



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

**DATE: NOVEMBER 7, 2017 @ 3:00 PM**

**LOCATION: HEARING ROOM – 367 Main St., 2<sup>nd</sup> Floor, Hyannis, MA 02601**

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 6:30 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners Peter Sampou, Scott Blazis [arrived during Red Lily Pond discussion (Old & New Business)], and Larry Morin. Commissioner John Abodeely was away.

Conservation Agent Martin Wunderly assisted, along with Fred Stepanis, Conservation Assistant.

**3:00 PM AGENDA**

**I REVISED PLANS**

**Project type:**

**Revision:**

A.	Connor SE3-4887 110 Vineyard Rd., Cotuit	raze/rebuild sfd	show previously existing stones, bench, steps, etc.
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The applicant was represented by John C. O'Dea, P.E. of Sullivan Engineering & Consulting, Inc.

Issues discussed:

- Chain link fence removed from lawn area, but not from beach
- Initial confusion over mitigation area.

A motion was made to deny the revised plan, and to approve a subsequent revised plan showing: 1) fence, bench, flagpole, steps, and brick walk; 2) alternate fence sections elevated 6" above grade; 3) mitigation area "C" expanded back to previous size shown on 9/10/13 plan; 4) new restored mitigation area "B" to be noted "maintained in perpetuity as natural."

Seconded and voted: 4 votes = Aye; 1 vote = Nay.

B.	Markowitz SE3-5331 628 Poponessett Rd., Cotuit ( <b>tabled from 10/10</b> )	stairs, pier, ramp, float	extend platform
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No one attended the meeting. The representative will be informed to re-schedule.

C.	Elder SE3-5222 344 Bridge St., Osterville	raze/rebuild sfd	update plan
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The applicant was represented by John C. O'Dea, P.E.

No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D.	Kerkado DA-17057 186 Bay Ln., Centerville	upgrade failed septic	4 – not 3 – bedroom sfd
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The applicant was represented by J. E. Landers-Cauley, P. E.

No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E.	Chartin R. T. SE3-5235 524 Wianno Ave., Osterville	raze/rebuild sfd, pool, patio	lighting for flagpole
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The applicant was represented by John C. O’Dea, P.E.

Exhibits A – Flagpole lights at night, shown in photos (2)

Issues discussed:

- Commissioners showed concern for light at night; the need for more information to discuss policy.

A motion was made to table the matter to December 5<sup>th</sup>, and to discuss flagpole lighting at the next meeting on November 28<sup>th</sup>.

Seconded and voted unanimously.

<b><u>II EXTENSION REQUESTS</u></b>	<b><u>Project type:</u></b>	<b><u>Time Requested:</u></b>
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A.	Finley SE3-5227 115 Parker Rd, W. Barnstable	fields, trails, animal enclosures	1 <sup>st</sup> Request; 3 years
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The applicant was represented by Arlene M. Wilson, P.W.S.

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

Seconded and voted unanimously.

B.	TOB/MEA SE3-5247 128 Sandy Neck, W.B.	tenting platform & shelter; bench	1 <sup>st</sup> Request; 3 years
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The applicant was represented by Nina Coleman, Sandy Neck Park Manager.

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

Seconded and voted unanimously.

C.	TOB/MEA SE3-4712 Sandy Neck Beach, W. B.	off-road vehicle management	2 <sup>nd</sup> Request; 3 years
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A motion was made to approve a three-year extension.

Seconded and voted unanimously.

- D. TOB/MEA SE3-4713 recreational off-road vehicle- 2<sup>nd</sup> Request; 3 years  
Sandy Neck Beach, W. B. management

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

Seconded and voted unanimously.

### **III ENFORCEMENT ORDERS**

- A. David Gannon and Claudette Vickery – 133 Estey Ave., Hyannis - Alteration of a resource area, 50 ft. buffer to Circo Pond, by building a paver patio and deck.

Exhibits:

- A – Photos and aerial images
- B – Minor activity form and plan for shed, 2002

Dr. David Gannon and Ms. Claudette Vickery attended.

The Commission approved the enforcement order as written. The chicken coop was removed and the owners will work to get the proper permit for the patio and deck.

A motion was made to approve the enforcement order

Seconded and voted unanimously.

