



**Town of Barnstable
Conservation Commission**
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Hyannis Massachusetts 02601

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CONSERVATION COMMISSION MEETING

DATE: FEBRUARY 12, 2013 8:30 AM

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 Larry Morin and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching, and Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent.

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

I REVISED PLANS

project type

revision

A. Popeo SE3-4959 boardwalk, pier revegetation (cont'd. from 12/11/12)

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

Issues discussed:

- A restoration plan for the phragmites eradication project was proposed. The facultative wet area, once planted and seeded, will not be mowed. The Commission discussed the connectedness of the proposed revision to the original Notice of Intent filing.

The revised plan was withdrawn, as suggested by the Commission. A notice of intent filing will follow.

B. Johnson SE3-4938 garage addition as-built retaining walls & patio

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

Issues discussed:

- A portion of the as-built retaining wall cuts into the 50-foot buffer zone.

A motion was made to approve the revised plan, adding any additional mitigation, in consultation with staff.

Seconded and voted unanimously.

C. Home Port Inv. DA-08045 float modify configuration

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Pickwick R. T. SE3-4899 sfd, pool house reconfigure wall & garden area

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

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Glick SE3-4630 addition existing deck to remain

The applicant did not attend the hearing.

Issues discussed: No concerns arose, as no buffer zone impact occurred.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Hyannis Yacht Club SE3-4716 additions replace outdoor grill

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

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- Photos of the existing conditions were presented and noted as Exhibit B (1-2).
- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. Ocean Drive LLC SE3-5044 roofs/roof decks enclose portion of porch

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

Issues discussed:

- The revised plan was withdrawn.

H. Armitage SE3-4966 sfd footprint & septic

The applicant was represented by Chuck Rowland, E.I.T.

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- The original plan was presented and noted as Exhibit B.
- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

I. Palumbo SE3-4976 sfd architecture

The applicant was represented by Chuck Rowland, E.I.T.

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

J. Sturgis SE3-4741 sfd extend 3-season room

The applicant, Nicole Sturgis, attended the hearing.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

K. Mykranz SE3-5037 garage egress footprint

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

L. Town/ DPW SE3-5019 Barnstable inner harbor dredging timing

The applicant was represented by Christine Player.

Issues discussed:

- The dredging has been further delayed by the blizzard.

A motion was made to approve the revised plan for five additional dredge days to complete the project.

Seconded and voted unanimously.

M. Kennedy SE3-4922 extend revetment wall add additional 35 feet

The applicant was represented by Chuck Rowland, E.I.T.

Issues discussed:

- The revised plan was displayed and noted as Exhibit A.
- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

- A. Daniel Schwinn – 315 Baxter Neck Road, Marstons Mills SE3-3333
Alteration of a coastal bank by cutting understory and limbing trees
Violation of an Order of Conditions (ongoing conditions) by mowing all understory beyond established work limit line shown on landscape plan, 50' undisturbed buffer.

The property owner was represented by Rob Calderaro, RLA.

Staff described the violation.

Exhibits:

1. An engineering plan by Sullivan Engineering, 9/30/09, with area marked up, was displayed and noted as Exhibit A.
2. Photos dated 12/20/12, showing cutting violation was displayed and noted as Exhibit B.
3. Previous planting plan by Seaside Gardens, revised 4/14/98, was displayed and noted as Exhibit C.
4. Photo showing section of 50-foot buffer, 5/17/05, was displayed and noted as Exhibit D.

The provisions of the enforcement order were read.

The effectiveness of grow-back as a restorative method for this site was discussed. A site visit in September to assess the extent of grow-back was suggested.

Required demarcation for the lawn edge was requested by the Commission, to be completed by May 15, 2013.

A motion was made to approve an amended enforcement order.

Seconded and voted unanimously.

- B. Daniel Schwinn – 325 Baxter Neck Road, Marstons Mills
Alteration of a coastal bank by cutting understory and limbing trees. Landscape vehicle over coastal bank on a permitted walking path.

The property owner was represented by Rob Calderaro, RLA.

Staff described the violation.

Exhibits:

1. Engineering plan by Christopher Jolly, 9/13/91, from file SE3-1493 was displayed and noted as Exhibit A; the house was never constructed under this permit.
2. Google Earth aerial 3/11/12 and April, 2008 GIS aerial, were displayed and noted as Exhibit B.
3. Ten photos dated 12/20/12 showing cutting and limbing, were displayed and noted as Exhibit C.
4. Engineering plan by Sullivan Engineering, dated 9/30/12, showing where house was finally constructed, was displayed and noted as Exhibit D.

