



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

**DATE: September 8, 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, 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 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. 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 REVISED PLANS**

project type

revision

A. McLaughlin SE3-4507 raze/rebuild dwelling, pier garage

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

Issues discussed: None

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Drake SE3-3624 sfd driveway turning area

The applicant was represented by Edward Pesce.

Issues discussed: None

A motion was made to approve the revised plan.

Seconded and voted unanimously.

**II EXTENSION PERMITS**

A. Capizzi BCC-0185 sfd 1<sup>st</sup> Request; 2 yrs.

No one attended the hearing.

Issues discussed: None

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

Seconded and voted unanimously.

(Extension Permits, cont'd.)

B. RMR Nominee Trust SE3-4206 sfd 2<sup>nd</sup> Request; 3 yrs.

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

Issues discussed:

- This second request for an extension was discussed. No further extensions will be granted after this.

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

Seconded and voted: 4 votes – “Aye”

Commissioner Abodeely abstained from the vote.

C. Gaspard SE3-4391 deck, porch, room addition 1<sup>st</sup> Request; 3 yrs.

The applicant attended the hearing.

Issues discussed:

- The extension date to be consistent with the D.E.P.'s Final Order of November 7, 2008, with the Chapter 230 permit extended to November 7, 2011.

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

Seconded and voted unanimously.

D. Crowell SE3-4546 sfd 1<sup>st</sup> Request; 3 yrs.

The applicant attended the hearing.

Issues discussed: None

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

Seconded and voted unanimously.

E. Hammel BCC-0186 (only) physical modif., agric. use 1<sup>st</sup> Request; 3 yrs.

The applicant did not attend the hearing.

Issues discussed:

- The date to be consistent with D.E.P.'s Final Order of July 25, 2006, with Chapter 230 permit extended to July 25, 2012.

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

Seconded and voted unanimously.

### **III ENFORCEMENT ORDERS**

A. George and Mary Ashur – 487 Scudder Ave., Hyannis  
Alteration of the 100' buffer zone, by clearing understory.

The Conservation Agent, Darcy Karle, stated that the property owner, Mr. Ashur, agrees with “grow-back” on the bank and understands that the D.E.P. wetland overlay was off by 80 feet. Mr. Ashur agrees to move the debris pile as required in the amended enforcement order.

A motion was made to approve the amended order as written.  
(Ashur, cont'd.)

Seconded and voted unanimously.

- B. John J. Trotto – 500 Elliott Road, Centerville **SE3-0189**  
Alteration of a coastal bank by clearing understory and installing unapproved fence

A motion was made to approve the enforcement order, with the addition of a two-year maintenance inspection requirement, as requested by Conservation Assistant Fred Stepanis.

Seconded and voted unanimously.

- C. Diane Burden – 351 Hollidge Hill Lane, Marstons Mills **SE3-3618**  
Violation of on-going conditions under a Certificate of Compliance issued under SE3-3618, maintenance of path beyond allowable 3' width.

A motion was made to approve the enforcement order, and to incorporate a letter from consultant Lynne Hamlyn dated 9/1/09, as part of the order.

Seconded and voted unanimously.

- D. Linda Ready – 96 Sawmill Road, Marston Mills  
Failure to respond to a violation notice / deck repair without prior authorization

No one attended the hearing.

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

Seconded and voted unanimously.

#### **IV WRITTEN WARNINGS**

- A. Michael Wymann – 66 Channel Point Road, Hyannis – cutting back vegetation on a coastal bank.

A motion was made to approve the written warning.

Seconded and voted unanimously.

- B. Dr. Leo Arnfeld – 74 Lake Drive, Centerville – non complying seasonal dock, extra float added.

A motion was made to approve the written warning.

Seconded and voted unanimously.

#### **V 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. | Trisko | SE3-4522 | (ap)           | increase size of deck            |
| B. | Thorp  | SE3-4815 | (ap)           | add steps to approved deck       |
| C. | Joyce  | SE3-4482 | (revised plan) | expand parking & retaining walls |

D. Taber SE3-1560 (coc,ez) construct sfd (not done)  
(Certificates, cont'd.)

A motion was made to approve certificates "A – D."

Seconded and voted unanimously.

E. Bay Shore Realty Trust SE3-4314 (discussion) stairway, pier, ramp, floats, etc.

The matter to be discussed at the next morning meeting of October 13, 2009.

## **VI OLD & NEW BUSINESS**

A. Discuss SE3-4271 – Pieper conservation restriction on dock

The matter to be discussed at the next morning meeting of October 13, 2009.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 9:30 a.m.**