



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

DATE: May 15, 2012 8:30 a.m.

LOCATION: HEARING ROOM

Scrivener’s note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, additional resources are available to you: video-on-demand (free on the Town website at town.barnstable.ma.us), and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 8:30 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners John Abodeely, Larry Morin, and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching. 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, 367 Main Street, Hyannis, MA.

I REVISED PLANS

Project Type

Revision

A. Popeo SE3-4959 boardwalk, pier, ramp, float dock lighting

The applicant was represented by John O’Dea, P.E.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Ausiello SE3-4935 remove invasive species fence, drive, handrail, etc.

The applicant was represented by Lynne Hamlyn.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Rudman SE3-4924 sfd porch to sunroom, etc.

The applicant was represented by John O’Dea, P.E.

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

(Revised Plans, continued)

	<u>Project Type</u>	<u>Revision</u>
D. O'Neill DA-10014	renovations, remodeling	add vestibule

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Fitzgerald SE3-4888	new pier, float	planks to pier
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The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Der Hagopian SE3-4885	raze/rebuild sfd	invasives control
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The applicant was represented by Michael Talbot, P.W.S.

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- In addition to invasive species management, storm water improvement was proposed;
- A sheet showing the 12" metal outlet pipe to the wetland was provided and noted as Exhibit B.

Public comment: George Heiler, representing abutter Mr. Bendetson, said they supported the project, as long as an Operation and Maintenance Plan for the future is carried out. He requested a continuance.

This matter will be taken up next at the evening hearing on Tuesday, May 22nd.

G. Pieper SE3-4163	construct addition, patio, & wall	landscape restoration plan
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The applicant was represented by Steve Wilson, P.E.

No revised plan has yet been submitted.

This matter will be taken up next at the morning meeting of Tuesday, June 26th.

<u>II EXTENSION REQUESTS</u>	<u>Project Type</u>	<u>Time Requested</u>
A. Canavan SE3-4660	sfd	1 st Request/3 yrs.

The applicant was represented by Arlene Wilson, P.W.S.

Issues discussed: No concerns arose.

(Extension Requests, continued)

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

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

A. Anthony and Dorothy Balzebre – 20 Woodland Road, Squaw Island
Violation of on going special condition listed in Order of Conditions under SE3-0930 and SE3-2155 by not maintaining the required 20' buffer strip along bordering wetlands. 20' buffer was established after previous violation.

(See "B," below)

B. Paul C. Laskow, et al, and John Humpreys 24 Island Ave, and 0 Lakeside Drive, Squaw Island
Alteration of a resource area and 50' buffer zone by removal of shrub vegetation. Gravel in marsh from erosion issue.

Matters "A" and "B" were opened simultaneously.

Anthony and Dorothy Balzebre were represented by Matthew Creighton.

Darcy Karle, Conservation Agent, entered the following exhibits into the record for the Balzebre Enforcement Order:

- Exhibit A, site photos (1, 2);
- Exhibit B, GIS aerial photo from 2001;
- Exhibit C, GIS aerial photo from 2009;
- Exhibit D, a July 25, 1990 site plan by Peter Sullivan, P.E.

Ms. Karle read the provisions of her enforcement order (including site staking), issued February 29, 2012.

Public comment:

- A letter from Helen Schneeberger, an owner of the Laskow property, was read into the record.

From the Laskow enforcement order, the following exhibits were entered:

- Exhibit A (1 – 3) site photos;
- Exhibit B GIS aerial photo from 2001;
- Exhibit C GIS aerial photo from 2009.

Ms. Karle read the provisions of the enforcement order, issued March 1, 2012. .

Mr. Creighton expressed concern for any grow-back being dominated by invasive species. He suggested that certain areas would benefit from supplemental planting.

Andrea Gauvreau, another owner of the Laskow property, said she hopes the issue regarding her property can be resolved today, or else they would seek legal assistance.

Heather Schneeberger offered to serve as the point person for the Laskow property. A bank-planting plan will be developed for her approval, as well as staff approval. Annual reports for three years were suggested by the Conservation Agent. The expectation is that the gully repair will be the responsibility of Mr. Balzebre. A meeting with Town Engineer, Roger Parsons, was suggested.

A motion was made to approve the Balzebre enforcement order, as amended.

Seconded and voted unanimously.

A motion was made to approve the Laskow enforcement order, as amended.

(Enforcement Orders, continued)

Seconded and voted unanimously.

- C. Richard and Elizabeth Casper – 381 Hollidge Hill Lane, Marstons Mills
Alteration of 50' undisturbed buffer zone by cutting several small trees on bank. Violation of an established limit of work line, ongoing condition under file SE3-0809.

The property owners were represented by Attorney Mark Boudreau.

The Conservation Agent entered Exhibit A (1 – 5) consisting of site photos into the record.

Mr. Boudreau stated that nothing was cut to ground level; therefore, erosion will not be an issue.

