



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

**DATE: September 18, 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](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 E. 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, 367 Main Street, Hyannis, MA.

**I REVISIED PLANS**

project type

revision

A. Gordon SE3-4752 additions, patio, deck retaining wall, etc.

Additional mitigation planting was proposed.

A motion was made to approve revised plan.

Seconded and voted unanimously.

B. E. Faneuil SE3-4968 pool, terrace vista pruning

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Seapuit Road R.T. SE3-4375 pier, ramp, float, dredging dredge timeframe

Considerable discussion ensued. The town shellfish biologist recommended against the early (pre-November 1<sup>st</sup>) startup for the project.

The request was withdrawn.

D. M. Cimmino SE3-5016 addition, porch, deck lawn over gravel drive

A motion was made to approve the revised plan.

Seconded and approved (4 votes – aye; 1 vote – nay).

## **II ENFORCEMENT ORDERS**

- A. Lynn M. Hood – 1374 Santuit-Newtown Road, Cotuit **SE3-3752**  
Alteration of a wetland and 50' undisturbed buffer zone by adding pea stone gravel to expand path to dock, down into water. Violation of an approved plan of record under SE3-3752.

A motion was made to approve the enforcement order as amended, as outlined by staff.

Seconded and voted unanimously.

- B. Albert B. Testa – 22 Cameron Lane, Marstons Mills **DA-05042**  
Alteration of the Town of Barnstable 50' undisturbed buffer zone by removing 3 large trees. Work beyond vista approval under prior property owner.

According to Attorney Brian Wall, the Testas' did not contest the enforcement order.

A motion was made to approve the enforcement order as amended, allowing an additional two weeks for the replanting plan and further work on the invasive grey willow stumps, in consultation with staff.

- C. Justin and Martina Larhette – 10 Flowing Pond Circle, Osterville **SE3-3866**  
Violation of an order of conditions and an ongoing certificate of compliance condition by disturbance of an area beyond the work limit line by construction of a shed, fire pit, mulch area, woodpile, play gym, and expansion of lawn., all within 50' undisturbed buffer zone.

A motion was made to approve the enforcement order, as written. An RDA filing will be forthcoming, under which the positioning of the play gym and timing of the fence construction will be decided. The Commission extended to staff flexibility in establishing the future restoration.

## **III 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. Moore SE3-1171 (coc,d) construct single-family dwelling \*

Aside from the long-standing garage, the site was found to be in compliance.

A motion was made to deny the certificate of compliance. A request for determination (RDA) application will be filed, seeking approval of the garage.

Seconded and voted unanimously.

## **IV OLD AND NEW BUSINESS**

- A. Balzebre - enforcement order planting plan

A spring planting schedule was proposed.

A motion was made to approve the mitigation planting plan and to keep the fall planting schedule specified in the enforcement order.

Seconded and voted unanimously.

(Old and New Business, continued)

B. Amaral – enforcement order planting plan

Mr. Amaral's consultant did not attend the meeting.

The Commission extended staff the latitude of approving a forthcoming enforcement order response plan.

A motion was made to allow staff the authority to review and approve the planting plan. In the event that a problem should arise, the plan will be brought to a future Commission meeting.

Seconded and voted unanimously.

C. Expanding scope of dinghy storage regulation

The matter is scheduled for public hearing today at 11:00 a.m. On short notice, the Chair drafted a letter endorsing the town initiative. The Chair will attend today's meeting and offer his comments.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 10:17 a.m.**