



**Town of Barnstable
Conservation Commission**
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MINUTES – CONSERVATION COMMISSION MEETING

DATE: APRIL 5, 2011 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 8:30 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners Larry Morin and Louise Foster. Commissioners Peter Sampou, Scott Blazis were teaching. Commissioner John Abodeely was away. Darcy Karle, Conservation Agent, assisted, along with Fred Stepanis, Conservation Assistant.

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

I REVISIED PLANS

Project Type

Revision

A. Prygocki/Johnson SE3-4854 walkway, pier, platform extend work date

The applicant was represented by George Gilmore.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan, extending the date for completion of the project to May 30, 2011.

Seconded and voted unanimously.

B. Alves SE3-4902 pier, stairs, deck retaining wall

The applicant was represented by Peter Sullivan, P.E. and Chris Joyce.

Issues discussed:

- Subject tree in deck area; only 1/3 of the crown that should have survived has survived. The deck over the tree roots is slowly killing the tree.
- Two trees marked diseased on plan are still there. The Commission wanted them to stay. Invasive plant removal work will still take place;
- Three trees to be replanted as mitigation.

A motion was made for applicant to remove a tree, plant three replacement trees (each 2 – 3-inch caliper), submit two yearly tree monitoring reports, and submit a revised plan showing three trees to be planted as mitigation.

Seconded and voted: 3 votes – “Aye;” 1 vote – “Nay.”

C. Smith/ Kelly DA-11022 phragmites removal BFD burn stalks in-place

The revised plan request was withdrawn by the applicant.

D. Gearin (Silvia & Silvia) SE3-4093 sfd footprint

The applicant was represented by Adam Hostetter.

Issues discussed:

- Less hardscape in Conservation jurisdiction.

A motion was made to approve the revised plan, subject to further review and approval of staff administrator.

Seconded and voted unanimously.

E. Gaspard SE3-4391 deck, porch, room addition remove porch; extend foundation

The applicant was present and represented by Bob Perry.

A revised plan was submitted and noted as Exhibit A.

A motion was made to approve the revised plan, subject to further review and approval of staff administrator.

Seconded and voted unanimously.

F. DeVesto SE3-4837 float with ramp maintain 4 lights on dock

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan to maintain four, 4-watt bulbs on the dock.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A. Joseph Garodnick – 56 Wild Goose Way, Centerville **SE3-2119 (Continued from 3/8/2011)**
Continued, after it was determined cutting was done on another parcel (s), #0 Bumps River Road.

Unauthorized alteration of a bordering vegetated wetland and wetland buffer, alteration of a coastal bank and flood zone by clearing vegetation. Violation of two prior enforcement orders and an order of conditions.

Mr. Garodnick was represented by Mr. McKeone of Patriot Landscape.

Ms. Karle stated that she has been in contact with Tim Bennett of Bennett Engineering, who was preparing an engineering plan. An agreement had been made to have, at least, a pdf version of the plan submitted by March 29th, and an actual hard copy of the plan before the April 5th (present) hearing. Ms. Karle said she would contact Tim Bennett for an update on submission of the plan.

A motion was made to continue the hearing to May 17th for review of the engineering plan.

Seconded and voted unanimously.

B. Richard D. Steinberg – 68 Wild Goose Way and #0 Bumps River Road
Notification to owner of property where Mr. Joseph Garodnick directed the landscape company to cut.

Ms. Karle noted for the record that she has been in contact with Mr. Steinberg, who acknowledges that his neighbor is cutting on his property without his permission. He told her that he will stand behind any required planting.

A motion was made to continue the hearing to May 17th.

Seconded and voted unanimously.

- C. Dor-Ann Pucciatti – 75 Katherine Road, Centerville **(Continued from 3/8/2011)**
Alteration of a wetland resource area by construction of a landing area on the Centerville River. Filling in a wetland and surrounding said fill with a small retaining wall.

Ms. Karle advised the Commission that Mr. Gatewood contacted the DEP with regard to Chapter 91.

The prior landing was pre-1984 fill, less than 600 square feet of fill, so it will be a simplified Chapter 91 filing with sketch plan. Mr. Gatewood recommended, at that time, that the property owner file an RDA application.

A motion was made to amend the enforcement order to allow an RDA application to be filed with the Commission to seek approval for the reconstructed landing.

Seconded and voted unanimously.

