



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

**DATE: January 13, 2009 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, several resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://town.barnstable.ma.us) ), audiocassette 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 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 Agent, and Fred Stepanis, Conservation Assistant.

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

**I EXTENSION PERMITS**

A. Cape Cod Oyster SE3-4400 pier, flupsys, dredging 1<sup>st</sup> Request/3 years

The applicant was represented by John O'Dea, E.I.T.

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

Seconded and voted unanimously.

B. Weinstein SE3-4481 pool, cabana, sports court 1<sup>st</sup> Request/3 years

The applicant did not attend the hearing.

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

Seconded and voted unanimously.

C. Cotuit Oyster Company SE3-4095 work bldg., pier, septic 1<sup>st</sup> Request/3 years

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

Issues discussed:

- The extension was requested under the Town Ordinance, only.

A motion was made to approve a three-year extension, Town Ordinance only.

Seconded and voted unanimously.

D. Antin SE3-4467 sfd 1<sup>st</sup> Request/3 years

The applicant was represented by Attorney Philip Boudreau.

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

Seconded and voted unanimously.

E. Three Bays Preservation SE3-3743 dredging/ nourishment 3<sup>rd</sup> request/ total 12 yrs

The applicant was represented by Lindsey Counsell and John O’Dea, E.I.T.

Issues discussed:

- Reasons why a third three-year extension should be granted in this case.

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

## **II ENFORCEMENT ORDERS**

A. Denise G. Swan – 32 Windswept Way, Oyster Harbors – **mitigation plan** SE3-3857  
Violation of a Certificate of Compliance “on-going conditions” by cutting several trees on a coastal bank and 50’ buffer zone. (cont’d. from 11/18)

A request for a continuance via letter was received from applicant’s representative, Attorney Eric Wodlinger.

A motion was made to continue the hearing, with the understanding that staff be invited to a site visit within the next week or two; the Commission desired to review the plan ahead of time.

Seconded and voted unanimously.

## **III WARNING LETTERS**

A. Gillmore Marine – 81 Sand Point, Osterville - review of work protocol SE3-4684

George Gilmore attended the hearing, as requested. No further enforcement action was deemed necessary.

Noted.

B. Dorothy Heathwood – 50 Windrush Lane, Osterville – failure to obtain final COC SE3-2792

Ms. Heathwood did not attend the hearing.

Noted.

## **IV 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. McConville SE3-4456 (ap,ok) miscellaneous landscaping and hardscaping changes

B. McConville SE3-4456 (coc,ok) construct single-family dwelling \*

A motion was made to approve certificates “A – B”.

Seconded and voted unanimously.

C. Jaques SE3-4620 (coc,d) construct single-family dwelling \*

Jimmy Bowes represented his client.

The certificate of compliance request was denied, even though Baxter & Nye re-staked the site. The fence was not installed, and the Commission could not decipher anything from the photos that Mr. Bowes submitted.

A motion was made to deny the certificate.

Seconded and voted unanimously.

D. Zephir                      SE3-4210                      (coc,ok)                      repair & expand revetment \*

A motion was made to approve the certificate

Seconded and voted unanimously.

## **V            OLD & NEW BUSINESS**

A.            John and Leslie Wilson – replanting plan review – Continued from Nov. 18, 2008 hearing

A motion was made to continue the hearing to February 10, 2009.

Seconded and voted unanimously.

B.            Lori, Robert, and Nancy Parks – replanting plan review – (from Nov. 18, 2008 hearing)

Robert Parks and Ann Sheridan of Duxbury Gardeners attended the hearing.

The Conservation Agent reported that she went to the site and was able to squeeze in fourteen more trees.

A motion was made to approve the plan dated 1/7/09. Included, will be a five-year monitoring plan with reports to be submitted annually.

Seconded and voted unanimously.

C.            Clarification on Sec. 702 schedule enforceability

The Commission concurred that the newly adopted shooting range schedule of operating hours shall be enforced via Chapter 702 of the Town Code, Sections 702-2 C I and Section 702-3.

D.            Other

Staff announced new division operating procedures for processing Certificate of Compliance requests. Its purpose is to provide prompt execution of inspections, certificate issuance and, where warranted, remedial action where project corrections are needed.

The Commission expressed concern that the enforcement trigger be clear-cut.

Public Comment:

- Arlene Wilson requested that the applicant have the option of attending certificate of compliance site visits.

A motion was made to approve the certificate of compliance policy, pending its written submission and release to the Commission, consultants, and the public.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:29 a.m.**