- B. Joseph Diggs – 100 Oakville Ave., Osterville – Alteration of a resource area, Micah's Pond, maintaining unpermitted floating docks and storing floats/rafts/debris in Conservation Area.

Exhibit A – Photos and aerial images.

No one attended.

A motion was made to approve the enforcement order; offender must proceed with removal of unpermitted items in conservation area.

Seconded and voted unanimously.

- C. Oliver Berrett & Lisa Rudolph – 521 Bumps River Rd., Osterville – Alteration of a resource area, Micah's Pond - maintaining unpermitted dock and boardwalk. Violation of an Order of Conditions - cutting vegetation beyond work limit line from permit #SE3-2900.

Exhibits:

- A – Photos and aerial images
- B – Order of Conditions and plan of record for permit SE3-2900

Oliver Berrett and Lisa Rudolph attended the meeting.

They have removed the chairs and signs from Conservation property, and will seek the appropriate permit for the deck and boardwalk

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

Seconded and voted unanimously.

#### IV OLD & NEW BUSINESS

- A. West Barnstable Conservation Area. Crocker Road and Crooked Cartway Road gates unlocked from November 27 – December 30, 2017 for deer hunting season (shotgun and primitive firearms).

Noted

- B. SE3-4203 – Benedetto – 359 Santuit Road, Cotuit – Declaration of restriction

[This item was moved to the first item on the agenda]

At the advice of 1<sup>st</sup> Town Attorney, T. David Houghton, a motion was made to approve moving forward with a declaration of restriction to close out the project with a certificate of compliance.

Seconded and voted unanimously.

- C. Red Lily Pond Project Update

A bridge was proposed for Red Lily Pond and Lake Elizabeth.

The Commission praised the opening of the old culvert and the closing-out of existing permits.

[Commissioner Scott Blazis arrived at this juncture]

- D. 89, 49, 19, and 35 Blue Heron Dr., Osterville – Update report on phragmites management plan for mowing in the wetland resource area and buffer zone, North Bay. DA-11010

Exhibit A – Wetland Scientist report on phragmites status, submitted by M. M. Environmental.

The update was presented by John C. O’Dea, P.E., and Michael Ball, P.W.S.

Issues discussed:

- RDA’s to be replaced at the appropriate time with a notice of intent filing
- Diversity is acceptable in plots
- Herbicidal treatment beneficial; mowing alone would not be sufficient to eradicate phragmites
- One additional year allowed under the RDA; then, an NOI must be filed for each parcel.

#### 4:30 PM AGENDA

#### V REQUESTS FOR DETERMINATION

**Timothy R. O’Brien, Tr., Windswept Way Realty Trust.** Proposed driveway and landscape modifications between dwelling and street at 196 Windswept Way, Osterville as shown on Assessor’s Map 052 Parcel 002-002. **DA-17064**

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

No concerns arose.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

**Darell J. Mays.** Landscaping to include tree removal; removal of underbrush for meadow creation; replacement of stone walk and steps; vista pruning and vine control at 19 Marquand Dr., Marstons Mills as shown on Assessor’s Map 098 Parcel 023-001. **DA-17065**

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

Issues discussed:

- One of the Commissioners was concerned with the large oak tree near the 50-foot buffer.
- Width of corridor discussed

A motion was made to issue a negative determination, subject to submission of a revised plan showing view corridors up to the house, and the large oak preserved in the corridor near the gazebo.

Seconded and voted unanimously.

## **VI NOTICES OF INTENT**

**Justine Osage Laugharn.** Remove and reconstruct in-ground swimming pool and patio; remove and relocate portion of retaining wall, and associated landscaping at 91 Calves Pasture Ln., Barnstable as shown on Assessor’s Map 259 Parcel 001-003. **SE3-5525**

The applicant was represented by John O’Reilly, P.E. and Bernice Walker, Landscape Architect.

Issues discussed:

- Hardscape coverage
- Construction protocol
- Existing wall by the pool in questionable condition

A motion was made to continue the project to November 28<sup>th</sup>.

Seconded and voted unanimously.

## **VII MINUTES**

A. October 17, 2017

A motion was made to approve the minutes, as amended.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 5:42 p.m.**