



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: December 9, 2014 8:30 AM

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. Commissioner John Abodeely was away, and Commissioners Peter Sampou and Scott Blazis were teaching. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent.

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

I REQUEST FOR DETERMINATION

Town of Barnstable/D.P.W. Paving of recently restored remediation site to enable snowplow parking, construct guardrail and stormwater leaching basin at 382 Falmouth Road, Hyannis as shown on Assessor's Map 293 Parcel 001. (12/22) **DA-14064**

The applicant was represented by Michael Perry.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

II REVISED PLANS

project type

revision

A. Oakleigh Trust SE3-4997

pier, boardwalk

boardwalk

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Brown SE3-5103

pier upgrade

12" piles

Mr. and Mrs. Brown attended the meeting. John C. O'Dea, P.E. and Arlene Wilson, P.W.S., spoke on behalf of the Browns as well.

Exhibits:

A – Summary document provided by the applicants.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Taylor SE3-5208 redevelop property septic, landscape

The applicant was represented by Jack Vaccaro.

Exhibits:

A – Proposed revised plan

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Rhodes SE3-4925 addition, garage relocated AC units

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. ToB/MEA SE3-4876 redevelop beach facilities install fence

The applicant was represented by Nina Coleman.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Red Lily Pond SE3-4617 replace fish ladders & culverts culvert & footbridge

The applicant was represented by Mark Burgess.

Exhibits:

A (1-10) – Photographs

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. Staniar SE3-4350 raze/rebuild sfd 2nd means of access

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

H. Garabedian/CodComm SE3-5209 expand parking lot change surface

The applicant was represented by Richard Tabaczynski, P.E.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

I. Gaudreau SE3-5111 garage, addition extend retaining wall

The applicant was represented by Lynne Whiting Hamlyn.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

J. Barr (Kaschuluk) SE3-4757 raze/rebuild sfd footprint

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

Exhibits:

A – Proposed revised plan

A motion was made to approve the revised plan.

Seconded and voted unanimously.

K. Indian Point, Inc. SE3-5042 additions, porches, patios garage & pool locations

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

Exhibits:

A – Proposed revised plan.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

L. Rooney (Guarente) SE3-4782 remove/replace pier, ramp, float larger float

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

Exhibits:

A – Proposed revised plan

The vessel will berth to the outside of the float.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III EXTENSION REQUESTS

A. Longfields LLC SE3-4470 sfd, landscape, pool, etc. 3rd request; 3 years

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

Exhibits:

A – Approved plan

A motion was made to approve a three-year extension.

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

- A. Vahan & Rosemary Martirosian Trs – 25 Sea View Avenue, Osterville
Violation of order of conditions & certificate of compliance, ongoing conditions, failure to maintain the required planted buffer strip at top of coastal bank.

Exhibit A – Order of Conditions date September 18, 1992 (see sp. condition 13)

Exhibit B – Plan of record dated August 24, 1992

Exhibit C – Revised plan required by staff, locating additional deck construction in 50' buffer and to locate edge of lawn. Stamped approved for deck 6/29/04

Exhibit D – Email dated 9/20/2007 from Fred Stepanis to Peter Sullivan, stating the certificate of compliance would be released after resolution requirement for 6-8' buffer along top of the bank

Exhibit E – Photo dated 9/25/2007 taken by Darcy Karle during site visit with Peter Sullivan.

Exhibit F – Four photos taken by Fred Stepanis on 10/09/2008

Exhibit G – Certificate of Compliance dated on June 1, 2009 with ongoing conditions

Exhibit H – Photo taken by Fred Stepanis dated 10/28/ 2014

The Martirosians were represented by Atty. John Kenney and John C. O'Dea, P.E.

A motion was made to approve the enforcement order as written, with a deadline extension to be worked out in consultation with staff.

Seconded and voted unanimously.

- B. Charles L. Schneckloth – 120 North Precinct Road, Marstons Mills
Enforcement order address the steps necessary to bring the property back into compliance. Prior enforcement amended and approved on October 7, 2014 was issued for alteration of 100' buffer zone and 200' river front area. Violations included clearing, grading, expansion of lawn, parking area for horse trailer and truck, chicken And rabbit coops, fencing, makeshift greenhouse and construction of 2 landscape berms.

Exhibit A – Section of existing conditions plan dated 11/12/14 with 8 areas identified by Conservation Agent.

Exhibit B – Fourteen photos dated 11/6/2014, taken by Darcy Karle

Mr. Schneckloth was represented by Atty. Marc Boudreau and Stephen Wilson, P.E. .

A Notice of Intent filing will be submitted.

A motion was made to approve the enforcement order as written, with a deadline extension to be worked out in consultation with staff.

Seconded and voted unanimously.

- C. Lawrence and Nina Barbieri – 380 Sandy Neck Road, West Barnstable
Alteration of the 100' buffer zone from the top of a coastal bank by vista pruning, south of the house, and removal of two or three evergreen trees and highbush blueberry, north of the house.

Exhibit A – 5 photos dated 12/01/2014 taken by Darcy Karle

Exhibit B – 2011 aerial, 2012 Google Earth aerial, and 2014 Google Earth aerial

The Barbieris were represented by Matthew Teague.

A motion was made to approve the enforcement order as written, with a deadline extension to be worked out in consultation with staff.

Seconded and voted unanimously.

V WRITTEN WARNINGS

A. David Henderson – 75 Freezer Road, Barnstable – Unpermitted dock

Exhibit A – 2008 aerial photo

Exhibit B – Two photos dated 12/12/2013

Exhibit C – Letter dated 6/25/92 from David Henderson to Kendall Ayers (prior Conservation Agent)

The Hendersons attended the meeting and were represented by John C. O’Dea, P.E.

A motion was made to approve the written warning.

Seconded and voted unanimously.

VI NON-CRIMINAL CITATIONS

A. Vahan & Rosemary Martirosian – unauthorized activity beyond scope of order of conditions \$300.00

The citation was noted.

VII CERTIFICATES OF COMPLIANCE

A. Lilly SE3-5094 (coc,eZ) re-hab single-family dwelling, remove pool, etc. *

B. 24 Bay Road, Cotuit, LLC SE3-5186 (coc,eZ) construct bank stairs *

A motion was made to approve the certificates (A – B).

Seconded and voted unanimously.

VIII OLD & NEW BUSINESS

A. Proposed CR: Native Land Conservancy, Inc. to Barnstable Land Trust at 5 Shootflying Hill Rd..

Mark Robinson attended the meeting.

Exhibits:

A – Information sheet on Native Land Conservancy

A motion was made to endorse the proposed conservation restriction.

Seconded and voted unanimously.

B. Sandy Neck 2014 Manager’s report

Nina Coleman, Park Manager, provided the 2014 update.

C. Emergency certification for River Road, Marstons Mills

A motion was made to approve the emergency certification.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:14. a.m.