



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: September 10, 2013 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 8:32 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee, and Commissioners John E. Abodeely and Larry Morin. Commissioners Peter Sampou and Scott Blazis were teaching, and Commissioner Louise R. Foster was away. Darcy Karle, Conservation Agent, assisted.

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.	Salamack SE3-4883	additions	landscaping

The applicant was represented by Andrew Garulay.

A motion was made to approve the revised plan with a further revision/note on the plan: slow release fertilizer only; flag pole allowed.

Seconded and voted unanimously.

B.	Lloyd, III SE3-5027	pool	landscaping
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The applicant was represented by Peter Sullivan, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Evans/Cape Beach Hs. SE3-5044	raze/rebuild sfd	footprint, lawn, stairs
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The applicant was represented by Arlene Wilson, P.W.S.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Connor SE3-4887 raze/rebuild sfd footprint, lawn, stairs

The applicant was represented by Peter Sullivan, P.E.

A further revised plan will be submitted, noting railroad ties changed to landscape timbers.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A Morris Y. and Susan Ford – 469 Main Street, Centerville **SE3-3885**
Alteration of a riverfront resource area, 50' undisturbed buffer and 100' buffer from a BVW. Violation of an ongoing condition under a certificate of compliance, by construction of a retaining wall w/associated grading.

The Fords' were represented by Ron Cadillac.

Exhibits:

- A. GIS base map
- B. Section of engineering plan dated 9/7/2001 from file SE3-3885
- C. Photos 1-6, dated 08/19/2013 taken by Darcy Karle showing new wall
- D. Photos (4) dated 8/7/2003 from SE3-3885 prior to wall.
- E. Photo taken by Mr. Ford prior to wall construction (trees removed) no date.
- F. Complete plan date September 7, 2001 submitted and drawn by Ron Cadillac, PLS, RS
- G. Photos 1-3 taken and submitted by Ron Cadillac. Photos taken on Sept. 9, 2013.

The Commission approved the request to use the 2001 base map when the Notice of Intent is filed, but will be subject to the administrator's review in the field.

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

Seconded and voted unanimously.

B. Paul W. Good – 61 Bramblebush Drive, Cotuit
Alteration of the Conservation Commission's 50' undisturbed buffer zone and 100' buffer from bog, by removing trees and understory vegetation on Sagamore Cranberry Corp. property for vista purposes associated with #61 Bramblebush Drive. Brush left on edge of bog road.

Mr. Good attended the meeting. Mr. Glen Turrell, owner of Sagamore Cranberry Corp. where the cutting occurred, also attended the meeting.

Exhibits:

- A. Photos 1-7, dated 08/19/2013 taken by Darcy Karle showing cutting
- B. Photo 2008 taken from Assessing data base, showing area prior to cutting
- C. Certified plot plan dated 7/6/88 of #61 Bramblebush Drive

Mr. Good denied that he did the cutting, and would not reveal the name of the person who did the cleanup at his property when requested to do so by the Chair.

Mr. Turrell indicated that he preferred not to have the trees replanted on his property.

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

Seconded and voted unanimously.

- C. Tara McDowell – 101 Rue Michele, Barnstable
Alteration of a wetland and the Conservation Commission’s 50’ buffer zone by using a bobcat to clear vegetation at the edge of a pond without prior authorization.

Andrew Garulay represented Ms. McDowell, who also attended the hearing.

Exhibits:

- A. GIS aerial April 2008
- B. Google earth aerial March 11, 2012
- C. Photos 1-3, date August 28, 2013 taken by Darcy Karle showing clearing

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

Seconded and voted unanimously.

- D. Geoffrey S. Rehnert – 285 Seapuit Road, Osterville
Alteration of a wetland resource area, mowing salt marsh and construction of a boardwalk. Construction of access stairs to replace ladder on pier.

Mr. Rehnert was represented by Steven Wilson, P.E.

A motion was made to amend the enforcement order as follows:

- 1. Remove current boardwalk and wooden pad (where kayaks are mounted) within four weeks;
- 2. Refrain from cutting any vegetation, including salt marsh, with the exception of maintaining the five-foot path running parallel to the bank;
- 3. An NOI must be filed within sixty days to seek approval for a future boardwalk and rebuilding of access ladder on pier to stairs.

Seconded and voted unanimously.

III ENFORCEMENT ORDER RESPONSE PLAN

- A. Robert Fitzpatrick – 70 Ocean Ave., Hyannis; 160 Marstons Ave., Harbor Village Condo property.

The matter was tabled to November 5th, 2013.

IV WRITTEN WARNINGS

- A. Mr. George Perna, Jr. – 17 Sunset Lane, Barnstable

Exhibits:

- A – Two photos taken by Darcy Karle on 8/26/13

A motion was made to approve the written warning.

Seconded and voted unanimously.

Darcy read a letter into the record

- B. Mr. Timothy McDowell and Denise Rogers – 1515 Main Street, West Barnstable

A motion was made to approve the written warning.

Seconded and voted unanimously.

V NON-CRIMINAL CITATIONS

A.	Robert Fitzpatrick – 70 Ocean Ave., Hyannis. Alteration of a resource area	\$200.00
B.	Brian Paradise of Vektorino’s – Landscape contractor for Robert Fitzpatrick, 70 Ocean Ave.	\$200.00
C.	Geoffrey S. Rehnert – 285 Seapuit Road, Osterville – Alteration of a resource area	\$200.00

A – C noted.

VI CERTIFICATES OF COMPLIANCE

NONE

VII OLD AND NEW BUSINESS

A. Request for open gate vehicle access for hunters at W. Barnstable conservation area December 2nd through 31st.

Douglas Kalweit gave some history of the gate policy during deer season, dating back about 15 years. The gate was unlocked during shotgun/deer season for a two-week period. The normal policy was no hunting on Sunday; hunting allowed the rest of the week, one-half hour before sunrise to 5:00 p.m.

Darcy Karle clarified that the dates for the open-gate do not always fall in December; rather, hunting season and bag limits are found in Mass. Guide to Hunting & Fishing, according to State regulations.

Last year (2012) an additional week was added which kept the gate open for a third week for “primitive firearms.” That request was approved by the Commission.

Public comment:

- The Chair entered into the record a petition submitted by Town Councilor James Coté along with approximately **59** signatures supporting an additional (third) week for the gate to remain open during “primitive firearms” hunting season;
- A letter was also received from Ret. Admiral John Aylmer supporting the extra week;
- An email from Commissioner Peter Sampou was read. He was against limiting public access by closing gates;
- Councilor June Daley attended the hearing and had submitted a letter saying she was concerned with leaving gates open at night, as it could present a safety issue to residents like herself;
- Carlton Crocker and Walter Lewis were in favor of leaving the gate open an additional week;
- Douglas Kalweit thought there was no need to have gates open at night.

A motion was made to approve that one gate be kept open during the 4-week deer season, in compliance with State regulations. The gate to be kept open is located at Crooked Cartway. A sign will be posted at the gate; the Department of Natural Resources will be responsible for opening and closing the gate, and for locking it at night. Volunteers may be used for this purpose.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:31 a.m.