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

Seconded and voted unanimously.

- D. David A. Rosengard – 41 Weaver Road, Centerville
Alteration of the Barnstable Conservation Commission 50' undisturbed buffer zone and 100' buffer zone from a shrub swamp by clearing understory along with a small amount of grading.

Ms. Karle entered Exhibit A (1 – 2) consisting of site photos into the record.

A Notice of Intent (NOI) filing will be forthcoming for proposed amenities. A replanting sketch will be required for the affected area.

A motion was made to approve the enforcement order, as issued.

Seconded and voted unanimously.

- E. Howard and Jeannine Marshall – 195 Willow Street, West Barnstable
Alteration of a wetland resource area by burning sections of two fallen trees and trimming /brushing understory vegetation.

The Conservation Agent entered the following exhibits into the record:

- Exhibit A (1 – 3) site photos;
- Exhibit B (1 – 4) additional site photos;
- Exhibit C (1 – 2) GIS aerial photos for 2008 and 2009.

The provisions of the enforcement order were read by Ms. Karle, Enforcement Officer.

A motion was made to issue the enforcement order, as written.

Seconded and voted unanimously.

- F. Thomas and Roberta Cxpoliski – 176 Fairview Street, Centerville
Alteration of a wetland resource area, by expanding a deck on an existing sitting area on a coastal dune, without prior approval from the Conservation Commission.

A site photo was provided and noted as Exhibit A.

Mr. Thomas Cxpoliski attended the hearing. He requested to leave the deck addition in place, pending a filing. He asked what the likelihood of success was with an application.

(Enforcement Orders, continued)

A motion was made to amend the enforcement order to require the filing of a Notice of Intent application or remove the structure within four weeks.

Seconded and voted unanimously.

G. James R Norton – 2670 Main St. /6A, Barnstable

Alteration of a wetland by cutting vegetation on edge of Hinckley Pond, expanding lawn toward pond and placement of a fence.

Mr. Norton attended the hearing.

Ms. Karle entered the following exhibits into the record:

- Exhibit 1, GIS aerial photo from 2009;
- Exhibit 2, site photo;
- Exhibit 3, site photo;
- Exhibit 4 (1 – 4) site photos;
- Exhibits A1, A2, and A3 site photographs, showing Conservation Agent’s “roll-back” line for the existing fence. The existing lawn in the violation areas would be reclaimed via planting five trees and grow-back.

Mr. Norton informed the Commission that it was never his intent to expand the lawn by moving the fence, but that it was expanded due to concerns for child safety.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

IV WARNING LETTERS

A. Mr. Thomas Couite – PO Box 39, Hyannisport – bench on #0 Fairview Street

The Conservation Agent entered a site photo into the record as Exhibit A.

The matter was noted.

V CERTIFICATES OF COMPLIANCE

A. Larson SE3-0488 (coc) construct single-family dwelling *

Fred Stepanis, Conservation Assistant, recommended the restoration via grow-back of the 50-foot buffer.

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

Seconded and voted unanimously.

B. Young SE3-4791 (coc) construct small additions; enlarge deck *

The Conservation Assistant found the project in substantial compliance; however, a drip irrigation system within the 50-foot buffer remained for the mitigation planting.

A motion was made to issue the certificate, with the allowance that the irrigation system shall remain in place no longer than March, 2014.

The applicant may request that the system be retained for a longer period; in that event, Commission approval will be required.

(Certificates, continued)

Seconded and voted unanimously.

VI OLD AND NEW BUSINESS

A. Barnstable Police Dept. request for Cape SWAT team members passes to Shooting Range

Sgt. Michael Damery attended the hearing.

A total of twenty passes for individuals of the Cape Cod regional SWAT team operators was requested. At least one guest allowance per pass was requested.

Douglas Kalweit, Supervisor of Natural Resources, spoke in support of the request. He noted that the Shooting Range has been busier than ever this past year. The twenty passes requested would not appreciably change the use of the Range.

Updated lists of eligible Cape SWAT Team members would be provided by the Barnstable Police Department to the Supervisor of Natural Resources.

The Commission discussed the requested passes on interpretation of the institutional use allowance, contingent upon the Legal Department's approval. No guest privilege would be attached to the passes.

A motion was made to approve the request, consistent with the Commission's discussion above.

Seconded and voted unanimously.

B. Natural Resource Officer Martin Wunderly's proposed eel grass transplanting trial

Natural Resource Officer Martin Wunderly attended and provided a Power Point presentation on his small transplant and seeding experiment to be conducted in Poponessett Bay near Meadow Point.

Working with the Barnstable Land Trust was advised. Copying the Division on the monitoring updates and final reports was requested.

No filing would be required.

A motion was made to endorse the trial.

Seconded and voted unanimously.

C. Possible rescheduling of June 12th morning meeting

Due to scheduling conflicts, the Commission will reschedule the June 12th morning meeting to June 26th.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:33 a.m.