



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

DATE: June 14, 2011 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 8:35 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners Peter Sampou, Scott Blazis, Larry Morin, and Louise Foster. Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent and Enforcement Officer.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

I REVISED PLANS

	<u>Project Type</u>	<u>Revision</u>
A. Kovalcik DA-10038	deck extension	outdoor shower

The applicant attended the hearing.

Issues discussed:

- Photos were submitted and noted as Exhibit A, 1 – 3.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Pickwick Realty Trust SE3-4899	raze/rebuild sfd	adjust drive, etc.
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The applicant was represented by Peter Sullivan, P.E.

Issues discussed:

- A revised plan was submitted and noted as Exhibit A.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Rehnert SE3-4794	pool, patio, cabana	revised work limit
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The applicant was represented by Steve Wilson, P.E.

Issues discussed:

- A further revision of the pergola was shown on a plan dated 6/13/11, and noted as Exhibit A.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Danforth SE3-4670 pier, ramp, float proposed craft

Mr. Danforth was unable to attend the hearing.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan provided it is in conformance with the twelve-inch rule.

Seconded and voted unanimously.

E. Columbia Pictures SE3-4524 (X-ref. DA-11049) pool/pool deck staging

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Gearin SE3-4093 sfd location

The applicant was represented by Adam Hostetter.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. Gladstone Ltd. Partnership SE3-4479 multi-family dwelling 2nd Request/3 yrs.

The applicant did not attend the hearing.

A motion was made to continue the hearing to July 12th.

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

A. Steven Hirsh – 149 Ocean View Avenue, Cotuit **SE3-4527**
Failure to address warning letter. Original violation work beyond approved plan of record, cutting beyond approved path width.

Mr. Hirsh attended the hearing.

A motion was made to amend the enforcement order to require an onsite meeting with the Conservation Agent to discuss mitigation planting/growback requirements or the submittal of a revised plan on or before July, 5, 2011.

B. Joseph Garodnick – 56 Wild Goose Way, Centerville **(Continued from 5/17/2011)**
Continuation for Commission to review existing conditions plan, future replanting plan.
Unauthorized alteration of a bordering vegetated wetland and wetland buffer, alteration of a coastal bank and flood zone by clearing vegetation. Cutting on various parcels owned by Mr. Steinberg.

Mr. Garodnick attended the hearing.

Issues discussed:

- Staff summarized the history of the enforcement case. Three non-criminal citations have been issued. Two citations were issued to Mr. Garodnick; the Clerk Magistrate found him not responsible. The \$500 in fines was to be put toward replacement plantings. The required planting plan was not provided. The Commission insisted that it be promptly provided.
- Mr. Garodnick provided a scale-drawing of the cut area. Also provided was Page 8 from the Conservation Commission's planting list. These were noted as Exhibits A and B, respectively.
- Mr. Garodnick stated that, for the 4,000 square foot planting area, the prescribed planting densities would be greatly exceeded. A color photograph of the cut corridor was also submitted by Mr. Garodnick, and noted as Exhibit C. He suggested that the June 12th planting deadline is too late for ensuring the success of any tree plantings.
- The Commission discussed proceeding with a criminal or civil penalty for up to \$25,000.
- A thirty-day deadline was set for delivery of the planting plan to the Commission; a July 5th deadline for the plan to be delivered to staff.

A motion was made to continue the hearing to July 12th.

Seconded and voted unanimously.

C. Richard D. Steinberg – 68 Wild Goose Way and #0 Bumps River Road (Continued from 5/17/2011)
Continuation for Commission to review existing conditions plan, future replanting plan.
Property owner where cutting occurred as listed under Joseph Garodnick.

(See Garodnick above, as continued)

D. William Quirk Jr. – 104 Swallow Hill Rd., Barnstable (Continued from 5/17/2011)
cutting on 0 Indian Trail, Barnstable (BLT property)
Original enforcement order approved 1/11/2011, on agenda for Commission and BLT review of existing conditions plan and proposed professional replanting plan.
Cutting vegetation in bordering vegetation, 50' buffer and 100' buffer.

Mr. Quirk attended the hearing. He was represented by Attorney Chuck Sabatt, Peter Sullivan, P.E., and Arnie Johnson.

Issues discussed:

- The planting plan was favorably received. It included an invasive species control component.
- The planting plan was displayed and noted as Exhibit A.
- A letter from the Barnstable Land Trust was read.

A motion was made to approve the planting plan, contingent upon both parties (Mr. Quirk and the Barnstable Land Trust) reaching an agreement. If an agreement is not reached, the matter will be returned to the Conservation Commission.

Seconded and voted unanimously.

E. Gordon and Jane Slaney Jr. – 878 Main Street, Cotuit
Alteration of a wetland resource area (coastal bank) by cutting/topping trees, leaving sections of trees on bank.

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

Seconded and voted unanimously.

IV CERTIFICATES OF COMPLIANCE

NONE

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:50 a.m.

DRAFT