



Town of Barnstable Conservation Commission

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MINUTES

CONSERVATION COMMISSION MEETING

DATE: JUNE 16, 2015 @ 2:30 PM

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 2:30 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee, and Commissioners John E. Abodeely, Peter Sampou (arrived at 3:15), Scott Blazis, Larry Morin and Louise R. Foster. Conservation Administrator Darcy Karle assisted, along with Fred Stepanis, Conservation Assistant.

The meeting was held in the Hearing Room Barnstable Town Hall, Hyannis, MA

2:30 PM AGENDA

I OLD & NEW BUSINESS

- A. DeVesto - SE3-4837 – Review deed restriction for shared pier use (progress report requested at 5/19/15 hearing)

The Commission decided not to take any action on this item; staff will work with 1st Assistant Town Attorney, T. David Houghton on this matter.

- B. Gordon Peabody, Director of Safe Harbor Environmental Services – Report on Biomimicry dune system, Long Beach, Centerville

Mr. Peabody gave a PowerPoint presentation.

- C. Revisions to Ch. 701: Property Use Violations

New revision language was proposed by Commissioner Sampou. The matter was discussed, reviewed and approved. Proposed revisions will be given to Doug Kalweit, Dir. of Natural Resources for his review. If Mr. Kalweit approves, the revision date will be noted as June 16th, 2015.

II REVISED PLANS

project type

revision

- A. Kinsella SE3-4528 swimming pool, landscaping as-built

The applicant was represented by Lynne Whiting Hamlyn.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

- B. Rehnert SE3-5163 boardwalk, kayak rack, stairs landscaping

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

A motion was made to approve the revised plan, allowing the only rhododendrons to be removed to be those where the white pine mitigation is indicated on the plan.

Seconded and voted unanimously.

C. ToB/DPW SE3-5257 restore/stabilize dredge sediment permanent bracing/shoring plan

The applicant was represented by Christine Player, Zack Lager, and John Juros.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

III CERTIFICATES OF COMPLIANCE

(ap = as-built plan) (coc = Certificate of compliance) (ez = no deviations, staff recommends approval)
(ok = minor deviations, staff recommends approval) (c = staff recommends approval with contingencies)
(d = deviations, staff recommends denial) (* = on-going conditions)

A. Kinsella SE3-4528 (COC (see II A.) construct swimming pool; landscaping *

A motion was made to approve the certificate.

Seconded and voted unanimously.

B. Bertolami SE3-4907 (COC, d) add 2nd floor to single family dwelling
(not done); reconstruct bank stairway *

Mr. Bertolami was represented by Stephen Wilson, P.E.

The agent is to request an amended order of conditions for as-built stairs, and to discuss the mitigation planting area with his client.

A motion was made to deny the certificate.

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

A. Richard D. and Gloria Ann Uber – 72 Clamshell Point Lane, Cotuit

This enforcement order is to address the restoration planting for 3 trees (23.5” sum of the diameter measurements) cut on a coastal bank.

The Ubers attended, as well as Peter Childs.

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

Seconded and voted unanimously.

4:30 PM AGENDA

V REQUESTS FOR DETERMINATION

William R. & Ruth D. Cuming, Trs., 1995 Revocable Trust. To permit existing kayak rack and vista pruning at 123 and 137 Hummock Ln., Cotuit as shown on Assessor’s Map 036 Parcel 058 and Map 053 Parcel 020, respectively. **DA-15037**

The applicant was represented by Charles Rowland, E.I.T.

Exhibits:

A – Photo of kayak rack submitted by Mr. Roland

A motion was made to issue a negative determination.

Seconded and voted unanimously.

VI NOTICES OF INTENT

R. Murray Scudder, Jr. Improvements for Hyannis ferry facility to accommodate changes in vessel fleet and improvements to passenger access to meet MA Architectural Access Board (MAAB) regulations and American Disabilities Act (ACT) Access to Passenger Vessels guidelines for passenger accessibility requirements at 220 Ocean St., Hyannis as shown on Assessor's Map 326 Parcel 070. **SE3-_____**

The applicant was represented by Ronald Bourne.

Correspondence:

MA Division of Fisheries and Wildlife report of 6/9/2015

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

VII RECONSIDERATION OF PLAN REVISION AND/OR AMENDED ORDER

Wayne Kurker. Remove and reconstruct superstructure of single-family dwelling on existing foundation approved under SE3-5118 at 38 Magnolia Ave., W. Hyannisport as shown on Assessor's Map 225 Parcel 013. **SE3-5118**

The applicant attended, and was represented by Atty. Michael Ford and Daniel Ojala, P.E.

Comments: Atty. Stephanie Kiefer referred to her letter dated June 16th, 2015.

A motion was made to continue the hearing to July 28, 2015, after 4:30 p.m., allowing sufficient time for the Chairman to discuss the request for reconsideration with the Town Attorney's Office.

Seconded and voted: 6 votes = "Aye;" 1 vote = "Nay."

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 5:21 p.m.