



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

508-778-2412

Office: 508-862-4093

E-mail: conservation@town.barnstable.ma.us

FAX:

MINUTES – CONSERVATION COMMISSION MEETING

DATE: August 21, 2007, 8:30 a.m.

LOCATION: TOWN HALL, 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: video-on-demand (free on the Town website at 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 8:30 a.m. by Chairman Dennis Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Larry Morin, Peter Sampou (arrived at 8:45 p.m.), Scott Blazis, and Louise Foster. Commissioner Tom Lee was 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

I REVISED PLANS

project type

revision

A. Benedetto (from 7/17) SE3-4203 sfd footprint **Requesting Continuance**

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

A continuance was requested.

A motion was made to continue the matter to October 16, 2007.

Seconded and voted unanimously.

No testimony was taken.

B. Sullivan, Wm. SE3-4418 bulkhead & stairway storage deck, etc.

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

- A general discussion on davits ensued, not necessarily relevant to this site.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. ToB/Sandy Neck SE3-4207 Marsh Trail move/restore old trail

The applicant was represented by Nina Coleman, Park Manager.

Issues discussed:

- Natural Heritage approved as a condition precedent.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Voute-Allen SE3-3886 sfd, septic, pool footprint

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. McGraw SE3-4485 pool, patio, wall, cabana putting green

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

Issues discussed:

- Narrowing the path from 28 feet to 10 feet;
- A revised plan to be forthcoming.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. O'Neill SE3-4337 garage/guest house, landscape 1st Request/3-yr. ext.

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

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

Seconded and voted unanimously.

B. Maginn, Jr. SE3-3843 guest house, pool, landscape 2nd Request/3-yr. ext.

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

Issues discussed: None.

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

Seconded and voted unanimously.

C. Pheeney SE3-4295 boardwalk 1st Request/3-yr. ext.

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

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

Seconded and voted unanimously.

D. Voute-Allen SE3-3886 sfd, septic, pool 2nd Request/3-yr. ext.

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

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

Seconded and voted unanimously.

III OLD & NEW BUSINESS

A. Minard (DA-07052) request for reconsideration, based upon reduced roof pitch

The applicant was represented by Craig Ashworth. The formerly-proposed roof pitch was reduced to a 6-pitch.

A motion was made to reconsider the matter.

Seconded and voted unanimously.

B. Request of Irwin Ehrenreich, 3780 Main St., Barnstable

As the petitioner did not show, the matter was tabled to September 11, 2007.

C. Conservation Restriction: Hinkle to Barnstable Land Trust

A motion was made to support the proposed Conservation Restriction, suggesting that existing meadow be preserved, and that adequate land maintenance funding be secured to do so.

D. Catalogs for erosion control devices from Prescott, Inc.

Noted.

E. Sept. 18 quorum

Noted.

F. Emergency Certification for 15' seawall section at 251 Seapuit Rd., Osterville

A motion was made to approve the Emergency Certification.

Seconded and voted unanimously.

G. Other – W. Barnstable Conservation Bike Trail

A discussion ensued with regard to the promotion of illegal bike trail re-growth at W. Barnstable Conservation Area.

IV ENFORCEMENT ORDERS

A. Michael Mekley – 224 Park Avenue, Centerville
Alteration of Commission's 50' undisturbed buffer zone and 100' buffer zone, by grading and removal of several trees.

The property owner was represented by Peter Hansen.

Mr. Hansen submitted a mitigation landscape plan dated 8/12/07 for review by the Commission, which Agent Karle supported. A Notice of Intent will follow for work outside the 50-ft. buffer.

A motion was made to approve the enforcement order and the landscaping plan.

The motion carried, with one opposing, Commissioner Blazis.

B. Lewis Grossman / Martin Braver – 222 Hayes Road, Centerville
Alteration of the 50' buffer and 100' buffer zone by removal of two large pine trees.

A motion was made to approve the enforcement order as written, and the planting of three birch trees.

The motion carried, with one opposing, Commissioner Blazis.

- C. Patricia and James Clancy – 417 Lakeside Drive West, Centerville **SE3-3996**
Alteration of a resource area and buffer zone by bringing in additional sand and spreading it, removal of planted shrubs as shown on approved plan, failure to close out file SE3-3996

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

Seconded and voted unanimously.

