



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

Office: 508-862-4093

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

FAX: 508-778-2412

**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: July, 10, 2012 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, additional resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://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 8:33 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners John Abodeely, Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

<b><u>I</u></b>	<b><u>REVISED PLANS</u></b>	<b><u>project type</u></b>	<b><u>revision</u></b>
A.	Berman SE3-4805	sfd	retaining wall

The applicant was represented by Jack Vaccaro.

Issues discussed:

- The reveal on the wall would be about 1½ feet.
- The Commission would require mitigation, if not already provided for in the original approved plan.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

**II** **ENFORCEMENT ORDERS**

- A Stephen and Roberta Weiner – 11 Cove Lane, Osterville  
Alteration of a wetland resource area (coastal bank) by topping trees on neighbor's property (25 Cove Lane) without prior authorization. Four pine trees this year, a pine and oak previous year.

Darcy Karle, Enforcement Officer, summarized the particulars of the enforcement order.

Issues discussed:

- Site photos were provided and noted as Exhibit A (1 – 3).
- An aerial photo was provided and noted as Exhibit B.

Attorney Mark Glazer represented the Weiners. He indicated that his client will correct the problem, created without their knowledge by a former landscaper. Cooperation between the parties has been good.

Michael Neath, landscaper for the Clearys, on whose property the violation occurred, said he counted nine trees (one oak and seven pines). Mr. Neath's client requested that red cedars be planted as replacements. A temporary drip irrigation system will be provided.

Rob DeMelo will be providing the restoration work. Cedars will be 6 – 7 foot specimens. Monitoring of the replanting will be required for three years.

A motion was made to approve an enforcement order, and to have the possibility of a more diverse planting plan explored with staff.

Seconded and voted unanimously.

### **III OLD & NEW BUSINESS**

The Chairman noted a Disclosure of Appearance of Conflict of Interest submitted by Commissioner Peter Sampou.

The Chairman noted that this would be a fact-finding exercise, and not a hearing.

A. Cobb Property easement & proposed use

Ms. Karle provided background for this matter.

Issues discussed:

- Mr. Friary complained that Mrs. Cole cut vegetation near wetlands, and is currently raising chickens on the conservation land.
- A site photo of the pond buffer was provided and noted as Exhibit 1. No violation occurred in the cutting.
- An aerial photo was submitted and noted as Exhibit 2.
- Along with site photos (Exhibit 3 [1 – 3]), views were provided of the fabric electrified fence used on the subject property for chickens.
- Exhibit 4 provided a view of the hayfield on the subject property.
- Exhibit 5 showed a pile of hay mowed by the county.
- Exhibit 6 was a copy of the perpetual agricultural easement on the subject parcel.
- Exhibit 7 consisted of: (a) a 2004 letter from the County to an abutting property owner, consenting to a fence for horse pasturing, (b) Mr. St. Peter's request letter to the County, and, (c) a notice from the County that the request was, indeed, approved.
- Exhibit 8 was an aerial photo showing a garden, apparently located on the subject parcel.
- Exhibit 9 was an aerial photo of the subject property.

Public comment:

- Tim Friary, Manager of the Cape Cod Organic Farm, said that, as lessee of the County Farm, the Cobb property can be utilized for the County's use alone. As a certified organic farm, he cannot have other entities, e.g., Mrs. Coles chickens, ranging in the Cobb parcel. He said he has farmed the site commercially, using it as hay for his own stock. Mr. Friary submitted a 2008 request for proposals for lease of the Barnstable County Farm. It was noted as Exhibit 10.
- Cynthia Cole, abutter to the subject parcel, submitted a packet of information with a table of contents. It was noted as Exhibit 11.
- An additional page of photos, showing the mowed hay and torn tarp, was noted as Exhibit 12. Ms. Cole said that the fields have grown in within the last twelve years, since pasturing of cows was discontinued by the County, Mrs. Cole said she wants to manage the land and bring cows back to pasture. She said her electric fence can be removed in ten minutes. She noted letters of support from her neighbors, and said she would only like to farm nine acres of land (the entire Cobb Conservation area), whereas the County has *ninety* acres at its farm.

Ms. Cole said she applauds Mr. Friary's success in bringing the County Farm back to what it once was. She said she was appealing to the Commission's sense of what is "fair" and "right".

Ms. Cole submitted six letters of support which were collectively noted as Exhibit 13. She clarified that, unlike Mr. St. Peter, who requested – and was granted – allowance by the County for his horse fence on the subject property, she did not make such a request.

Darcy Karle noted that the County’s easement, notwithstanding the lower part of the subject parcel, has not been kept up, except for the efforts (and expenditures) of the Town’s Conservation Division.

Mr. Friary asserted that the subject property is the County’s to use, given the easement which Mrs. Cobb granted. He said he has \$16,000 invested in grazing pigs, and wants to graze them on the subject property. In addition, he wants the chicken fence taken off the property immediately. He said it is possible to drive a tractor from the County Farm, as was done four years ago, and as allowed by another easement.

Staff pointed out that the Commission considered (and consented to) Mr. Friary’s use of the Cobb parcel (as lessee to the County at the County Farm) in 2009.

The Chair said that Mr. Friary should look into the status of the subject parcel as land in agricultural use.

B. Proposed conservation restriction: Barnstable Land Trust to the Town of Barnstable

The matter was tabled.

C. Proposed conservation restriction: Orenda Wildlife Trust to the Compact of Cape Cod Conservation Trusts

D. Proposed conservation restriction: Orenda Wildlife Trust to the Compact of Cape Cod Conservation Trusts

Matters “C – D” were opened simultaneously.

The Compact was represented by Paula Pariseau.

The proposed conservation restrictions would serve to permanently protect the parcels:

- Carver’s Island in Shallow Pond, Centerville (0.68 acres);
- Main Street, West Barnstable, the old brick factory site (7 acres).

The Commission discussed this matter at length, recommending that allowed public use be specifically broadened to include fishing and canoe landing.

A motion was made to endorse the proposed restriction for Carver’s Island, Centerville.

Seconded and voted unanimously.

A motion was made to endorse the proposed restriction for Main Street, W. Barnstable.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 10:28 a.m.**