



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: MARCH 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 8:30 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; Commissioner John Abodeely was away. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent, and Fred Stepanis, Conservation Assistant.

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

<u>I</u>	<u>REVISED PLANS</u>	<u>project type</u>	<u>revision</u>
A.	Roberts SE3-5020	replace boat house	relocate stairs to basement of sfd
The applicant was represented by John O'Dea, P.E.			
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.			
B.	DeDecko SE3-4789	sfd	change house location; vista pruning

The applicant was represented by Daniel Ojala, P.E.

The revised plan was displayed and noted as Exhibit A.

Issues discussed:

- Advance consultation with staff requested regarding removal of several trees for "tidying up".

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Indian Point SE3-5042 additions, porches, patio porch and patio

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

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.

D. Thalheimer SE3-5054 pool; patio footprint

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

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. Robin A. and Marcia S. Brown Trs. – 250 Smoke Valley Road, Marstons Mills **SE3-5022**
Removal of at least 2 dozen trees, majority being large pitch pine within 50' to 100' buffer zone to top of coastal bank.
Tree topping, limbing and understory cutting. Violation of an order of conditions under SE3-5022. Failure to stake out and install work limit line. Stump removal and associated grading.

The Browns were represented by Arlene Wilson, P.W.S.

The following exhibits were provided by the Conservation Agent, Darcy Karle:

- A. Google Earth aerial, 3/11/12
 - B. Google Earth aerial, 5/20/10
 - C. Work limit graphic, 8/13/12
 - D. Three photos taken by Ms. Karle, 2/22/13
 - E. Three photos taken by Ms. Karle, 2/22/13
 - F. Two photos taken by Ms. Karle, 2/22/13
 - G. Four photos taken by Ms. Karle, 2/22/13
- and, Exhibit:
1. CSN Engineering plan dated 5/30/12, as marked-up by Ms. Karle.

The unauthorized work involved a number of contractors and various levels of responsibility.

A staff-issued enforcement order containing appropriate mitigation measures was presented, and the steps necessary to bring the project into compliance.

Ms. Wilson submitted the following items (Exhibits):

2. May 2011 Terra Server aerial showing unauthorized cutting areas and limit of jurisdiction;
3. A 2005 MA GIS Oliver aerial;
4. Photos of property dated 4/29/11, taken by Ms. Wilson.

Ms. Wilson attempted to clear up concerns with regard to differences in the guest house septic plans submitted to the Board of Health and the Conservation Commission. She said she will attend the Board of Health meeting this afternoon.

The Chair requested that Ms. Wilson discuss the appropriateness of an I-A system for the permitted guest house.

Ms. Wilson proposed that 36 trees of at least 3-inch diameter be planted as compensation, in consultation with the Conservation Agent. Staff replied that an additional twelve trees are required to compensate for topped trees on the driveway edge. Ms. Wilson requested that the same view corridor be allowed through the new trees.

Discussion ensued about the Commission obtaining more photographic evidence concerning the condition of the buffer zone before work begins on the permitted project.

The final disposition regarding the understory within the 100-foot buffer zone will await future Commission action following a request by the property owner. An RDA application for future vista pruning (among other things) will be the subject of a future hearing.

Findings: The facts of the cutting and clearing violation as presented by the Conservation Agent were not contested by the applicant.

A motion was made to approve the enforcement order, as amended:

1. No disturbance, including mowing beyond the limit of jurisdiction, as sketched by Arlene Wilson on a May, 2011 Terra Server aerial, until such time as permission is granted by the Conservation Commission.
2. A replanting plan shall be submitted on or before April 15, 2013 (to be placed on the April 23rd, 2013 agenda) showing the replanting of 48 trees in the 3" DBH class, along with understory for the southern side of the disturbance. The plan is to be prepared in consultation with staff.
3. The trees that must be replanted in Area A (shown on Exhibit 1) shall be equally distributed within this area along with selected grasses, in consultation with staff.

