



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

DATE: September 20, 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 John Abodeely, Larry Morin, and Louise 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.

I REVISED PLANS

Project Type

Revision

A. Yasmine Rlty. Trust SE3-4890 additions to sfd decks

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

Issues discussed:

- The proposed revised plan was displayed and noted as Exhibit A.
- Mitigation planting in consultation with staff was agreed upon, if staff deems it necessary.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Johnson SE3-4938 garage addition work limit line

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

Issues discussed:

- 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.

C. Rhue SE3-4933 seasonal dock stepping stones/path

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

Issues discussed:

- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Pickwick R. T. SE3-4831 Beach/bath house repairs/alterations

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

Issues discussed:

- The proposed plan was displayed and noted as Exhibit A.
- No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Van Wart (Pheeneey) SE3-4295 boardwalk height/width

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

Issues discussed:

- The Army Corps of Engineers said that the low height could be built, as long as light-penetrating decking is provided.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A. Yury and Lyubov Girshovich – 20 Head of the Pond Lane, Marstons Mills
Violation of a prior enforcement order date 8/10/2010 by continuing to cut vegetation in a wetland and 50' undisturbed buffer zone.

Photographs were distributed and noted as Exhibit A (1 – 3). A prior enforcement history was discussed.

The property owner has retained Wet Tech consultant to assist in complying with the enforcement order.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

B. Geoffrey and Lou Converse – 558 Lumbert Mill Road, Centerville
Alteration of the Commission 50' buffer by constructing a timber edged gravel walkway ending at a 8' x 8' landing. Landing built on sona tubes, hanging over edge of Lumber Pond. Failure to maintain, natural undisturbed buffer zone, condition of prior filing.

Issues discussed:

- A plan from the file (1981) was routed and noted as Exhibit A;
- Photos were also routed and noted as Exhibit B (1 – 4);
- Re-growth of the buffer zone was discussed, as were several options for possible compliance.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

C. Richard and Carol McQuade – 570 Lumbert Mill Road, Centerville
MN092011

Alteration of a wetland and 50' undisturbed buffer zone. Digging into bank of the pond and then using the dirt to level off another area creating additional lawn area. Edge of raised area, armored by rocks and gravel. Chain link fence.

Issues discussed:

- Existing conditions photos of aspects of the site not subject to the enforcement order were routed, and noted as Exhibit A (1 – 2);
- Existing conditions photos of aspects of the site that are the subject of the enforcement order were routed and noted as Exhibit B (1 – 6);
- A restoration plan was required. Brad Hall has been retained by the property owner. Once approved, the restoration plan will be implemented.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- D. Paul Roiff – 160 Peppercorn Lane, Cotuit
Alteration of the Barnstable Conservation Commission's 50' undisturbed buffer zone by brushing understory without prior authorization.

Issues discussed:

- A site plan indicating the 50-foot buffer from the coastal bank was routed and noted as Exhibit A;
- Photos of the cleared site were routed and noted as Exhibit B (1 – 11);
- Proposed site restoration was described in the enforcement order;
- Arlene Wilson was retained by the property owner.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

III NON-CRIMINAL CITATIONS

- | | | |
|----|--|----------|
| A. | Yury Gurshovich – Alteration of a wetland | \$200.00 |
| B. | Paul Roiff – Alteration of a buffer zone | \$200.00 |
| C. | Adam Perry (landscaper for Roiff) – alteration of a buffer zone | \$200.00 |
| D. | Joseph Duran (landscaper for Williams) – alteration of a buffer zone | \$200.00 |

The above staff-issued non-criminal citations (A – D) were noted.

IV WARNING LETTERS

Each of the following warning letters were explained by staff:

- A. Mrs. Marilyn Buckley – 235 Smoke Valley Road

A motion was made to approve the warning letter for limb cutting.

Seconded and voted unanimously.

- B. Feinberg Family Tr. c/o Stacey Feinberg – 286 Holly Point Road.

Photos of the violation were routed and noted as Exhibit A (1 – 3).

A motion was made to approve the warning letter for wetland clearing at the former Cruz site.

Seconded and voted unanimously

C. Richard Callahan Tr. – 177 Seapuit River Road, Osterville

Photos were routed and noted as Exhibit A)1 – 2).

Lighting for the pier was allowed under the Order of Conditions.

The Commission will seek voluntary reduction in intensity to 25 watts.

A motion was made for the request letter to be sent.

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE

A. DiCenso SE3-4249 (coc,?) construct above-ground pool *

Issues discussed:

- Pool disinfection relies on twice-per-month manual dosing with chlorine. A leaching pit was constructed.

A motion was made to deny the certificate.

Seconded and voted unanimously.

B. Charlton SE3-4913 (coc,?) construct in-ground pool and attached garage *

The applicant was represented by Peter Sullivan, P.E. and James Bowes.

Issues discussed:

- Pool disinfection also relies on chlorine for disinfection;
- The removable cartridge means that drawdown does not occur;

Staff described the two-fold requirement to install a non-chlorination disinfection system and a drawdown leach basin as double assurance that chlorine will not enter the aquatic ecosystem.

A motion was made to deny the certificate.

Seconded and voted unanimously.

C. Rehnert SE3-4794 (coc,?) construct in-ground pool and cabana *

Issues discussed:

- A chain-link fence runs along the base of the coastal bank;
- A revised plan was displayed and noted as Exhibit A;
- The fence was separated from the pool by a considerable distance.

A motion was made to deny the certificate.

Seconded and voted unanimously.

The matter will be brought back to the Commission as a revised plan.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:40 a.m.