- D. Shriver, Robert III, Manager, 31 Atlantic Ave., LLC. – 31 Atlantic Ave. , Hyannis
Alteration of a wetland resource area by cutting on a coastal bank without prior authorization from the Barnstable Conservation Commission.

The Agent submitted photos 1 – 5, dated 4/1/11, noted as Exhibit A. The photos show cut vegetation and re-plant flags set by Peter Sullivan and Ms. Karle. A re-planting plan with planting notes dated April 4, 2011, by Peter Sullivan, P.E. was submitted and displayed, and noted as Exhibit B.

A motion was made to approve the planting plan with notes.

Seconded and voted unanimously.

- E. Lawrence B. & Julia Roche, Trs., c/o Lawrence D. Roche – 266 Holly Point Road, Centerville
Violation of an enforcement order dated January 31, 2011; failure to request certificate of compliance and failure to submit proof of recording slip for SE3-2722.

Ms. Karle stated that she was in contact with Mr. Roche's son, Dennis Roche. She will extend the submission date for requesting a certificate of compliance, provided that she receive in writing, by April 15th, that an engineer or consultant has been retained.

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

Seconded and voted unanimously.

III ENFORCEMENT ISSUES

- A. William Fitzgerald – 162 Clamshell Cove Rd. – vista pruning issue

Mr. Fitzgerald was represented by Bill Manley, arborist, of G. Bourne Knowles Co.

Issues discussed:

- A series of photographs marked “1 – 5,” described as “supplemental information for RDA” were noted as Exhibit A and submitted for the record.
- Additional photos marked “L,M,Q,R,” described as “Background information for RDA,” were submitted for the record and noted as Exhibit B.
- Photos marked “1 – 14” were submitted, and noted as Exhibit C.

[All exhibits can be found in the Conservation enforcement order binder under "Fitzgerald."]

A motion was made to issue an enforcement order to the property owner with the following conditions set forth by the Conservation Commission:

1. Mitigation planting: place shrubs over edge of bank, left of stairs;
2. Mitigation planting for three trees (topped); over bank, closer to beach;
3. Replacement of two trees shown in photo "M," showing area to be mitigated;
4. Replanting front face of upper bank with shrubs and ground cover;
5. Submission of annual planting reports for a period of three years;
6. Drip irrigation hoses will be permitted during planting and until plantings established.

A motion was made to continue this enforcement issue until May 17th, 2011, to allow time for a replanting plan to be submitted for the Commission to review.

Seconded and voted unanimously.

IV NON-CRIMINAL CITATIONS

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|----|---|----------|
| A. | E. J. Jaxtimer – landscape division; Alteration of a wetland resource, 31 Atlantic Ave. LLC (Shriver) | \$200.00 |
| B. | Robert Shriver, III, manager, 31 Atlantic Ave. LLC; Alteration of a wetland resource area | \$200.00 |
| C. | Lawrence D. Roche for Lawrence B. Roche; Violation of an enforcement order | \$300.00 |

Noted ("A – C")

V CERTIFICATES OF COMPLIANCE

- | | | | | |
|----|---------|----------|---------|--------------------|
| A. | Johnson | SE3-3839 | (coc,d) | construct garage * |
|----|---------|----------|---------|--------------------|

Issues discussed:

- The applicant was given until May 1st to implement the landscaping plan.
- The site plan dated 5/9/01 was submitted to review driveway drainage, and noted as Exhibit A.
- The drainage requirements were dropped.

A motion was made to deny the certificate.

Seconded and voted unanimously.

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|----|------------|----------|---------|------------------------------------|
| B. | Therriault | SE3-3937 | (coc,d) | construct single-family dwelling * |
|----|------------|----------|---------|------------------------------------|

Issues discussed:

- The applicant was given until May 30, 2011 to implement the landscaping plan.

A motion was made to deny the certificate.

Seconded and voted unanimously.

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|----|------------|----------|--------------------------------------|---------------------------------------|
| C. | Therriault | SE3-3937 | (as-built plan & landscape plan, ok) | expand deck; construct retaining wall |
|----|------------|----------|--------------------------------------|---------------------------------------|

Issues discussed:

- The as-built and landscaping plans were approved.

A motion was made to approve the certificate.

Seconded and voted unanimously.

D. Theriault SE3-4024 (coc,d) construct in-ground pool *

Issues discussed:

- The applicant to install ozone disinfection and a dry well.

A motion was made to deny the certificate.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:32 a.m.