



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

DATE: September 9, 2008 8:30 a.m.

LOCATION: TOWN HALL HEARING ROOM

The meeting was called to order at 8:30 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Larry Morin, Tom Lee, and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching, and Rob Gatewood, Conservation Administrator was away. Karcy Karle, Conservation Agent, assisted along with Fred Stepanis, Conservation Assistant.

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

<u>I</u>	<u>REVISED PLANS</u>		<u>project type</u>	<u>revision</u>
A.	Hyannis Yacht Club	SE3-4716	additions	over-beach access

The applicant was represented by Steve Wilson, P.E.

Mr. Wilson presented a revised plan dated September 8, 2008.

A motion was made to approve the revised plan, with the following provisions: move the work-limit back to original location, once the foundation is in place; repair any damage to the beach, and provide “before” and “after” photos.

Seconded and voted unanimously.

B.	McShea	DA-08052	porch (screened)	change to 3-season room
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The applicant attended the hearing.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Mattison	SE3-4628	dock	timing
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No one attended the hearing.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D.	Foster	SE3-4325	pier	utility lines
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Commissioner Foster recused herself.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

(Revised Plans, cont'd.)

E. Bothwell SE3-4718 pool footprint; design

The applicant was represented by Arlene Wilson.

Ms. Karle recommended the submission of annual reports for three years with photo documentation showing the status of plantings. She reminded the property owner that the Commission still requires plantings on the face of the bank, as listed in the Order of Conditions.

II EXTENSION PERMITS

A. Willard SE3-4447 addition 1st Request; 3 yrs.

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

No concerns arose.

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

Seconded and voted unanimously.

B. Foster SE3-4325 pier/ramp 1st Request 3 yrs.

Commissioner Foster recused herself.

The applicant was represented by Arlene Wilson.

No concerns arose.

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

Seconded and voted unanimously.

C. Haseotes SE3-4427 addition/septic/drive 1st Request; 3 yrs.

The applicant was represented by Arlene Wilson.

No concerns arose.

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

Seconded and voted unanimously.

III OLD & NEW BUSINESS

A. Bothwell SE3-4740 float, berthing allowance, etc. request for reconsideration

Arlene Wilson represented the client.

A motion was made to grant a reconsideration for a berthing allowance for two boats on the float.

Seconded and voted unanimously.

A second motion was made to grant a reconsideration of the dimensions of the float.

(Bothwell, cont'd.)

Seconded and voted as follows: 1 vote -aye
4 votes -nay

The motion failed to pass.

A third motion was made to reconsider the original Order of Conditions.

The motion failed, for lack of a second.

Ms. Wilson to docket a hearing on September 30th.

Seconded and voted unanimously.

B. Shooting Range – Show cause hearing – Tyler S. Linnell – 431 Wakeby Rd, Marstons Mills - #1316

Mr. Linnell was present at the hearing.

Sergeant Tynan of the Barnstable Police Department read his report.

Doug Kalweit confirmed that Mr. Linnell had received a written warning prior to this incident. Mr. Linnell stated that he has paid his non-criminal citation.

Mr. Kalweit recommended a one-year suspension of his shooting range permit.

A motion was made to suspend Mr. Linell's range permit from September 9, 2008 to September 9, 2009.

Seconded and voted unanimously.

C. Shooting Range – Show cause hearing – Domenic Gauthier – 14 Munity Way, Mashpee - #1743

Mr. Gauthier was present at the hearing.

BPD Sargent Tynan read his report.

Public Comment: Mr. Verastegui spoke on Mr. Gauthier's behalf. Mr. Gauthier said he did not shoot after hours.

Doug Kalweit recommended a one-year suspension.

A motion was made to suspend Mr. Gauthier's permit for six months.

Seconded and voted unanimously.

D. Shooting Range – Show cause hearing – Kenneth S. Verastegui – 30 Cit. Ave., Hyannis - #1746

Mr. Verastegui was present at the hearing.

Mr. Verastegui was appealing his citation in First District Court. He acknowledged that he was in violation, but he said he was not shooting after hours, just talking.

Officer Kalweit recommended a one-year suspension.

A motion was made to suspend Mr. Verastegui's range permit for six months from September 9th.

Seconded and voted unanimously.

(Other – Crocker Neck, cont'd.)

E. Other – Crocker Neck Conservation area and its use as a relay area.

Commissioner Foster asked Doug Kalweit about the consideration of Crocker Neck as a relay area. Commission and staff had concerns about the affect it would have on the road, as there are few places for vehicles to pass.

IV ENFORCEMENT ORDERS

A. Mrs. Dagmar Liles Meirer – 50 Clamshell Cove Point Lane, Cotuit
Alteration of a resource area, coastal bank, by cutting vegetation and throwing slash over the bank.

