



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

DATE: June 26, 2012 @ 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, Laurence Morin, and Louise Foster. Commissioners Peter Sampou and Scott Blazis were away. 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, 367 Main Street, Hyannis, MA.

I MINUTES FOR APPROVAL

A. Meeting of June 19, 2012

A motion was made to approve the minutes.

Seconded and voted unanimously.

II REVISED PLANS

project type

revision

A. Pieper SE3-4163 (from 5/15/12) construct addition, patio, & wall landscape restoration plan

The applicant attended the hearing.

Issues discussed:

- No testimony was taken.

A motion was made to continue the hearing to August 7th.

Seconded and voted unanimously.

B. Largay SE3-2694 maintain dock, ramp, float dock lights

No one attended the hearing.

The matter was discussed in the absence of the applicant. No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Popeo SE3-4959 boardwalk, pier, ramp, float handrails

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Pickwick Rlty. Tr. SE3-4899 sfd wall

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

Issues discussed:

- A reduction of 1,700 square feet of hardscape would be realized.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Rudman SE3-4924 sfd geo-thermal heating system

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

Issues discussed:

- Sediment controls would be restored prior to implementation.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

A. Bethiah Beale Crane – 115 Allyn Lane, Barnstable
Alteration of the Barnstable Conservation Commission 50' undisturbed buffer zone from a wetland by cutting vegetation.

Issues discussed:

- The property owner has complied with the enforcement order.
- Aerial photos were distributed and noted as Exhibits A – C.
- A photo of the cutting was distributed and noted as Exhibit D.
- The terms of the enforcement order were summarized.

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

Seconded and voted unanimously.

B. Todd Kendall – 120 East Bay Road, Osterville
Alteration of a wetland resource area, 50' undisturbed buffer zone and flood zone, by removal of vines, possibly invasive plants, reclaiming raised garden area, along edge of coastal inter-tidal wetland associated with East Bay.

Mr. Kendall attended the hearing.

(Kendall, cont'd.)

Issues discussed:

- Site photos were distributed and noted as Exhibits A – E.
- The terms of the enforcement order were summarized.
- A request for determination of applicability (RDA) is to be filed.
- Mr. Kendall distributed a packet of information and photos, noted as Exhibit F. Also included in this exhibit was the pending RDA application and the staff-issued enforcement order.

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

Seconded and voted unanimously.

C. Steven Costello – 255 Scudder Road, Osterville

Alteration of Barnstable Conservation Commission 50' undisturbed buffer and 100' buffer zone by construction of retaining walls, patio, stairs with associated grading.

The property owner was represented by Attorney David Lawler. Mr. Costello also attended the hearing.

Issues discussed:

- A sketch-over plan showing the estimated 50-foot buffer zone was distributed and noted as Exhibit A;
- Site photos were distributed and noted as Exhibits B – E (1 – 7);
- Terms of the enforcement order were summarized. Attorney Lawler said that all disturbances were located in areas that were lawn or patio.
- Site photos were distributed by Mr. Lawler and noted as Exhibit F (1 – 3). Mr. Lawler's photos showed a creosote timber retaining wall that was removed and replaced with a masonry wall.
- A notice of intent (NOI) filing with engineering plans will be prepared. Mr. Lawler asserted that the accurate location of the 50-foot arc can then be determined.

A motion was made to approve the enforcement order. After-the-fact filing fees will apply. Cementing of stairs for safety reasons is allowed to go forward.

Seconded and voted unanimously.

D. Susan Curran – 60 Madison Ave., Centerville

Alteration of a wetland resource area and the Town of Barnstable Conservation Commission 50' undisturbed buffer zone. Unauthorized use of equipment to construct several jumps on path around abandoned bog for dirt bike use.

Ms. Curran attended the hearing.

Issues discussed:

- A GIS base map was distributed and noted as Exhibit A.
- Site photos were also distributed and were noted as Exhibit B (1 – 3), Exhibit C (1 – 2), and Exhibit D (1 – 6).
- Mr. Curran said she used a Bobcat to distribute fill around the bog, hoping the bog can soon be returned to production. The Commission cautioned that the agriculture exemption may have expired.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

An opportunity was extended to the applicant to attend the next morning meeting of July 10th.

IV WRITTEN WARNINGS

A. Wianno Club c/o Mark Williams – work beyond plan of record. Culvert /extended piping.
(Wianno, cont'd.)

SE3-3848

Mark Williams, Wianno Golf Club superintendent attended the hearing, along with Peter Sullivan, P.E.

Ms. Karle described the unauthorized culvert at hole #4.

Issues discussed:

- A sketch-over site plan was distributed and noted as Exhibit A.
- A series of photos was submitted and noted as Exhibit B (1 – 5).
- Staff summarized the activity, and requested a notice of intent application to address the culvert.
- The written warning was noted. The NOI will be prepared by July 26th.

V NON-CRIMINAL CITATIONS

A. Joseph M. Durham – 5 Lakeside Drive West, Centerville – dumping landscape debris \$200.00

Noted.

VI 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. Wianno Club SE3-3848 (coc,d) install golf course irrigation system *

A motion was made to deny the certificate (see related discussion under “IV Written Warnings,” above).

Seconded and voted unanimously.

Once the new NOI is filed, the certificate of compliance can come forth as an “ez” at a night meeting.

B. Parker RT SE3-0005 (coc) permit existing pier, ramp, & floats

The present owner, Ms. Bournival, attended the hearing.

Issues discussed:

- Staff noted several deviations in their inspection, including flood lights and longer floats than had been approved.
- Staff noted an enforcement order dated March 16, 2001 issued to the property owner which required the owner to bring the pier into compliance at that time.

Ms. Bournival requested to be allowed to file a notice of intent application to seek approval for the pier as-built.

A motion was made to deny the certificate of compliance.

Seconded and voted unanimously.

A notice of intent application will be filed by July 26th.

VII OLD & NEW BUSINESS

A. Proposed donation of 2.75-ac parcel (Map 195.029, portion of) by NSTAR to Town for conservation purposes

NSTAR was represented by Vern Oheim and Kevin McCune.

The proposed land donation would be for conservation purposes.

(Old & New, NSTAR, cont’d.)

Charles McLaughlin, Assistant Town Attorney, has been working with NSTAR on this matter. Staff will soon finalize the walk-over and, up to this point, has found the land fit for acceptance.
(NSTAR, cont'd.)

A motion was made to endorse the proposed donation, subject to satisfactory conclusion of staff's walk-over.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:20 a.m.