



Town of Barnstable Conservation Commission

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MINUTES

CONSERVATION COMMISSION MEETING

DATE: OCTOBER 20, 2015 @ 3:00 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 3:00 p.m. by Chairman Fat Piu (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle, and Commissioners John E. Abodeely, Peter Sampou (arrived at 3:30 p.m.), Scott Blazis, Larry Morin, and Louise R. Foster. Darcy Karle, Conservation Administrator, assisted, along with Martin Wunderly, Conservation Agent.

The meeting was held in the Town Hall Hearing Room, 2nd Floor, 367 Main Street, Hyannis, MA.

3:00 PM AGENDA

I REVISED PLANS

Project type:

Revision:

A. Swimm SE3-5188 pier & "L" maintain stone floor/platform

A continuance was requested via e-mail to November 17th.

A motion was made to continue the hearing to November 17, 2015.

Seconded and voted unanimously.

No testimony was taken.

B. Markowitz SE3-5248 additions, garage reduced size additions

[This matter was taken out of order – see 4:30 agenda, after Notices of Intent]

II ENFORCEMENT ORDERS

A. Jon M. Baker Sr. – 160 Carriage Rd. Osterville
Alteration of a resource area, West Bay, by constructing additional floating pier sections and expanding the footprint of the pier, out of compliance with order of conditions in permit# SE3-4492 by not matching the approved plan. Failure to comply with order of conditions by not obtaining approval for berthing additional motorcraft at pier.

Exhibits:

- A. 9/5 and 9/16 photos from Natural Resources Officer;
- B. 2014 aerial photo from GIS map showing non-compliant extra floating dock;
- C. 2008 photos of certificate of compliance inspection by Conservation staff.

Mr. Baker was represented by Attorney John Kenney.

A motion was made to approve the enforcement order.

Seconded and voted unanimously [Commissioner Sampou was absent for the vote].

**B. Peter Menounos – 176 Clamshell Cove Rd. Cotuit
Violation of order of conditions for pier. Motorcraft exceeds permitted length.**

Exhibits:

- A. 9/16/15 photo of new boat on pier;
- B. Copy of Order of Conditions for pier from 2008, with boat limitations.

No one attended the hearing.

A motion was made to approve the enforcement order.

Seconded and voted unanimously [Commissioner Sampou was absent for the vote].

**C. Fabio DeOliveira – 33 Betty's Pond Rd.
Alteration of a resource area, and alteration of the 50' undisturbed buffer and 100' buffer
from a wetland, isolated wooded swamp, by removing of vegetation and other landscaping improvements.
Violation of a Certificate of Compliance (SE3-4091).**

Exhibits:

- A. 9/23/2015 photos of work on property;
- B. Site plan from 2003 permit [SE3-4091](#) septic system upgrade;
- C. Certificate of Compliance from [SE3-4091](#) septic system upgrade.
- D. Site plan with enforcement order requirements.

Mr. DeOliveira and Ms. Nicole McFarland attended.

After further review of the site conditions, staff requested that Mr. DeOliveira do the following:

1. Remove the wire fencing from the edge of the property line and along the bordering vegetated wetland (BVW);
2. Install erosion control fencing at the BVW line;
3. Remove fill out of the wetland (from inside the BVW edge line) near the northern-most property line. Seed this wetland area with wetland mix;
4. Seed beyond the work limit line to the BVW line with fescue and rye and allow area to grow back. Demarcate the 50' wetland buffer line with a split-rail fence and designate this area a no-mow zone on the RDA application. Invasive vines can be maintained over time by hand-clipping;
5. Submit additional \$100 for an After-The-Fact RDA filing [see Requests for Determination].

A motion was made to approve the above amendments to the Enforcement Order.

Seconded and voted: 5 votes = Aye; 1 vote = Nay. [Commissioner Sampou was absent for the vote].

**D. Demetrios B, Haseotes – 312 Long Beach Rd.
Violation of an Enforcement Order : Failure to request certificate of compliance. Alteration of a resource area,
Centerville River, by constructing additional pier sections out of compliance with order of conditions in permit#
SE3-2534. Alteration of a resource area by leaving floating boat lift aground on Centerville River shoreline.**

[Commissioner Sampou returned, and was present for the vote]

Exhibits:

- A. Photo 8/7/15 of non-compliant dock sections;
- B. 2009 aerial photo of non-compliant pier;
- C. Photo 10/7/15 of non-compliant dock sections and stop-work order.

No one attended the hearing

A motion was made to approve the Enforcement Order.

Seconded and voted unanimously.

A non-criminal citation was also issued to Mr. Haseotes, and was noted for the record.

III OLD & NEW BUSINESS

- A. Informal discussion regarding 1136 Craigville Beach Road, Centerville

Exhibit:

- A. PowerPoint presentation, by Gordon Peabody.

A positive response was determined that a notice of intent filing be submitted for the use of a permeable system to protect the marsh.

