



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

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MINUTES

CONSERVATION COMMISSION MEETING

DATE: December 10, 2013 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 8:33 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners John E. Abodeely, Larry Morin and Louise R. 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.

<u>I</u>	<u>REVISED PLANS</u>	<u>project type</u>	<u>revision</u>
A.	Mazzola SE3-4613	retaining wall; pool	pool location, etc.

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	McGuire SE3-5040	raze/rebuild sfd	work limit
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The applicant was represented by Steve Wilson, P.E.

Exhibits:

- A – Proposed revised plan

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	New Rushy Marsh R.T. SE3-5080	addition, retaining wall	various
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The applicant was represented by Atty. Michael Ford and Michael McGrath, P.E.

Exhibits:

- A – Proposed revised plan

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Pike DA-12070 additions to sfd water service

The applicant was represented by Peter Pometti and Chris Wiseman.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. ToB/DPW DA-13028 surge stones on landing stone location

The applicant was represented by John Juros.

Exhibits:

- A – Proposed revised plan

Public comment:

- Don Ferris spoke in support of improving handicap accessibility.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Wilson SE3-5093 raze/rebuild sfd footprints

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

Exhibits:

- A – Proposed revised plan

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A. William F. Griffen Jr. Tr c/o New Rushy Marsh Realty Trust - 1524 Main St. Cotuit **SE3-5080**
Work beyond approved plan of record by clearing thicket area located between the work limit line and the proposed dune area.

The applicant was represented by Atty. Michael Ford and Michael McGrath, P.E.

Exhibits:

- A – Photo taken 10/29/13, showing area disturbed beyond work limit line subject to replanting;
- B – Replanting sketch plan and list of plants approved by staff, dated November 4, 2013;
- C – Photos 1 and 2 taken on 11/25/2013 by Darcy Karle showing replanting.

A motion was made to approve the enforcement order. The mitigation planting has already been accomplished under staff direction.

Seconded and voted unanimously.

B. Trade Winds Development A Inc John Howe - 780 Craigville Beach Road **SE3-4385**
Alteration of a wetland resource area and violation of an order of conditions and approved plan of record under

SE3-4385, by building a bridge in an area that was slated as a grow-back area for mitigation. Non-compliance with approved landscaping plan, dated April 22, 2008. Demarcation of “no disturbance” line was to be identified. Fire pit area and storage of material in 50’ buffer. Additional planting needed in area of gazebo; un-permitted shed(s).

Exhibits:

- A (1-5) – Photos taken by Darcy Karle on November 31, 2013 showing un-permitted bridge, fire pit area, shed and area that needs additional planting;
- B – A section of the last-approved landscaping plan, dated April 22, 2008, indicating the wetland demarcation signs that have not been installed, and the planting behind them.

The applicant was represented by Atty. Bernard Kilroy.

A notice of intent application to be filed by 2/10/2014 for approval of bridge. If property owner desires to keep original approved landscape plan, owner must file appropriate application with the Commission for the shed; the fire pit to be removed.

A motion was made to approve an amended enforcement order. An amended order will be required for any proposed landscape plan changes.

Seconded and voted unanimously.

- C. Elva L. and Lawrence F. OBrien III Trs. – 205 Ocean View Avenue, Cotuit
Violation of an enforcement order – continuing to cut understory vegetation on a coastal bank. Cutting over property line onto #225 without authorization.

The matter was tabled to January 14, 2014, to enable the attendance of Attorney Albert Schulz.

No testimony was taken.

- D. William Philip Kelly Admin., c/o Peter Kelly – 75 Pheasant Way, Centerville **SE3-4322**
Violation of an order of conditions and certificate of compliance, under SE3-4322, by mowing and boat storage beyond work limit line, and recorded conservation restriction; installation of an outdoor shower; violation of prior enforcement orders (1995 and 2002) by rebuilding boardwalk to Centerville River.

Exhibits:

- A (1-6) – Photos taken on 11/21/2013 by Darcy Karle, showing un-permitted boardwalk and mowing beyond work limit line, conservation restriction area, and boat storage;
- B – Letter from Sullivan Engineering; stamped, approved plan, May 24, 2005, describing restriction and section of approved plan showing elevation 15 line/proposed edge of lawn and path (disturbed area shown in red).
- C – Recorded conservation restriction, description and plan.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

III ENFORCEMENT ORDER RESPONSE PLAN

- A. Robert Fitzpatrick – 70 Ocean Ave., Hyannis; 160 Marstons Ave., Harbor Village Condo property.
(continued from 9/10/13)

A motion was made to table the matter to January 14, 2014.

Seconded and voted unanimously.

IV WRITTEN WARNINGS

- A. Mark Schindler – 93 Pheasant Way, Centerville
MN121013

The matter was tabled to January 14, 2014.

V NON-CRIMINAL CITATIONS

- A. Sven Risberg – contractor for William Griffen – work beyond approved plan of record **\$300.00**
- B. William J. Towey – unauthorized activity beyond scope of order of conditions **\$300.00 (from Nov. 5, 13 hearing)**
- C. Elva L. OBrien - violation of an enforcement order **\$300.00**
- D. William Philip Kelly Admin. c/o Peter Kelly – violation of an enforcement order **\$300.00**

All above citations noted.

VI CERTIFICATES OF COMPLIANCE

- A. Henson SE3-4825 as-built plan only maintain awning, gate, meadow

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

A motion was made to approve all aspects of the as-built plan except for the permanent awning. A row of native shrubs is to be planted at the end of the path.

Seconded and voted unanimously.

- B. Berman SE3-4805 as-built plan only shed location

The applicant, Roger Berman, attended the meeting.

A motion was made to approve the as-built plan for the existing shed.

Seconded and voted unanimously.

- C. Blakeley/Baker SE3-4824 as-built plan only cover pier lights

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

Exhibits:

- A – Site photos

A motion was made to approve the as-built plan, allowing the “special lights” for a two-year period.

Seconded and voted unanimously.

- D. Baker/Blakeley SE3-4824 COC construct shared walkway, stairs, pier, ramp, & floats

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

A motion was made to deny the certificate of compliance for failure to fit the shore-side deck with grated decking.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:00 a.m.