



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: MAY 21, 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 John Abodeely, Larry Morin, and Louise Foster. Commissioners Peter Sampou, Scott Blazis were teaching. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent.

4The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

I REVISED PLANS

project type

revision

A. Stuborn Ltd. Ptnship. SE3-4863 demolish/rebuild sfd vista pruning, remove dead trees

Exhibits:

- The proposed revised plan was displayed and noted as Exhibit A.

The applicant attended and was represented by Matt Creighton.

Issues discussed:

- The need to re-fortify the work limit on an as-needed basis, particularly by the pool;
- The path to remain natural surface;
- The work to be done in consultation with staff; evaluate cedar #24, pruning versus removal.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. McCoy SE3-4816 additions, etc. modify footprint

Exhibits:

- The proposed revised site plan was displayed and noted as Exhibit A.

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

Issues discussed:

- The house will be moved twenty feet landward of current location;
- A further revision will be provided.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. DeDecko SE3-4789 sfd house location; retaining wall

Exhibits:

- The proposed revised plan was displayed and noted as Exhibit A.

The applicant was represented by Danny Gonsalves.

Issues discussed:

- The lack of plan overlay to facilitate the review.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Thalheimer SE3-5054 pool, patio fence location

Exhibits:

- The proposed revised plan was displayed and noted as Exhibit A.

Mr. Thalheimer attended the meeting.

Issues discussed:

- Whether the fence should be located in the buffer zone;
- Consultation between the Building Commissioner and Conservation staff to limit encroachment.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Armitage SE3-4966 sfd location

Exhibits:

- The proposed 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.

F. Christopher/Sea View SE3-5000 invasive species additional species mgmt.

The applicant (Mr. Feinberg) was represented by Michael Ball.

Issues discussed:

- A single oak and cedar tree will be retained;
- An all fescue turf lawn is proposed; very drought tolerant;
- A fertilizer plan will be submitted;
- Adding oaks 1:1 for pines removed.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A. Michael Prentiss – 136 North Bay Road, Osterville

Alteration of the following coastal wetland resource areas; dune, and upper and lower salt marsh by removal of vegetation.

Exhibits:

- A – Site photos dated March 2013, by Amy Raitto;
- B – Site photos dated April 2006, 3/15/13;
- C – Site photos dated 3/15/13;
- D – Site photos dated 3/25/13;
- E – Site photos dated 12/12/2008;
- F – Site photos dated 5/13/13, new beach grass planting.

Issues discussed:

- Ms. Wilson said the intermittent removal of thatch from the shore has been a long-standing practice, but the violation is clearly beyond that allowance;
- Beach grass has been planted at the direction of the Conservation Agent in the dune area. The disturbed marsh will be observed this summer for re-growth. Supplemental marsh planting will ensue in September, as may be needed;
- The bank was planted in beach grass; Commissioners said it should be planted back to woody vegetation, in consultation with staff.

A motion was made to amend the enforcement order to indicate woody bank planting, in consultation with staff.

Seconded and voted unanimously.

B. James A. Jenkins – subdivided parcel from 245 Parker Road, West Barnstable.

Alteration of the Conservation Commission's 50' undisturbed buffer zone and 100' buffer by clearing out a swath along an unconfirmed property line, to install boulders to mark said line.

Exhibits:

- A (1 – 2) Site photographs

Mr. Fred Jenkins attended.

Issues discussed:

- Mr. Jenkins said he was the owner of the subject parcel;
- The Commission recommended that cut vegetation be allowed to grow back.

Public comment:

- Ron Beatty, abutter, said the boulder location appears correct, relative to the property line. He did not want to be blamed for any violation. He has no problem with the boulders staying or with a grow-back.

A motion was made to amend the enforcement order, allowing the rocks to remain and grow-back of cut vegetation; also, allowing the creation of a 4-foot access path.

Seconded and voted unanimously.

C. Staci Evers c/o Charles A. Lindberg – 191 5th Avenue Hyannisport cutting on 190 5th ave. (McDonald property)

Cutting understory and multi-trunk trees and limbing on the edge of a wetland resource area (salt marsh and shrub swamp) and the Barnstable Conservation Commission's 50' undisturbed buffer zone on a parcel of land across the Street.

Exhibits:

- A (1 – 8) Site photographs, dated 5/6/13.

Mr. Lindberg attended the meeting.

Mr. Lindberg said he has apologized to the McDonalds and has agreed to plant three trees.

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

Seconded and voted unanimously.

D. Kim Wells – 545 South Main Street, Centerville

Alteration of a wetland resource area by constructing a raised cobble seashell walkway.

Exhibits:

- A – Site photograph dated 4/22/13.

Mr. Wells did not attend the meeting.

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

Seconded and voted unanimously.

