



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

DATE: December 13, 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 8:30 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.

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

I REVISED PLANS

Project Type

Revision

A. Doyle SE3-4941 reconstruct porch full foundation

The applicant attended the hearing.

Issues discussed:

- No basement or crawl space will be provided.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Slifka (Faneuil) SE3-4968 pool, terrace, screen porch. footprint screen porch

The applicant was represented by Jimmy Bowes.

Issues discussed: No concerns arose

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. ToB/DPW (Venditti) SE3-4839 boat ramp & pier parking lot drainage

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- The proposed drainage improvement will serve as mitigation for Mattacheese Wharf; dredging project next door.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Pieper SE3-4962 rebuild sfd add pool & Pool house

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

Issues discussed:

- The additions were barely within the Commission's jurisdiction. Four hundred square feet of additional mitigation will be provided, in consultation with staff.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Rehnert SE3-4794 construct pool & cabana add pool fence
(cont'd. from 11/15)

The applicant was represented by Phyllis Cole.

Issues discussed:

- The chairman noted that the matter was a new request, and not a continuance.
- The revised plan was displayed and noted as Exhibit A.
- A series of photos were reviewed and noted as Exhibit B (1- 8). The idea for an intermittent fence was discussed and favored by the Commission.
- A standard loop fence may be considered in the future, if desired by the applicant.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Harrison SE3-4447 pool, patio pool modification

(See "G" below)

G. Harrison SE3-4447 additions convert porch/deck

The two requests (F and G) were opened simultaneously.

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

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- A photo was provided and noted as Exhibit B.

A motion was made to approve the revised plans.

Seconded and voted unanimously.

H. Dockside SE3-3958 dredging dredge protocol

The applicant was represented by Wayne Kurker.

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- The allowance to sequence the project, as deemed best by Mr. Kurker, was discussed. The dredging concessions to the Town would be honored and implemented by Mr. Kurker.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

A motion was made to amend the agenda to add the following revised plan:

I. Seapuit Partners SE3-4375 dredging de-watering site

The applicant was represented by Christine Player.

The revised plan was displayed and noted as Exhibit A.

The nearest abutter will be notified in advance of the project change. The subject parcel was not found to be jurisdictional for the de-watering location.

A motion was made to approve the revised plan.

Seconded and approved: 4 votes: "Aye;" 1 vote: "Nay."

II ENFORCEMENT ORDERS

A. Kathleen and Tim Regan – 14 Windrush Lane, Osterville
Landscape debris in Barnstable Conservation Commission 50' undisturbed buffer zone. Removal of a small evergreen tree.

Photographs were reviewed and noted as Exhibit A (1 – 3).

The applicant has already removed the clippings.

Supplemental planting may be ordered by the Agent in the spring.

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

B. Richard D. Rudman Tr., 74 Garrison Realty Trust – 74 Garrison Lane, Osterville **SE3-4003**
Unauthorized activity beyond scope of an order of conditions, retaining wall and other landscape issues

The property owner was represented by Arlene Wilson.

A sketch-over plan, outlining the relevant areas covered by the enforcement order, was submitted and noted as Exhibit A.

Photos were submitted and noted as Exhibit B (1 – 11).

A copy of the staff-issued enforcement order was provided, and noted as Exhibit C.

A memo dated April 10, 2008, with attached page containing photocopied pictures, was provided and noted as Exhibit D.

The following aspects of the enforcement order were discussed;

1. A NOI will be filed for the retaining wall; additional plantings (landward) to be provided;
2. The mitigation bed will be returned to the originally approved dimension; native plants will be used. Requiring additional mitigation, over and above the original mitigation, will be discussed by the Commission with a future notice of intent application for the retaining wall.
3. The understory of the cleared area at the southeast corner of the property will be replanted in native shrubs.
4. Four trees will be compensated for the trees removed.
5. Additional areas will be restored to beach grass to compensate for that which has been removed. Approximately 300 square feet more beachgrass will be provided, above that formerly existing.
6. A small patch of missing salt marsh was thought to have resulted from natural forces.

A motion was made to approve the enforcement order as modified, with an application for the retaining wall to be filed by January 31st, 2012.

Seconded and voted unanimously.

- C. Paul Donahue Sr. – Garrison House Realty Trust – 44 Garrison Lane, Osterville
Alteration of a wetland resource area and 50 buffer, retaining wall and walkway.

The property owner was represented by Arlene Wilson, P.W.S.

Photographs were provided and noted as Exhibit A (1 – 4).

The walkway and retaining wall will be the subject of a notice of intent filing to be received by February 15th, 2012. The Commission noted that mitigation planting will likely be discussed at the upcoming hearing.

