



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

DATE: August 9, 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 Scott Blazis, and Larry Morin. Commissioners John Abodeely, Peter Sampou, and Louise Foster were away. 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.

I REVISIED PLANS

Project Type

Revision

A.	Boyar SE3-3950	sfd	as built construct./ fencing
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The applicant was represented by Lynne Hamlyn.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Price SE3-4829	retaining wall; landscaping	loam/seed lawn area
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The applicant was represented by Lynne Hamlyn.

Issues discussed:

- Photos were displayed and were noted as Exhibit A (1 – 2).

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	Basta DA-11009	additions	add fence
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The applicant attended the hearing.

Issues discussed:

- The standard six-inch clearance will be waived; consultation with staff required.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Berman SE3-4805 demolish/rebuild sfd footprint

The applicant was represented by Jack Vaccaro.

Issues discussed:

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Voute SE3-4932 boardwalk, pier, ramp, float timeframe; posts

The applicant was represented by Peter Sullivan, P.E.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Brambletyde Trust SE3-4922 extend revetment wall time frame

The applicant was represented by Peter Sullivan, P.E.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. RMR Nominee Trust SE3-4206 sfd footprint

The applicant was represented by Peter Sullivan, P.E.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. O'Donnell SE3-4524 pool/pool deck 1st request; 3 yrs.

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

Issues discussed: No concerns arose.

A motion was made to approve an extension through November, 2011 (to expire December 1, 2011).

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

- A. Richard A. Murray – 72 Keveney Lane, Barnstable - Cutting on abutting parcel, 110 Keveney Lane, owned by Anthony Milano.
Alteration of the 100' buffer zone by cutting 4 Norway Maple trees without prior approval of the Conservation Commission. (continued from 7/12/11)

(See "B" below)

- B. Anthony Milano – 110 Keveney Lane (letter issued)
Property owner where cutting occurred as listed under Richard Murray. (continued from 7/12/11)

Matters A and B were opened simultaneously.

Darcy Karle summarized the violation.

Site photos were displayed and noted as Exhibit A, (1 – 3).

A planting plan was developed, and agreed to by Mr. Murray. Follow-up monitoring reports would also be required.

A motion was made to approve the enforcement order for "A" – Richard A. Murray.

Seconded and voted unanimously.

A motion was made to approve the enforcement order for "B" – Anthony Milano.

Seconded and voted unanimously.

- C. Christian Camp Meeting Assoc. – 251 Lake Elizabeth Drive, Centerville
Alteration of 50' undisturbed buffer zone and 100' buffer zone by cutting 7 trees, three of which were dead pines, and some brush to create edge of road parking.

An aerial photo was displayed and noted as Exhibit A. Seven site photos were displayed and noted as Exhibit B (1 – 7).

A planting plan was developed and incorporated into the enforcement order.

Public comment:

- Jim Lane, President of Christian Camp Meeting, explained how the violation occurred. Their good intentions went bad in the execution.
- Alan Shumacher of the Parks & Roads Committee explained that the intention was to open up some parking for the elderly and handicapped.

A motion was made to approve an amended enforcement order, leaving the planting plan to be done in consultation with staff.

Seconded and voted unanimously.

IV NON-CRIMINAL CITATIONS

- A. Forest Keepers – alteration of wetland by removing a tree without consulting Conservation - \$ 200.00
- B. Arborscapes – Scott Schofield – alteration of a buffer zone by cutting trees without prior authorization - \$200.00

The citations (A and B) were detailed by staff and noted by the Commission.

V WARNING LETTERS

A. Paul Critikos – 10 Indian Pond Point, Marstons Mills – drainage and shed /shower issue

The violation and required mitigation was discussed by Agent Karle.

A site photo was displayed and noted as Exhibit A. An aerial photo was displayed and noted as Exhibit B.

A motion was made to approve the warning letter.

Seconded and voted unanimously.

B. Elaine Schuster – 79 Sand Point Road, Oyster Harbors – pier lights

The violation was discussed by Ms. Karle.

Site photos were displayed and noted as Exhibit A (1 – 3).

The existing lighting would require modification to comply with Commission standards. If necessary, a revised plan will be submitted.

A motion was made to approve the warning letter.

Seconded and voted unanimously.

VI CERTIFICATES OF COMPLIANCE

A. Nickulas SE3-1307 (coc,d) construct single-family dwelling *

Fred Stepanis explained the as-built deviations to the approved project, including a three-season room in the footprint of an approved deck, and the edge of lawn at 30-feet from wetlands and a dilapidated boardwalk.

Staff recommended adjusting the edge of lawn and removing the boardwalk. The applicant is cooperating with the Commission.

A motion was made to deny the certificate, per staff's recommendation that the property will first need to be brought into compliance.

Seconded and voted unanimously.

B. Ledoux SE3-1337 (coc,ok) construct single-family dwelling *

Staff recommended issuing the certificate for the adjusted house footprint, wherein the 50- foot buffer was preserved.

A motion was made to approve the certificate.

Seconded and voted unanimously.

C. Eastman ART-0156 (coc,?) convert seasonal pier to permanent; add ramp & float *

An as-built plan has been received for the pier which was built as a seasonal pier, though approved as a permanent pier.

A motion was made to approve the certificate.

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

A. Cutting on TOB property – Forte’s Beach, 40 Iyanough Avenue map 287 parcel 132 (~15 trees)

The Town, as property owner, was represented by Lynne Poyant.

Issues discussed:

- An aerial photo was displayed and noted as Exhibit A.
- Nine site photos were displayed and noted as Exhibit B (1 – 9).
- The party which performed the cutting on Town property remains unknown.

A motion was made to require the removal of the cut trees within six weeks, and a planting plan to be drawn up in consultation with staff.

Seconded and voted unanimously.

B. Long Beach Conservation area hours of operation

Ms. Karle explained the violation.

Public comment:

- Dom Gautreau of the Long Beach Association discussed the increasing problems at the Conservation beach.
- Mr. Gautreau submitted a nine-page packet of information consisting of a letter, photographs, etc., which was distributed and noted as Exhibit A.
- Mr. Gautreau’s Association expressed a desire to limit hours in the interest of public safety. Nighttime fires are commonplace, and raise a concern for fires spreading via the prevailing southwest winds.
- A collection of site photos was submitted and noted as Exhibit B (1 - 6).
- A dusk-to-dawn provision was discussed as a mutually acceptable remedy.

Pubic comment:

- Nancy Soulette discussed additional problems at the area. Dogs, piping plovers; users arrive at 5:30 a.m.; trash is spread, leaving it for area residents to pick up and remove; residents’ sleep is often disrupted.
- Sarah Hunter encouraged the Commission to help correct the misuse issues. She spoke of the long-standing, positive relationship between the Conservation Division and Long Beach residents.

The Commission decided to delegate the matter to staff discretion. A future sign denoting dusk-to-dawn (night time) closure was expected.

C. Certificates of mailing under Chapter 706

Rob Gatewood noted that, upon staff discretion under Chapter 706, certificates of mailing are being used for projects where large numbers of abutters are required to be notified.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:53 a.m.