- B. Informal discussion regarding 1199 Craigville Beach Road, Centerville

A positive response was determined that a notice of intent filing be submitted with mitigation plantings or other mitigation alternatives.

- C. Informal discussion regarding 49 Oyster Way, Osterville

A positive response was determined that a notice of intent filing be submitted for the proposed float.

IV CONTINUANCES

Adam J. Hostetter, Tr., Eagle Trust. Repair two sections of pavement totaling approx. 60' x 13' on Berry Hollow Dr., Marstons Mills as shown on Assessor's Maps 044 and 045. **DA-15049**

[Commissioner Blazis recused himself and left the room].

The applicant was represented by Atty. Michael Schulz and Richard Tabaczynski, P.E.

Public comment: Atty. Brian Wall and Jacques Morin.

A motion was made to approve a negative determination, subject to the receipt of a revised plan.

Seconded and voted unanimously.

Town of Barnstable/Dept. of Public Works. Upgrade existing undersized culvert pipe to a properly-sized box culvert, to increase tidal flushing and pollutant removal from Snow's Creek and upstream impoundment. No significant change in water elevations expected. Snow's Creek culvert located at Ocean St., Hyannis as shown on Assessor's Map/Parcel (Various). **SE3-5315**

The applicant was represented by Garrett Keagan of Green Seal Environmental, Inc.

Public comment: Brian Cook

A motion was made to continue the hearing to December 1, 2015.

Seconded and voted unanimously.

William Walser, Tr., Wingaway Trust & Windsong II Trust. Construct and maintain boardwalk and relocate portion of fixed pier, ramp and floats from 315 to 325 Baxters Neck Rd., Marstons Mills as shown on Assessor's Map 075 Parcels 008-001 & 008-002. **SE3-5304**

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

A request for a continuance to December 1st was requested.

A motion was made for a continuance to December 1, 2015

Seconded and voted unanimously.

No testimony was taken.

4:30 PM AGENDA

V REQUESTS FOR DETERMINATION

Town of Barnstable/Conservation Division. Installation of solar-powered floating water circulator to deal with persistent toxic algae blooms at Schoolhouse Pond, Hyannis, as shown on Assessor's Maps 288 and 287 Parcels (various). **DA-15058**

The applicant was represented by Karen Malkus-Benjamin, Coastal Health Resource Coordinator of the Town of Barnstable Health Department.

Comments: Letters received from Karen E. Smith, Joyce and Richard Vecchione, Linda and David Still, and Phyllis Kahn, as Friends of Schoolhouse Pond.

Public comment: Bob Powers, Karen Anderson Smith, and Scott Gladish.

A motion was made to issue a negative determination.

Seconded and voted unanimously.

Fabio DeOliveira. Abatement/removal of debris and trash left by previous owner's tenant; restoration of wetland buffer; landscaping; repair/replace existing rotted fencing & driveway; install new stockade fencing at 33 Betty's Pond Rd., Hyannis as shown on Assessor's Map 290 Parcel 085. **DA-15056**

Mr. DeOliveira attended.

A motion was made to issue a negative determination, subject to receipt of a revised plan and a staff site visit to be arranged for June 1, 2016, or earlier.

Seconded and voted unanimously.

VI NOTICES OF INTENT

Timothy J. Rooney, Jr. Reconstruct and modify pool and patio; construct pool cabana at 101 Carriage Rd., Osterville as shown on Assessor's Map 071 Parcel 011-012. **SE3-5328**

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

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

Seconded and voted unanimously.

Martha S. Tilton. Construct timber bulkhead at 126 Great Bay Rd., Osterville as shown on Assessor's Map 072 Parcel 034. **SE3-_____**

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

A motion was made to approve the project, subject to receipt of a revised plan.

Seconded and approved unanimously.

Craig Curtis. Construct paved driveway on existing vacant lot to access site of future single-family residential home at 595 Old Mill Rd., Osterville as shown on Assessor's Map 144 Parcel 010. **SE3-_____**

The applicant was represented by Daniel Ojala, P.E., of Down Cape Engineering.

A motion was made to approve the project, subject to receipt of a revised plan.

Seconded and approved unanimously.

Bernard & Lisa Weiss. Seek approval of restoration plan for alterations including beach nourishment, retaining wall, fire pit and picnic area, with associated plantings in the 50' buffer to a bordering vegetated wetland at 400 Lakeside Drive West, Centerville as shown on Assessor's Map 232 Parcel 023. **SE3-5327**

The applicants attended, and were represented by Matt Farrell, E.I.T., and James O'Reilly.

A motion was made to approve the project, subject to receipt of a revised plan.

Seconded and approved unanimously.

REVISED PLANS (continued from p.1)

Project type:

Revision:

Markowitz SE3-5248

additions, garage

reduced size additions

The applicant was represented by Matt Farrell, E.I.T. and James O'Reilly.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 6:22 p.m.