



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

DATE: February 10, 2009 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), 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 R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners Larry Morin and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching, and Commission John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent and Fred Stepanis, Conservation Assistant.

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

I REVISED PLANS

project type

revision

A. Morrissey SE3-3514 floats; ramp storage box/seat

The matter was deferred until later in the agenda under Certificates of Compliance.

B. Benedetto SE3-4203 sfd location house & barn

The applicant was represented by Steve Wilson, PE.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. Mellon SE3-4050 bridge, sfd, pool, retaining wall 2nd Request; 3 yrs.

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

Issues discussed:

- A second three-year extension was requested, which is a deviation from standard operating procedures.

A motion was made to approve a three-year extension, with no further extension possible.

Seconded and voted unanimously.

B. Mycock SE3-4177 cottage rehab 2nd Request; 3 yrs.

(Extensions, Mycock, cont'd.)

The applicant was represented by Arlene Wilson, PWS.

Issues discussed:

- The project has been delayed, due to issues with the Health Division over the proposed septic system. Given the delay in attaining permits, Ms. Wilson suggested that a three-year extension would be prudent.

A motion was made to approve a three-year extension, with no further extension possible.

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

- A. Stephen and Jane Woelfel – 140 Short Beach Road, Centerville **SE3-4135**
Violation of an order of conditions by failing to obtain a Certificate of Compliance.

Mr. Woelfel was represented by Arlene Wilson, PWS.

A motion was made to amend the enforcement order to read that a determination of applicability shall be filed within four weeks under the local ordinance for the second-floor deck extension.

Seconded and voted unanimously.

- B. Denise G. Swan – 32 Windswept Way, Oyster Harbors – **mitigation plan SE3-3857**
Violation of a Certificate of Compliance “on-going conditions” by cutting several trees on a coastal bank and 50’ buffer zone. (cont’d from Jan 13th)

Mrs. Swan was represented by Attorney Eric Wodlinger, Don Schall, Bruce Besse, and Steve Wilson.

After meeting on site with staff, Mr. Schall presented the Commission with a new planting plan showing six additional trees to be planted. The plan failed to note, however, that trees on the club property will increase in size. A copy of the agreement between Mrs. Swan and the club will be submitted.

Mr. Besse explained that trees would come in on a dolly. A majority of the planting would be done between early spring to June 15th. The rest would be completed in the fall.

Staff requested that a work protocol be submitted by Bruce Besse and Don Schall, and that a pre-planting on-site meeting between the contractor and staff be arranged. A temporary irrigation system will be permitted. Staff also recommended that the RDA be withdrawn.

The Commission will require annual reports to be submitted for three growing seasons. Any new team members brought in for planting or report-writing must be certified arborists. A new plan will be submitted with additional size of club trees in the “key box”.

A motion was made to issue an amended enforcement order, to include the following:

- 1) Submission of the agreement between the club and Mrs. Swan. Work protocol to be submitted by Bruce Besse and Don Schall. A pre-start meeting to be set up between the contractor and staff.
- 2) Prior to the start of work, the applicant shall attend an on-site meeting with the contractor and consultant to discuss the scope of the work and protocols.
- 3) Temporary irrigation shall be installed.
- 4) Trees shall be transported on dollies to avoid heavy equipment on the bank.
- 5) A majority of the planting shall be completed between May 15 and June 15, 2009, with the remainder to be completed in the fall of 2009.

(Enforcements, Swan, cont'd.)

- 6) Annual reports with photos shall be submitted for three years, to begin once the planting is completed. Reports shall be due in the fall of 2010, 2011, and 2012.
- 7) Any trees or understory plantings which have died or are listed in poor health in any of the three-year annual reports shall be replanted.
- 8) Any change in team members for the actual planting or report-writing shall promptly be brought to the attention of the Conservation Commission. Any replacements shall be certified arborists.

IV WRITTEN WARNINGS

A. Damien Dupuy – 35 Powers Drive, Osterville **SE3-4317**

The Conservation Agent explained that a tree was removed for the purpose of constructing a second kayak rack, and there was some disturbance of the bank next to the stairs. The property owner submitted a letter agreeing to replant the necessary vegetation, including a holly tree and a high bush blueberry.

The Commission noted the written warning.

V 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)

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|----|-----------|----------|---------|---------------------------------------|
| A. | Morrissey | SE3-3514 | (ap) | bump out final bent of dock for bench |
| B. | Morrissey | SE3-3514 | (coc,d) | modify existing dock * |

A motion was made to deny certificates “A” and “B”. The property owner will be given two to three months to remove the “bump out” on the dock, bench and box.

Seconded and voted unanimously.

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|----|----------|----------|---------|--|
| C. | Sullivan | SE3-4426 | (ap) | construct path and add flagstone to another path |
| D. | Sullivan | SE3-4426 | (coc,d) | reconstruct house & landscaping * |

A motion was made to deny certificates “C” and “D”. With regard to the path project, flagstones were deemed okay; a second path is to be planted.

Seconded and voted unanimously.

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|----|------------------------|----------|----------|---|
| E. | Town of Barnstable/DPW | SE3-3612 | (coc,ez) | reconstruct parking lot at Circuit Avenue * |
| F. | Town of Barnstable/DPW | SE3-4356 | (coc,ez) | dredge Maraspin Creek |
| G. | Town of Barnstable/DPW | SE3-3140 | (coc,ez) | construct bulkhead & boat ramp (not done) |
| H. | Town of Barnstable/DPW | SE3-4353 | (coc,ez) | repair drainage culvert (not done) |
| I. | Kingfish LLC | SE3-4684 | (coc,ez) | construct revetment & dune * |
| J. | Schuster | SE3-4688 | (coc,ez) | construct revetment & dune * |
| K. | DeMartin | SE3-4436 | (coc,ez) | construct single-family dwelling * |

(Certificates, cont'd.)

L.	Bonnybrook R.T.	SE3-3880	(coc,ez)	dredging & beach nourishment (not done)
M.	Anchor-In Motel	SE3-3819	(coc,ez)	dredging (not done)
N.	Dupuy	SE3-4317	(coc,ez)	construct path, stairs, dock & boat racks *

A motion was made to approve certificates "E – N".

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

A. Long Pond Community Gardens – irrigation system

Donna Lawson appeared before the Commission to announce the good news that she had received funds from NRCS for a new irrigation system. The Commission approved, and will also allow expansion of the garden, in consultation with staff.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:00 a.m.