wanted the applicant to attempt to maintain the veneer. Staff may waive the requirement if the effort proves clearly fruitless.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Benoit SE3-4416 dock boat change

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

Discussion: The proposed boat draft is no greater than that of the existing approved Whaler.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Sullivan SE3-4418 remove/replace bulkhead time-frame to construct
(continued from 6/12 hearing)

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

(Sullivan, cont’d.)

[MN061907]

Discussion: The Commission asked for the Harbormaster's approval. The time period would be waived for this and the adjacent bulkhead repair projects.

A motion was made to approve the revised plan, contingent upon approval by the Harbormaster.

Seconded and voted unanimously.

E. Vonderlinden DA-05089 remodel in-law apartment addition of fence
(continued from 6/12 hearing)

The applicant did not attend the hearing.

Discussion: None

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Hostetter DA-04035 install underground utilities install at different location

The applicant was represented by Dan Hostetter.

Discussion: Scott Blazis recused himself.

The amount of project clearing would increase. The job would take only two days.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. Muldoon-Ellsworth SE3-2530 pier-as-built replacement dock

The applicant was represented by Al Ellsworth.

Discussion: No CCA-treated wood to be allowed.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

H. Gregory SE3-4278 revetment stabilizing extend construction window

The applicant was represented by Lynne Hamlyn.

Discussion: The Commission wanted the Harbormaster to sign off.

A motion was made to approve the revised plan, allowing work up to July 15, contingent upon Harbormaster's approval.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. 593 Trust (LeBlanc) SE3-4301 sfd, septic, landscaping 1st request/3-yr. ext.

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

Discussion: None
(593 Trust, cont'd.)

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

Seconded and voted unanimously.

B. ToB/DPW SE3-3867 steel bulkhead, timber pier & float 1st request/3-yr. ext.

The applicant was represented by Dr. Dale Saad.

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

Seconded and voted unanimously.

C. Sauerbrey SE3-4256 stairs, timber landing & platform 1st request/3-yr. ext.

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

Discussion: Complications with regard to Natural Heritage and Endangered Species were briefly discussed.

A motion was made to approve a three-year extension, contingent upon staff approval of work to date.

Seconded and voted unanimously.

D. Crosby, Jr. SE3-4313 sfd/septic, utilities, driveway 1st request/3-yr. ext.

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

Discussion: None

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

Seconded and voted unanimously.

E. Prentiss SE3-4305 walkway, pier, ramp, floats possible pier modification

The applicant was represented by Arlene Wilson.

Discussion: The Chairman noted that this is an extension request, first time, for three years.

The Commission discussed whether it would be best to require a new NOI.

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

Seconded and voted: 5 votes “Aye,” 2 votes “Nay.”

F. Cannistraro SE3-4292 carriage house, pool, patio, etc. 1st request/3-yr. ext.

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

Discussion: None

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

Seconded and voted unanimously.

G. ToB/DPW SE3-3841 fish ladder 2nd request/3-yr. ext.

The applicant was represented by Dr. Dale Saad.

(ToB/DPW, cont'd.)

Discussion: The matter was withdrawn, as the permit was thought to have expired in February, 2007. However, when Ms. Saad realized that the Order of Conditions was, in fact, still valid (not to expire until July 11, 2007), the request for an extension was renewed.

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

Seconded and voted unanimously.

H. ToB/DPW SE3-3842 dredging 2nd request/3-yr. ext.

The applicant was represented by Dr. Dale Saad.

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

Seconded and voted unanimously.

III OLD & NEW BUSINESS (part 1)

A. Dr. Barry A. Lehman – revisit enforcement order dated May 2, 2007 **DA-05090 SE3-3101**

Dr. Lehman was represented by Mike Ball, Steve Wilson, and Bruce Bessy. Dr. Lehman was also present.

The Commission reviewed the landscape mitigation plan as submitted by Mike Ball and Baxter/Nye dated 6/18/07. The Commission approved the new edge of lawn as shown on the plan.

A motion was made to issue a new enforcement order stipulating the following:

Some of the fill to be removed in consultation with staff; the edge of the lawn to be demarcated; irrigation to be provided throughout the growing season for two consecutive years, with a letter stating the date irrigation is to be removed; two additional canopy trees to be planted in consultation with staff; a planting deadline to be determined in consultation with staff; payment to be forthcoming with regard to the non-criminal citation.

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. Linda M. Davidson – 63 Farm Valley Road, Osterville – **SE3-3102**
Violation of an Order of Conditions and on going conditions in COC by mowing beyond original work limit line into 50' undisturbed buffer.

Darcy informed the Commission that Mr. Davidson called the office and stated that he will comply with the enforcement order.

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

Seconded and voted unanimously.

B. Norman E. Leen, Jr. – 131 Country Club Drive, Barnstable
Alteration of the Conservation Commission's 50' buffer by removing a tree and ground cover (briar/Japanese knotweed) from a shrub swamp.

Darcy informed the Commission that Mr. Leen has agreed to comply with the enforcement order, and will also be filing an RDA to seek approval for the lawn.

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

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)

A. Heathwood SE3-4086 (ap, ok) increase size of addition

A motion was made to approve “as-built” plan, as recommended by staff.

Seconded and voted unanimously.

B. Heathwood SE3-4086 (coc, ez) construct addition to sfd *

A motion was made to approve the certificate.

Seconded and voted unanimously.

C. Agnoli SE3-4331 (coc) construct boardwalk and seasonal pier *

Discussion: Removal of “seasonal” requirement” is due to unique conditions at the site and is not a precedent. The pier uses extensive grating and an anchor system. The site lacks shellfish.

A motion was made to approve the certificate.

Seconded and voted unanimously.

D. McCafferty SE3-3677 (ap, d) remove trees; construct steps to boardwalk

A motion was made to approve the “as-built” plan; staff had recommended denial.

Seconded and voted unanimously.

E. McCafferty SE3-3677 (coc) replace patio, retaining wall and boardwalk *

A motion was made to approve the certificate.

Seconded and voted unanimously.

F. Spring (Davis) SE3-1316 (ap, ok) change house, deck, & garage configuration

A motion was made to approve “as-built” plan, as recommended by staff.

Seconded and voted unanimously.

G. Spring (Davis) SE3-1316 (coc, ok) construct single-family dwelling *

A motion was made to approve the certificate, as recommended by staff.

Seconded and voted unanimously.

H. Birmingham SE3-3698 (coc, ok) construct revetment along coastal bank *

A motion was made to approve the certificate, as recommended by staff.

Seconded and voted unanimously.

VIII OLD & NEW BUSINESS (part 2)

A. Mr. William Plettner re: Agriculture Commission

Mr. William Plettner gave a short presentation regarding his interest in establishing a Town Agricultural Commission.

Discussion:

The proposed Commission was discussed, as was the possibility of disputes arising out of the agricultural exemptions to the Wetland Protection Act.

A motion was made to issue a letter of support. The Commission's expectation is that the new Commission would not circumvent existing protections which are already in place.

B. Beehive at Long Pond Conservation Area Community Gardens

Mr. Germain's letter was read into the record.

Public Comment:

Leah Curtis, Donna Lawson, and Lynn Conroy appeared at the hearing. Letters by Ruth Provos, Beverly Killker, and others were read into the record.

A motion was made to have the beehive removed by a date set by staff.

Seconded and voted: 5 votes "Aye;" 2 votes "Nay".

C. Other

None

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 12:35 p.m.