B. Robert A. Peck – 171 Elliot Road, Centerville

SE3-3963

Violation of an order of conditions and ongoing conditions in a certificate of compliance by failing to maintain a split rail fence along the work limit line and removal of vegetation to create additional lawn area.

Mr. Peck attended the hearing.

The following exhibits were provided by the Conservation Agent, Darcy Karle:

- A. Photos taken by Fred Stepanis on 8/30/04 and 1/7/13.
- B. A section of an engineering plan highlighting the area to be restored in yellow and the location of the fence replacement.

Ms. Karle stated that she met with Mr. Peck and worked out a plan for replanting four trees, rather than replanting the area with native shrubs (this would be a change to Exhibit B).

Mr. Peck submitted a plan requesting the new fence line to run along “edge of lawn 2004” as indicated on the plan, until it intersects with the 200 feet off the river line and then follow that line. The Commission responded favorably.

The Commission was in favor of a “once-per-year mow strip” where the four trees were going to be planted.

A motion was made to amend the enforcement order to read that Mr. Peck submit a revised plan showing a once-per-year mow strip running parallel to the fence where trees will be planted in consultation with staff. In addition there is to be a one-year growth check, and four trees to be planted next to the fence, in consultation with staff.

Seconded and voted unanimously.

III WRITTEN WARNINGS

A Armand Garceau – 71 Sheep Meadow Road, West Barnstable – Cutting beyond work limit.

Ms. Karle said she spoke with Mr. Garceau on the phone; he said he could not attend the hearing, as he would be out of state.

According to Ms. Karle, Mr. Garceau said that he was willing to allow all the areas beyond the triangular fence line near the back of the house to grow back unimpeded. No planting would be required, as this area has been disturbed for a long time. Brush will be picked up. Staff will send a letter confirming the new line.

A motion was made to approve the letter which will confirm the new line.

Seconded and voted unanimously.

IV NON-CRIMINAL CITATIONS

- A. Robin A. Brown – home owner – 250 Smoke Valley Road – Unauthorized activity beyond approved plan of record **\$300.00**
- B. Brian Diblasi – Project Supervisor – 250 Smoke Valley Road – Unauthorized activity beyond plan of record **\$300.00**
- C. Peter Govoni – Tree removal company – 250 Smoke Valley Road – Alteration of a buffer zone, tree removal **\$200.00**
- D. John Merlesena – Arborist – 250 Smoke Valley Road – Alteration of buffer zone, topping trees and cutting understory **\$200.00**

All above non-criminal citations (A – D) were noted.

V 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. Grabscheid & Bloom SE3-4719 (coc) replace stone wall with interlocking block wall *

Issues discussed were the lights atop poles that extend along the pathway from the house to the pond shore.

A motion was made to approve the certificate, contingent upon the wetland light being removed, and other lights in the 50-foot buffer zone being reduced to the standard wattage applied to pier lighting.

Seconded and voted unanimously.

- B. Fitzgerald SE3-4888 (coc) replace dock, ramp, & float; replace bulkhead *

The applicant was represented by Arlene Wilson of A.M. Wilson Associates Inc.

Issues discussed were a cedar and pine trees removed from the 50-ft. buffer, an unpermitted flag pole with lights, and lights along the boardwalk.

Chairman Houle suggested that the flag can be lowered after dark to obviate the need for lighting.

A motion was made to approve the certificate, the three lights along the boardwalk, and the flag pole, contingent upon the planting of two six-foot trees, removal of flag lights, and the addition of a light-penetrating extension from the boardwalk to the flag pole.

Seconded and voted unanimously.

- C. Shapiro SE3-1189 (coc) construct single-family dwelling *

The issue of clearing beyond the work limits was discussed.

A motion was made to approve the certificate with the northerly buffer remaining as is and no future disturbance beyond 20-ft. of the foundation on the southerly side.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:50 a.m.