A motion was made to approve the enforcement Order as amended.

Seconded and voted unanimously.

III NON-CRIMINAL CITATIONS

- A. Richard D. Rudman Tr. 74 Garrison Realty Tr.
Unauthorized activity beyond scope of order of conditions – \$300.00

Noted.

- B. Paul Donahue Sr. – Alteration of a wetland resource area - \$200.00

Noted.

IV CERTIFICATES OF COMPLIANCE

- A. Menounos SE3-4749 (coc,d) replace existing pier, ramp, & float *

The pier lacked float stops and a sign, as indicated. Lights were also added. A storage box now rests on the bank.

The applicant will need to document, for staff approval, the historic existence of said storage box.

Photos were submitted and noted as Exhibit A (1 – 4).

A motion was made to deny the certificate for the above-noted issues.

Seconded and voted unanimously.

- B. New England T & T SE3-1256 (coc,ez) install underground fuel tank
- C. Prentiss SE3-4305 (coc,ez) construct stairs, pier, ramp, & float *
- D. Boyar SE3-3950 (coc,ez) construct single-family dwelling *
- E. Town of Barnstable SE3-3953 (coc,ez) remove hydrilla
Conservation Div.

A motion was made to approve certificates B – E.

Seconded and voted unanimously.

V OLD AND NEW BUSINESS

- A. Proposed conservation restriction Stuborn Ltd. Partnership to Town of Barnstable, 153 Freezer Point Rd., Barns.
(Continued from 11/15/11)

Attorney John Kenney represented the applicant.

The chair disclosed an Email from Scott Blazis sent to the Chairman on this matter.

The proposed restriction was for 99 years. The Land Acquisition and Preservation Committee rejected it, desiring a perpetual restriction. Mr. Kenney stated that the whole intent of the restriction was to limit development on this parcel to a single-family residence. Some upland is included in the restricted area. No public access is provided in the restriction. There has been none provided at the site for over 100 years. No Chapter 91 access would be affected by the restriction.

The Commission's role in enforcing "allowed uses," as pertains to the Order of Conditions, was explained and discussed.

A motion was made to endorse the proposed conservation restriction.

- B. Non-issuance of enforcement order at 780 Craigville Beach Road

Jim Lane, of the Red Lily Pond Project Association, attended the hearing with regard to this issue. Alice Brown also attended.

The issue was summarized by the Conservation Agent, Darcy Karle.

Mr. Lane complained about new stairs placed to the shoreline. The property owner had rebuilt them to address a safety issue.

Exhibits were noted, as follows:

- A copy of a letter dated 11/20/09, requesting permission to rebuild the existing gazebo was submitted and noted as Exhibit 1;
- Photos of the dilapidated gazebo were noted as Exhibit 2;
- Photo dated 11/17/11 of eastside of stairs showing edges of pre-existing cement steps and location of access opening to pad, noted as Exhibit 3;
- Photo dated 11/21/11 showing stairs constructed over pre-existing cement stairs, noted as Exhibit 4;
- Photo dated 11/21/11 showing deteriorating cement steps under wooden steps, noted as Exhibit 5;
- Email from building inspector dated 11/23/11, confirming Agent Karle's belief of a building code violation, noted as Exhibit 6.

Mr. Lane offered additional background on the matter. He discussed his organization's appeal of the approved pier. The D.E.P. also approved the project, and no construction of the pier was to ensue until the issue of Great Pond status was resolved. Mr. Lane displayed two plans, both of which lacked any stair detail. He also submitted a photograph of the gazebo, shown overrun with vegetation.

Plans and photo submitted by Mr. Lane were noted as the following exhibits:

- The plans were noted as Exhibits 7 and 8;
- The photograph was noted as Exhibit 9.

All exhibits are on file in the Conservation Division office, in D.E.P. file number SE3-4385.

A motion was made to support the action of staff in not issuing an enforcement order..

Seconded and voted unanimously. Commissioner Morin abstained.

C. Leoni Ladd Rd., Centerville SE-4862 pier & DCPC

The Chair called this discussion “preliminary,” as the petitioner could not be in attendance.

A letter from Mr. Ray Leoni was read, outlining his inability, in 2009, to construct a pier in the Centerville River. The pier was not allowed by the Zoning Board of Appeals because of the new zoning provisions for the Craigville DCPC.

Two photographs were provided and noted as Exhibit A (1 – 2).

Mr. Leoni has forfeited his permitted boat mooring in East Bay. Now unable to construct his pier, Mr. Leoni requests the Commission allowance for the redeployment of his Centerville River float array.

The matter was referred to staff for review of courses of action available to the Commission. It will return to the agenda 12/20/2011.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:28 a.m.