The provisions of the enforcement order were read.

A work limit line demarcation requirement was already in place in the enforcement order.

A site visit in September to assess the extent of grow-back was suggested.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- C. Dana Mitchell and Michael Demarco – 157 Point Hill Road, West Barnstable

Alteration of the Barnstable Conservation Commission 50' undisturbed buffer by clearing understory shrub vegetation and vines. Two landscape debris piles off driveway.

The property owner was represented by Marc Hennigan.

Staff described the violation.

Exhibits:

1. Photos dated 1/2/13, showing cutting on edge of 157 and 160 Point Hill Road, were noted as Exhibit A.
2. Aerials dated April, 1995, Google Earth 12/31/00, GIS April 2001, GIS July, 2009, Google Earth 3/11/12, were noted as Exhibit B.

The provisions of enforcement order were read.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- D. Dana Mitchell and Michael Demarco – 160 Point Hill Road, West Barnstable (property owner Eileen Heng Tr.)
Alteration of a wetland resource area by cutting vegetation, trees and understory, in a shrub swamp.

Mr. Mitchell and Mr. Demarco were represented by Marc Hennigan.

The property on which cutting was done is owned by Eileen Heng. Ms. Heng gave no authorization for any cutting on her property.

Staff described the violation.

Exhibits:

1. GIS 2009 aerial showing resource areas, July, 2009, was noted as Exhibit A.
2. Three photos dated 1/2/13 showing cutting at 160 Point Hill Road (Heng's property), were noted as Exhibit B (1-3).

The provisions of enforcement order were read.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- E. David E. Hogan – 571 South Main Street, Centerville
Alteration of a flood zone and 50' undisturbed buffer by construction of a new deck over a patio, landscaping improvements including driveway reconfiguration and removal of vegetation on north side of house and around deck.

The property owner did not attend (from Connecticut) but has retained a consultant to assist him.

Staff described the violation.

Exhibits:

1. Photos from Town of Barnstable Assessors Department, dated 11/21/08, showing existing patio, noted as Exhibit A.
2. Photos from Town of Barnstable Assessors Department, 12/20/11, noted as Exhibit B.
3. Google Earth aerial, 3/11/12, noted as Exhibit C.
4. GIS aerial, April, 2009, with changes made to property (sketched by D. Karle), noted as Exhibit D.

The provisions of enforcement order were read.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

III WRITTEN WARNINGS

A. Tom Williams – 50 Hyde Park, Centerville – 1st enforcement order planting report due

A motion was made to approve the written warning.

Seconded and voted unanimously.

B. William Fitzgerald – 162 Clamshell Cove Road, Cotuit – 1st enforcement order planting report due

A motion was made to approve the written warning.

Seconded and voted unanimously.

IV NON-CRIMINAL CITATIONS

A.	Daniel Schwinn - #315 Baxters Neck Road, Marstons Mills Violation of an Order of Conditions, cutting beyond worklimit line	\$300.00
B.	Daniel Schwinn - #325 Baxters Neck Road, Marstons Mills Alteration of a wetland resource area, coastal bank, by cutting vegetation.	\$200.00
C.	Dana Mitchell - #157 Point Hill Road, West Barnstable, MA 02668 Alteration of a wetland resource area by cutting vegetation	\$200.00
D.	Lindolfo De Souza L & B Landscaping Landscaping company involved with cutting in wetland on #160 Point Hill Rd.	\$200.00
E.	Keith E. Freeman Landscapeer involved with cutting in a wetland on #160 Point Hill Rd.	\$200.00
F.	Stephen D. Turcotte – 263 Nottingham Drive, Centerville Property Use Violation – cutting vegetation on Conservation property	\$50.00

All the above (A – F) non-criminal citations noted.

V OLD & NEW BUSINESS

A. Proposed expansion of water service and garden plots at Community Gardens and annual report, Long Pond Conservation Area. Guest: Donna Lawson

Donna Lawson of Long Pond Community Gardens attended the meeting.

A copy of the annual report was submitted and noted as Exhibit A.

A proposed upgrade to the water service was presented.

A motion was made to approve the water service upgrade and twelve additional plots for 2013.

Seconded and voted unanimously.

B. Proposed Cotuit Wildfire Preparedness Plan / power point presentation

Darcy Karle presented the plan which she prepared.

A Power Point presentation was shown, the slides of which are incorporated into these minutes, and noted as Exhibit A (1 – 3).

A motion was made to approve the plan.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:40 a.m.