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

Seconded and voted unanimously.

B. Roger P Plourde Jr. – 188 East Bay Road, Osterville **SE3-3905**
Violation of an Order of Conditions by failing to request a Certificate of Compliance

Peter Sullivan, P.E., represented Mr. Plourde.

The issue was that the dock had been constructed in the wrong location, crossing over onto the neighbor's property.

Ms. Karle recommended issuing a new enforcement order, ordering the dock to be moved or be removed. If the dock is reconstructed, then the use of said dock should be written clearly in the on-going conditions.

Public comment: Mr. Madden spoke, saying that the dock needed to be removed and, until then, no one should use it.

A motion was made to issue a new enforcement order with the following requirements: that the dock not be used at its current location; the dock must be removed from its current location on or before September 30th, 2008. A certificate of compliance must be applied for on or before May 1, 2009. On-going conditions as stated in the Certificate of Compliance will limit motor craft to a motorized dinghy with 2 hp drive and 12" rule.

C. Susan M. Butler – 522 Bay Lane, Centerville
Alteration of the 100-foot buffer zone and 50-foot buffer zone from a BVW by cutting 6 trees.

Attorney Patrick Butler and Lynne Hamlyn were present at the hearing.

All the removed trees were outside the 50-foot buffer. Ms. Hamlyn submitted a plan showing the location of the cut trees.

Staff and Commission approved the replanting of three (3-inch caliper) River birch trees at chest height; an RDA to follow.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

V NON-CRIMINAL CITATIONS

A.	Dagmar Liles-Meirer – 50 Clamshell Cove Point - Alteration of a resource area	\$200.00
	John Couto (landscaper)	\$200.00
B.	Susan M. Butler – 522 Bay Lane – Alteration of a buffer zone.	\$200.00

(Non-Criminal Citations, cont'd.)

- C. Tyler S. Linnell – Failure to observe posted hours for shooting range \$300.00
- D. Domenic Gauthier – Failure to observe posted hours for shooting range
\$300.00
- E. Kenneth S. Verastegui – Failure to observe posted hours for shooting range \$300.00

“A – E” noted.

VI WARNING LETTERS

- A. Stephen H. Parks – 311 Ocean Street, Hyannis – debris in conservation restriction area

The warning letter was approved as written.

- B. James Pinho – 65 Short Beach Road, Centerville – replanting buffer strip **SE3-3593**

Mr. Pinho attended the hearing. He requested that he not be required to replant the buffer strip.

A motion was made to issue an amended letter stating that Mr. Pinho must replant the buffer by May 16, 2009.

Seconded and voted unanimously.

- C. Samuel Baxter – 51 Nantucket Street, Hyannis – boat trailer beyond work limit line **SE3-4060**

The warning letter was approved as written.

VII CERTIFICATES OF COMPLIANCE

(ap = as-built plan) (coc = Certificate of compliance) (ez = no deviations, staff recommends approval) (ok = minor deviations, staff recommends approval) (c = staff recommends approval with contingencies) (d = deviations, staff recommends denial) (* = on-going conditions)

- A. Barnstable Marine SE3-3872 (coc) dredging; rebuild travel lift *

A motion was made to approve the certificate, contingent upon the sign being brought into compliance.

Seconded and voted unanimously.

- B. Bergeron (McGrath) SE3-1826 (coc) upgrade septic (not done)

A motion was made to approve the certificate, contingent upon receipt of a landscape plan.

Seconded and voted unanimously.

- C. Cotuit Development SE3-4264 (ap,ok) add retaining wall; relocate pool fence
(Old Post Road Realty Trust)

- D. Cotuit Development SE3-4264 (coc,ok) construct single-family dwelling *
(Old Post Road Realty Trust)

A motion was made to approve items “C” and “D.”

Seconded and voted unanimously.

(Certificates of Compliance, cont'd.)

E. TOB/DPW SE3-2856 (coc,ok) dredging; replace bulkhead & docks *

A motion was made to approve the certificate. Seconded and voted unanimously. The Commission requested that staff send a letter to DPW requesting more diligent compliance with the Orders of Condition.

F. Martignetti SE3-3925 (ap) add lamp post; add stone steps; widen path;
expand lawn

A motion was made to approve the certificate, contingent upon the submission of a revised plan showing: 1) removal of a lamp next to stairs on coastal bank; 2) removal of lawn from path; and, 3) restoring path to six-foot width.

G. Martignetti SE3-3925 (coc) reconstruct bulkhead & stairs; landscaping *

A motion was made to approve the certificate, contingent upon the submission and implementation of an as-built plan. The stone steps may remain.

Seconded and voted unanimously.

H. Santuit Road RT DA-07062 (ap) construct patio & walkway; install split-rail fence

A motion was made to approve the certificate.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:05 a.m.