- D. Oswald L. Jordan – 54 Point Lane, Hyannis
Alteration of the 50' undisturbed buffer zone and flood zone by vista pruning / tree removal.

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

Seconded and voted unanimously.

- E. Martin M. Scanlon – 133 Breakwater Shores, Hyannis
Alteration of the 50' buffer zone by expanding driveway and landscaping activities.

Martin and Jean Scanlon attended.

A motion was made to amend the enforcement order to state that, either the property owners will need to bring the property back into compliance with the last plan of record, or they must file an application in consultation with staff.

Seconded and voted unanimously.

- F. Peter H. Baxter – 278 Clamshell Cove Road, Cotuit **SE3-1392**
Work beyond approved plan of record, driveway expansion, work on retaining wall, cutting understory vegetation at top of bank and in 50' buffer zone, after warning letter.

The Baxters were not present at the hearing.

Ms. Karle explained that the Baxters were willing to comply with the enforcement order, and filed an RDA, as required.

Scott Blazis believed that the property owners should replant shrubs in the area where some understory was cut.

A motion was made to amend the enforcement order to state that shrubs be added in consultation with staff.

Seconded and voted unanimously.

- G. Matthew B. Wake – 396 Huckins Neck Road, Centerville
Alteration of the 50' undisturbed buffer and 100' buffer by landscaping activities

Mr. Wake attended.

A motion was made to amend the enforcement order to state that an RDA application must be submitted for the work which was completed, and for any additional native shrub and tree planting.

- H. Paul Broyer – 26 Short Beach Road, Centerville **SE3-4403**
Construction and/or maintenance of two cement steps and a stone wall and placement of four patio stones within coastal resource areas.

Mr. Broyer attended.

A motion was made to approve the enforcement order to state that the property owner may file an application for a riverbank-access structure, in consultation with staff. Compliance with the enforcement order can wait until the application is submitted.

Seconded and voted unanimously.

V CITATIONS

- | | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| A. | Robert J. Bortolotti / Bortolotti Construction – work at 224 Park Avenue, Centerville
Alteration of the buffer zone from a wetland by grading and tree removal | \$200.00 |
| B. | Patricia Clancy – 417 Lakeside Drive West, Centerville
Alteration of a buffer zone, spreading sand. | \$200.00 |
| C. | Martin M. Scanlon – 133 Breakwater Shores, Hyannis
Alteration of a buffer zone, driveway expansion | \$200.00 |
| D. | Peter H. Baxter – 278 Clamshell Cove Road, Cotuit
Work beyond approved plan of record, and cutting top of bank
\$300.00 | |
| E. | Paul Broyer – 26 Short Beach Road, Centerville
Construction and/or maintenance of two cement steps and a stone wall and placement
of four patio stones within coastal resource areas. | \$200.00 |

Citations “A-E” were noted.

VI WARNING LETTER

- A. Daniel Adams – 75 Maple Street, West Barnstable – **DA - 06029**
Siltation controls failure, on 100’ buffer line

A motion was made to approve the warning letter.

Seconded and voted unanimously.

VII COURT

- A. Troy Bigelow – failure to pay 3 non-criminal citations, June 13 and June 27, 2007, default – warrant issued

Noted.

VIII 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. Houghton (from 7/17) SE3-3882 (coc,d) enclose breezeway as part of family room *

A motion was made to continue the matter until September 18, 2007.

Seconded and voted unanimously.

At 11:35 a.m., a motion was made to enter Executive Session to discuss litigation strategy. The Chair noted that the Commission would not return to public session following the vote.

Seconded and voted by roll call:

Houle -aye
Blazis -aye

Morin	-aye
Abodeely	-aye
Sampou	-aye
Foster	-aye

IX EXECUTIVE SESSION

A. Discussion of litigation strategy

[See Executive Session Minutes of same date.]

A motion was made to leave Executive Session.

Seconded and voted by roll call:

Houle	-aye
Blazis	-aye
Morin	-aye
Abodeely	-aye
Sampou	-aye
Foster	-aye