



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

**DATE: OCTOBER 21, 2008 8:30 a.m.**

**LOCATION: TOWN HALL HEARING 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 8:31 by Chairman Dennis R. Houle. Also attending were Commissioners Larry Morin, Tom Lee, and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching. Vice Chairman John Abodeely and Conservation Administrator Rob Gatewood were away. Darcy Karle, Conservation Agent, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, Hyannis, MA

**I REVISED PLANS**

project type

revision

A. Curtin SE3-4453

fill/retainage/landscaping

landscaping

A motion was made to continue the hearing to November 18<sup>th</sup>.

Seconded and voted unanimously.

B. ToB/Conservation DA-05087

raze boat house/re-grade

improve parking area & erosion control

The applicant was represented by Darcy Karle.

A motion was made to approve the revised Plan

Seconded and voted unanimously.

C. Pigott SE3-4756

sfd

footprint

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Kariotis SE3-4365 & SE3-4366

sfd’s

footprint(s)

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

## II EXTENSION PERMITS

- A. Seapuit Partners LLC SE3-4375 pier, ramp, & float 1<sup>st</sup> Request/3 yrs.

A motion was made to continue the hearing to October 28<sup>th</sup>.

Seconded and voted unanimously.

- B. Wilson SE3-4444 raze; replace room 1<sup>st</sup> Request/3 yrs.

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

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

Seconded and voted unanimously.

- C. Hyannis Bldg. & Dev. Assoc.  
SE3-4308 remove floats; add floating dock 1<sup>st</sup> Request/3 yrs.

A motion was made to continue the hearing to November 18<sup>th</sup>.

Seconded and voted unanimously.

## III OLD & NEW BUSINESS

- A. DPW letter (re: Certificates of Compliance )

The letter was reviewed, requesting that post-bathymetric studies be required in future requests from the DPW for certificates of compliance.

The Commission will contribute comments toward drafting a new letter, to be presented at a future hearing.

## IV ENFORCEMENT ORDERS

- A. Roger P. Plourde Jr. –188 East Bay Road, Osterville **SE3-3905**  
Directive to remove pier constructed in wrong location

Darcy advised the Commission that the dock has been removed as requested in the enforcement order.

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

Seconded and voted unanimously.

- B. Peter P. Favat - 373 Bay Lane, Centerville **SE3-3497**  
Alteration in a resource area, flood zone, by rebuilding and extending a deck, placing old decking under said deck, construction of a new ground level deck and removal of shrubs, adding a light post, phragmites removal, unauthorized activity beyond the scope of an approved plan of record by adding 3 additional canoe/kayak racks on permitted boardwalk. **Previous enforcement history, 3 enforcement orders, 7 non-criminal citations, 1 warning letter, and 7 filings with the Commission between 1997 and 2000.**

Ms. Karle noted Mr. Kenny's request to continue the matter. She stated that non-criminal citations issued would stand as issued, and not be continued.

A motion was made to continue the enforcement order to November 18<sup>th</sup>.

Seconded and voted unanimously.

- C. John Wilson – 151 Irving Avenue, Hyannisport **DA-07067**  
 Unauthorized activity beyond the scope of a Determination of Applicability by removal of vegetation including existing beach grass and cedar trees. Failure to submit replanting plan as directed in Determination.

Attorney Pat Butler and Steve Wilson, P.E., represented John Wilson.

A motion was made to amend the enforcement order to state that a planting plan shall be submitted on or before the November 18<sup>th</sup> hearing for staff review, showing replanting of cedars which were removed, as well as shrub plantings and beach grass.

Direct abutters shall be notified of the date of the continuance.

Seconded and voted unanimously.

Ms. Karle went on to say that the non-criminal citation should be paid.

Mr. Butler indicated that his client had requested a hearing at First District Court for the sole purpose of exercising his rights. His client had wished to wait and see the results of the planting plan review.

- D. Carol Onisko – 250 Hollidge Hill Lane **DA-07004**  
 Violation of a Determination of Applicability and warning issued to the landscaper, Treescape, failure to replant. Also black plastic in buffer zone.

No one attended the hearing.

Ms. Karle informed the Commission that Ms. Onisko, who resides in Florida, has said that she will remove the plastic but does not wish to replant the understory, as was recommended to her by both herself and Fred Stepanis.

A motion was made to approve the enforcement order and staff recommendations to plant 36 shrubs in the northwest end, and 15–20 shrubs in the northeast end; 3-gallon pot size within the 20-foot buffer zone. All black plastic is to be removed. Plants must be chosen in consultation with Conservation staff.

Seconded and voted unanimously.

- E. Denise G. Swan – 32 Windswept Way, Osterville **SE3-3857**  
 Violation of a Certificate of Compliance “on-going conditions” by cutting several trees on a coastal bank and 50’ buffer zone.

A motion was made to continue the matter to November 18<sup>th</sup>.

Seconded and voted unanimously.

**V NON-CRIMINAL CITATIONS**

- |    |   |          |
|----|---|----------|
| A. | Peter Favat – 373 Bay Lane, Centerville   |          |
|    | Alteration of a resource area by constructing new deck                              | \$200.00 |
|    | Alteration of a resource area by extending and rebuilding a deck                    | \$200.00 |
|    | Alteration of a resource area by phragmites removal and adding a light post         | \$200.00 |
|    | Unauthorized activity beyond approved plan of record, adding kayak racks            | \$300.00 |
| B. | Edmund V. Lacey Jr. (contractor for Peter Favat) – 137 Sturbridge Drive, Osterville |          |
|    | Alteration of a resource area by rebuilding and extending deck                      | \$200.00 |
| C. | John B. Wilson – 151 Irving Avenue, Hyannisport                                     |          |
|    | Unauthorized work beyond scope of Determination of Applicability                    | \$300.00 |

All above (“A” – “C”) noted.

## VI WARNING LETTERS

- A. Anthony C. Williams – parking beyond boulders on conservation property, Santuit Road, Cotuit
- B. Eugenie Keese – cut brush branches discarded in buffer zone during trail maintenance, 516 Wakeby Road, Marstons Mills
- C. Anastasia Marty – removal of plants from beach – 249 Long Beach Road, Centerville

All the above (“A” – “C”) approved.

## 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. Dubuque SE3-4615 (ap) relocate bulkhead stairs; add winch/davit

A motion was made to deny the as-built plan, but to approve stair location.

Seconded and voted unanimously.

- B. Dubuque SE3-4615 (coc) reconstruct existing bulkhead \*

A motion was made to approve the certificate, contingent upon the submission of a revised plan (which deletes the davit). A warning letter will be sent to remove the davit or file a Notice of Intent.

Seconded and voted unanimously.

- C. Dubuque SE3-4513 (ap) add patio to beach shed; install flag pole & path  
add pool spa and extend patio

A motion was made to deny the as-built plan, but to approve the pool spa and extension , pool patio, and flag pole.

Seconded and voted unanimously.

- D. Dubuque SE3-4513 (coc) construct additions, carriage house, pool, patio, & cabana;  
landscaping \*

A motion was made to approve the certificate, contingent upon the submission of a revised plan showing the following:  
a) removal of sprinkler heads in 50-foot buffer; b) removal of cobble stones in front of shed; and, c) removal of flag stones leading to flag.

Seconded and voted unanimously.

- E. Cabral (Moustakas) SE3-4102 (coc, ok)construct single-family dwelling (not done)

A motion was made to approve the certificate, contingent upon the submission of a new Notice of Intent application. The new application is to include a narrative that addresses the excessive clearing conducted under this (SE3-4102) filing.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 10:15 a.m.**