



**Town of Barnstable  
Conservation Commission**  
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**MINUTES**

**CONSERVATION COMMISSION MEETING**

**DATE: October 7, 2014 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 p.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 and Scott Blazis were teaching. Darcy Karle, Conservation Agent, assisted.

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

**I REVISED PLANS**

**project type**

**revision**

A. 21 Wianno Head Rd. SE3-5066                      raze/rebuild sfd                      updates to house; reduced hardscape

The applicant was represented by Brian Madden.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. 936 Sea View R. T. SE3-5065                      raze/rebuild sfd                      patios, pool, cabana

The applicant was represented by Brian Madden.

Exhibits:

- A – Draft of proposed mitigation plan;
- B – Proposed revised plan.

A motion was made to approve the revised plan, subject to receipt of a final re-planting (mitigation) plan, to be approved by staff.

Seconded and voted unanimously.

C. Staniar SE3-4350                      sfd, barn, pool                      reverse location pool & barn

The applicant was represented by Peter Sullivan, P.E. and Rick Lamb.

Exhibits:

- A – Revised landscape plan;
- B – Proposed revised plan (1-3).

A motion was made to approve the revised plan and revised landscape plan.

Seconded and voted unanimously.

D. Rosiello SE3-5034 additions, septic changes to addition

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

## **II ENFORCEMENT ORDERS**

- A. William J. Landes – 1424 Main Street, Cotuit **(continued from 9/9/14)** SE3-3708  
**Fine, Town of Barnstable Code §237-2**  
Enforcement order to address restoration planting for the 46 trees (392”) flush cut on the coastal bank and buffer zone plantings.
- B. McNamara Bros., Inc. – 1424 Main Street, Cotuit **(continued from 9/9/14)** CONTRACTOR  
**Fine, Town of Barnstable Code §237-2**

Both enforcement matters (A & B) were opened simultaneously.

Mr. Landes was represented by Attorney Jeffrey Ford, Seth Wilkinson, Peter Sullivan, P.E. No one was present to represent the McNamara Brothers.

Commissioner Morin submitted the following exhibits:

- A – NOI from SE3-3656;
- B – Recorded Order of Conditions SE3-3656;
- C – R. E. Agent house details with photos, dated 10/4/14;
- D – Letter from Atty. Michael Ford to the Barnstable Conservation Commission, dated May 9, 2000.

Seth Wilkinson mentioned that ten – twelve stumps were good candidates for stump management.

The Commission made it clear that stump management is not to be used as a credit for inches to be restored.

A motion was made to approve an amended enforcement order with the following amendments to the Planting Conditions:

1. Restoration plan shall be submitted to the Conservation Division office at least seven days prior to the next available morning hearing. The restoration plan will be reviewed at the November 12<sup>th</sup> morning meeting;
2. The wording in #2 of the enforcement order should be changed to “sum of the diameter measurements,” instead of “cross sectional area.”
3. Condition #11 should read: “Any trees or large numbers of shrubs that have died or are listed in poor health in each and any annual report filed during the three-year period, shall be replaced in kind.”

A motion was made to approve the amended enforcement order.

Seconded and voted unanimously.

One minor amendment/change was made, adding the wording “consultation and” to #2 under “Findings.”

A motion was made to approve the fine, with the minor change made.

Seconded and voted unanimously. All Commissioners signed the order.

With regard to (B), the Chair read the fine, issued under Town of Barnstable Code §237-2 to McNamara Brothers, Inc., for \$13,800.00, into the record.

One minor amendment/change was made, adding the wording “consultation and” to #2 under “Findings.”

A motion was made to approve the fine, with the minor change made.

Seconded and voted unanimously. All Commissioners signed the order.

- C. Robert Turnbull – 797 Old Post Road, Cotuit  
Alteration of a wetland resource area by removing spartina patens without prior authorization of the Conservation Commission.

Ms. Karle presented Exhibit A – Four photos dated 9/2/14, taken by seasonal Assistant Harbor Master Touri Montessi.

Joe Cozwell, representing his father-in-law, Robert Turnbull, read a letter from Mr. Turnbull into the record.

A motion was made to amend the enforcement order to add: “Cease and desist planting or transplanting plugs.” In addition, Conservation staff are to be consulted on the proper filing required for future work in this area.

Seconded and voted unanimously.

- D. Charles L Schneckloth – 120 North Precinct Road, Marstons Mills  
Alteration of a 100’ buffer zone and 200’ River Protection area by clearing, grading and storage of landscape material.

Exhibits:

- A – Aerial photo from April 2001;
- B – Aerial photo from April 2008;
- C – Google earth aerial March 11, 2012;
- D – Google Earth aerial, June 15, 2014;
- E – Plan from Building Department file, dated June 16, 1997;
- F – Certified foundation plan, dated November 3, 1997, with proposed pool sketched in.

Mr. Schneckloth, who did not attend the meeting, was represented by Atty. Mark Boudreau and Stephen Wilson, P.E.

Ms. Karle entered Exhibits A – F into the record.

A motion was made to approve the amended enforcement order, noting a deadline date of October 28 for staking.

Seconded and voted unanimously.

- E. Nikolay Efremow – 873 Craigville Beach Road, Centerville Unit D  
Alteration of a wetland resource area, coastal dune, by spraying beach grass with herbicide. Removal of grass with a shovel. Violation of a written warning.

Exhibits:

- A – Photo taken by Darcy Karle on July 16, 2014;
- B – Two photos taken by Darcy Karle on September 23, 2014.

Ms. Karle entered Exhibits A – B into the record.

The property owner, Mr. Efremow, did not attend the meeting. He did, however, submit a letter as requested, stating that he would cease and desist clearing of the backyard.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- F. Michael and Leslie Singer – 38 Briar Lane, West Barnstable

Alteration of a 100' buffer zone off Great Marsh by vista pruning and maintaining paths, established by prior property owner. This action never received prior approval from the Conservation Commission nor permission from abutting property owner (Heng) where some of the cutting occurred.

Exhibits:

- A – Three photos by Darcy Karle taken on September 23, 2014;
- B – A 2008 aerial photo with estimated wetland edge sketched by Darcy Karle;
- C – Foundation plan dated December 14, 1999.

Ms. Karle stated that she had been in contact with the property owner, Mrs. Singer, who agreed to cease and desist cutting beyond the end of a small strip of grass which had been identified as the edge if Conservation jurisdiction.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

**III NON-CRIMINAL CITATIONS**

A. Charles L. Schneckloth – Alteration of a resource area \$200.00

Noted

B. Nickolay Efremow – Alteration of a resource area \$200.00

Noted

**IV CERTIFICATES OF COMPLIANCE**

A. None

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 10:05 a.m.**