



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

DATE: NOVEMBER 13, 2012 8:30 AM

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, 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. Commissioner John Abodeely was away, and Commissioners Peter Sampou and Scott Blazis were teaching. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Assistant.

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

<u>I</u>	<u>REVISED PLANS</u>	<u>project type</u>	<u>revision</u>
A.	Michael Folk SE3-4811 (tabled from 10/16 meeting)	sfd improvements	lawn to 50’ setback; fence

The revised plan was withdrawn.

B.	McCartney BCC-0193	Invasives; vista pruning	remove 6 trees for vista
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The applicant was represented by Michael Talbot.

Issues discussed:

- The applicant proposed the removal of six oak trees in the 0 – 50-foot buffer zone for view purposes.
- Replacement with smaller canopy trees was also proposed.

A motion was made to approve the revised plan with advance consultation with staff for replacement tree selections.

Seconded and approved: 3 votes “aye;” 1 vote “nay.”

C.	Indian Point Inc.	additions	footprint
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The applicant was represented by John O’Dea, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Largay DA-08016 porch grey willow removal

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A. Paul and Jill Kaneb -165 Bayberry Way, Osterville **SE3-1701**
Alteration of the Conservation Commission's 50' undisturbed buffer zone and 100' buffer zone from a coastal bank by removing trees, topping trees, and topping understory on two parcels #165 and #153 Bayberry Way.

Issues discussed:

- Adding some additional trees to the number of trees being replaced.

A motion was made to amend the enforcement order, requiring six instead of four replacement trees, in consultation with staff.

Seconded and voted unanimously.

B. Richard and Gloria Guagnini – 30 Oxford Drive, Cotuit.
Alteration of a wetland resource area by rebuilding a small unpermitted boardwalk after being advised it would require a NOI application, No Bottom Pond.

Mr. Guagnini addressed the Commissioner, requesting to leave the posts and stringers in place until a notice of intent is filed and an order of conditions issued for repair of the structure.

A motion was made to amend the enforcement order to include a deadline of December 29th for filing an NOI, or to remove the structure.

Seconded and approved: 3 votes "aye;" 1 vote "nay."

C. Frederick and Patricia Palmer Trs. – 22 Oxford Drive, Cotuit
Unpermitted seasonal dock. Alteration to edge of wetlands and the Town of Barnstable Conservation Commission 50' undisturbed buffer zone by placing sand on path with stepping stones, No Bottom Pond.

Mr. and Mrs. Palmer addressed the Commission. The Palmer's have already removed the sand and flagstone, and are in the process of obtaining a harbormaster permit for the float.

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

Seconded and voted unanimously, with one abstention.

D. Carlton Neuben Tr. – 174 Lakeside Drive, Marstons Mills **SE3-3871**
Alteration of a wetland resource area and the Conservation Commission 50' undisturbed buffer zone by expanding beach and removal of a tree on Shubael Pond.

Mr. Neuben addressed the Commission.

Issues discussed:

- According to Mr. Neuben no sand was added to the pond shore. He raked and tended the pond shore to keep flotsam off of his property and just "to keep it nice."
- Mr. Neuben said that the float washed up in a storm. The Commission maintained that, like all such floats, it must be stored in an upland location.

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

Seconded and voted unanimously.

- E. Philip Lembo – 202 Seventh Ave., Hyannis
Alteration of a wetland resource area and Conservation Commission 50' undisturbed buffer zone by cutting vegetation across the street on a Town of Barnstable parcel and a privately owned parcel for a view.

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

Seconded and voted unanimously.

- F. Douglas Whittemore – 45 Quail Road, Osterville
Alteration of a wetland resource area, shrub swamp. Cutting wetland vegetation and creating a crushed stone path lined with cobble in the wetland.

Mr. and Mrs. Whittemore addressed the Commission.

Issues discussed:

- The Whittemore's said that they did not know there was a wetland on their property, which was obtained in 1996. They said they would be "more than happy" to remove the path, but pleaded to keep the garden.

A motion was made to approve the enforcement order, as written and amended, approving the 2008 aerial photo as proof of existing conditions.

Seconded and voted unanimously.

III NON-CRIMINAL CITATIONS

- A. Paul D. Kaneb – Alteration of a buffer zone by cutting trees \$200.00

The citation was noted.

IV WRITTEN WARNING

- A. Denise G. Swan – overdue annual planting report.

A motion was made to approve the written warning.

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE

NONE

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:37 AM.