E. Ronald and Heather Fone – 91 Main Street, Centerville (easement across the street)

Unpermitted dock on Long Pond.

Mr. Fone attended and was represented by Attorney Paul Revere.

Exhibits:

- A – 2009 Septic plan from adjacent parcel
- B (1 – 2) Site photos, dated 5/16/13

Mr. Revere added an additional exhibit:

- C (1 – 4) Site photos and aerials.

Mr. Revere requested an additional two weeks to do further research. He discussed the evolution of the easement and the structure, which dates back to 1966. He said the neighbor's septic plan incorrectly configures the structure.

A motion was made was made to either file a Notice of Intent application, or remove the pier by July 15th.

Seconded and voted unanimously.

III ENFORCEMENT ORDER RESPONSE PLAN

A. Dana Mitchell – 157 and 160 (Heng) Point Hill Road, West Barnstable

Exhibits:

- A – Response plan drawing prepared for Dana Mitchell.

Michael DeMarco and Dana Mitchell attended. They took full responsibility for the violation, although they admit to receiving some bad advice. They said full implementation of the plan would bring economic hardship to them.

Issues discussed:

- The Conservation Agent stated that the plan needed revisions (substituting dogwoods for weeping willows);
- The enforcement order will also call for annual reports;
- The Commission said replacement of tree diameter has already been reduced in the interest of economizing;
- Fall planting was agreed upon.

A motion was made to approve the response plan for fall planting to take place by October 30th.

Seconded and voted unanimously.

B. Robin A. and Marcia S. Brown – 250 Smoke Valley Road, Marstons Mills

Arlene Wilson, P.W.S., represented the Browns.

Exhibits:

- The proposed response plan

The Conservation Agent summarized the case and the evolution of the response plan. Both tree and shrub planting was proposed. Restored lawn will be fescue grass.

Issues discussed:

- Further reducing the amount of mowing was discussed by the Commission, as was the most appropriate footprint for clustering the tree;
- Keeping fescue meadow intact was urged by staff. Defining it as a meadow and treating it as such (i.e., mowing twice per year) was discussed by the Commission;
- Ms. Wilson suggested additional shrub clusters around the existing significant oak to be retained;

A motion was made to approve the response plan with amendments as discussed above.

Seconded and voted: 2 votes aye; 3 votes nay.

Further issues discussed:

- Extending the width of tree plantings was discussed;
- The original motion was amended to re-delineate the tree planting areas (moving the location of four trees), as agreed.

A motion was made to approve the revised plan

Seconded and voted: 4 votes: aye; 1 vote: nay.

IV WRITTEN WARNINGS

A. Kerry McNamara – 18 Bay Lane, Centerville SE3-4564
Failure to comply with special conditions

Exhibits:

- A – Site aerial photograph

Mr. McNamara attended the meeting.

The Conservation Agent summarized the violation.

Issues discussed:

- Compliance with the Order of Conditions is required. No wetlands damage was incurred.

A motion was made to approve the written warning, and for Mr. McNamara to comply with special condition #18 of the order by the end of May, 2014.

Seconded and voted unanimously.

B. Phyllis Kahn – 107 Quail Lane, Hyannis SE3-1066
Failure to maintain buffer zone strip set in order of conditions

Exhibits:

- A – Sketch plan
- B (1 – 2) Site photos taken 4/10/13, by Darcy Karle
- C (1 – 2) Site photographs (undated), by Mrs. Kahn.

Staff summarized the matter, and rendered their recommendations for restoring the subject area via grow-back. A 4-foot-wide path will be allowed.

A motion was made to approve the written warning.

Seconded and voted unanimously.

V NON-CRIMINAL CITATIONS

- | | |
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| A. Michael Prentiss – 136 North Bay Road – Alteration of a wetland resource area | \$200.00 |
| B. James A. Jenkins Tr. – 245 Parker Road – Alteration of a buffer zone | \$200.00 |

Both of the above staff-issued citations “A” and “B” were noted.

VI CERTIFICATES OF COMPLIANCE

None

VII OLD & NEW BUSINESS

- A. Town of Barnstable/DPW Request to proceed with N.O.I. filing for proposed beach nourishment for parcel under Conservation Commission management: Long Beach Conservation Area

John Juros, Project Manager, and Christine Player, consultant, represented the applicant.

A motion was made to endorse the project’s next step: the filing of a Notice of Intent.

Seconded and voted unanimously.

- B. Proposed Conservation Restriction: Pogorelc II to Barnstable Land Trust

Exhibits:

- A – Locus map
- B – (1-3) Assessors sheets for subject parcel
- C – Public use allowance language

Jaci Barton and Paula Pariseau of the Barnstable Land Trust attended the meeting.

Public access will be allowed by a provision in the conservation restriction.

A motion was made to endorse the proposed conservation restriction to the Town Council.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:57 a.m.