



**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: September 9, 2014 @ 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, 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 John Abodeely, Larry Morin, and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching. Darcy Karle, Conservation Agent, assisted, along with 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. Vedder SE3-5059 (tabled from 8/12) cottage bedroom landscape & mitigation

Exhibits:

- A – Copy of Town Conservation projects, high-lighting project SE3-2421
- B – Copy of Notice Intent under SE3-5059

The applicant was represented by Steve Wilson, P.E., Greg Bilowz, Seth Wilkinson, and Atty. Ted Schilling.

A question arose as to which file the proposed revised plan pertained to.

A motion was made to approve the revised plan for work at 129 Island Avenue only. A revised plan for #119 Island Avenue under SE3-5105 will be submitted at a later date.

Seconded and voted unanimously.

B. Rooney (Guarente) SE3-4782 pier, ramp, float modify approved boat

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

A motion was made to approve the revised plan to allow water, electric and standard lighting only – not the vessel – at this time.

Seconded and voted unanimously.

C. Condon SE3-4914 sfd change to a wall

The applicant was represented by Rob Calderaro.

A piece of construction on the east wall was done without prior authorization; therefore, the revised plan was submitted.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Eastman SE3-4926 bank toe, access stairs cover walking surface

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Powell SE3-5098 modify pier poison ivy control

Cheryl Powell, applicant, attended.

Ms. Powell asked that the matter be withdrawn.

F. Moore SE3-5099 garage/driveway patio, replace deck, etc.

The applicant was represented by Dan Ojala, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. Sturgis (DeMartino) SE3-4741 sfd vista pruning & beach nourishment

The applicants, Barry and Nicole Sturgis, attended the meeting.

A motion was made to allow standard vista pruning and selective pruning of understory; the secondary corridor to be reduced and beach nourishment provided above the normal high water mark, in consultation with staff.

Seconded and voted unanimously.

H. Kidder, et al SE3-5155 band access ramp control invasives, etc.

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

Exhibits:

A – Proposed revised plan, with invasive control area marked, dated 9/8/2014

B – Section of plan with proposed lattice/vines added, dated 9/8/2014.

A motion was made to approve the revised plan with lattice work raised up.

Seconded and voted unanimously.

I. Rehnert SE3-5163 kayak pier, phragmites clarifying phragmites allowance

The applicant was represented by Seth Wilkinson.

A motion was made to approve the revised plan noting phragmites work allowed, but must file an extension request or a request for a partial Certificate of Compliance.

Seconded and voted unanimously.

J. Maher SE3-4978 sfd, garage landscape work limit

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A. William J. Landes – 1424 Main Street, Cotuit, SE3-3708
Alteration of a wetland resource area and violation of ongoing conditions and approved plan of record for SE3-3708 by flush-cutting 46 trees on a coastal bank and limbing remaining trees and removal of buffer zone plantings. Off-season cutting of pitch pines, remaining pines on bank maybe subject to pine borer beetles.

Show cause hearing

B. McNamara Bros.,Inc. – 1424 Main Street, Cotuit CONTRACTOR
Alteration of a wetland resource area and violation of ongoing conditions and approved plan of record for SE3-3708 by flush-cutting 46 trees on a coastal bank and limbing remaining trees. Off-season cutting of pitch pine.

Show cause hearing

Enforcement matters “A” and “B” were heard simultaneously.

Exhibits:

A – Thirty-nine photos dated 8/21/14 showing thirty-nine of the stumps from cut trees;

B – A tally of stumps, adding up to 392½ inches of cut material;

C – Eight photos of property dated 8/20/14 and 8/21/14;

D – Eight pages of “before and after” cutting photos;

E – Three photos dated 8/21/14 indicating missing buffer plantings.

Mr. Landes attended the meeting, and was represented by Atty. Michael Ford, Patrick McNamara, and Seth Wilkinson.

The violation was considered “egregious” by the Commission.

Mr. Patrick McNamara, landscaper, stated that he had asked Mr. Landes whether the cutting would occur in Conservation jurisdiction; Mr. Landes told him it would not. The property owner admitted that the trees were cut under his own direction.

The tree-cutting started the first week of August. Mr. Landes said he was unaware of the existence of the order of conditions, and took full responsibility for the work done.

Seth Wilkinson of Wilkinson Ecological told the Commission that pine borer prevention was needed, as soon as possible. The trees would require three to five-years of invasive management after such a disturbance.

For the record, Ms. Karle noted that two trees were cut on an abutter’s property.

Extensive tree and shrub restoration was discussed, as well as civil penalties.

A second enforcement order will address a plan for restoration, and will be heard October 7th. At that time, sanctions and penalties will be also be addressed.

A motion was made to amend the Landes enforcement order (A) to allow pitch-pine treatment to prevent pine borer damage, in consultation with staff.

Seconded and voted unanimously.

A motion was made to approve the McNamara enforcement order (B).

Seconded and voted unanimously.

- C. Mary Bailey Chiles – 1199 Craigville Beach Road, Centerville
Alteration of a wetland resource area by constructing a small deck for access to back of garage.

Michelle Cardillo, P.E., was present to represent the property owner, who was also present.

Exhibits:

- A – A section of engineering plan dated 5/26/05;
- B – Photo taken 4/26/11;
- C – Two photos taken by Barnstable building inspector;
- D – Four photos submitted by Michelle Cardillo, P.E.

Ms. Cardillo gave the Commission the name of the contractor who did the work, and will submit his contact information to staff.

A motion was made to amend the enforcement order to read that a notice of intent with after-the-fact filing fees is to be filed within thirty days, or the deck is to be removed.

Seconded and voted unanimously.

III NON-CRIMINAL CITATIONS

- A. Mary Bailey Chiles – Alteration of a wetland resource area; construction of a deck \$300.00

Noted

IV WRITTEN WARNINGS

- A. Paul Gargano – 251 Green Dunes Drive, West Hyannisport – Removal of a pine tree in 100' buffer
- B. Duran Tree and Landscape c/o Joe Duran (contractor) – 251 Green Dunes Drive
- C. Israel Sohmer – 193 Seventh Ave., West Hyannisport – Activity beyond scope of approved plan
- D. King Landscape c/o Jeffrey Harper (contractor) – 193 Seventh Ave., West Hyannisport

A motion was made to approve all written warnings (A – D).

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE

- A. Sakellarides SE3-2151 (coc) construct in-ground pool & retaining wall *

Exhibits:

- A – Site plan

A motion was made to approve the certificate.

Seconded and voted unanimously.

VI OLD AND NEW BUSINESS

- A. Barnstable County Wildfire Grant awarded to Conservation Division for Red Pine removal, #1785 Old Stage Road

Noted

B. Funding for Lumbert Pond Conservation Area parking area

The matter was tabled until September 16th, until the actual total of the fund can be determined.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:56 a.m.