



Town of Barnstable Conservation Commission

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MINUTES

CONSERVATION COMMISSION MEETING

DATE: NOVEMBER 17, 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 F. P. (Tom) Lee. Also attending were Vice-Chairman Dennis R. Houle and Commissioners Peter Sampou (arrived at 3:15 p.m.), Larry Morin, and Louise R. Foster. Commissioners John E. Abodeely and Scott Blazis were away. Martin Wunderly, Conservation Agent, assisted.

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

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE (* = on-going conditions)

A. Three-Bays Preservation SE3-4627 (coc,ez) maintenance dredging *

A motion was made to approve the certificate.

Seconded and voted unanimously.

II REVISED PLANS

Project type:

Revision:

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

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

A motion was made to approve the revised plan, subject to a further revision and receipt of a revised plan.

Seconded and voted unanimously.

B. TOB/DPW SE3-5279 roadway waterline connection

The applicant was represented by Tara Nye and Amy Ball of Horsley Witten.

Chairman Lee recused himself.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. 75 Bayberry Way R.T. SE3-4904 dredging location

The applicant was represented by Chuck Rowland, E.I.T. of Sullivan Engineering and Consulting.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Barr SE3-5324 access structure, deck pump, utilities, drive

The applicant was represented by Charles Rowland of Sullivan Engineering and Consulting.

A motion was made to table the matter to 12/15/15.

Seconded and approved unanimously.

E. Khouri SE3-4884 raze/rebuild sfd driveway material

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

A motion was made to approve the revised plan, subject to a further revision and the receipt of a revised plan.

Seconded and voted unanimously.

[Commissioner Sampou arrived]

III EXTENSION REQUESTS

Project type:

Time requested:

A. Costello SE3-5032 deck, stairs, retaining wall 1st Request; 17 months

The applicant did not attend the meeting, and was not represented.

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

Seconded and voted unanimously.

B. Sanford SE3-5055 landscape berm 1st Request; 3 years

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

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

Seconded and voted unanimously.

C. TOB/Conservation Div. SE3-5043 herring run/replace fishway 1st Request; 3 years

A letter from Conservation Administrator, Darcy Karle, was read by the Chair.

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

Seconded and voted unanimously.

IV ENFORCEMENT ORDERS

- A. William Walsh – 111 Pond View Dr.
Alteration of a resource area, Long Pond, by constructing new pier structure, out of compliance with order of conditions in permit# SE3-2583 by not matching the approved plan.

Exhibits:

- A – Certificate of Compliance for 111 Pond View Drive. Issued 3/26/1993
- B – Order of Conditions for 111 Pond View Dr. Issued 2/2/1993
- C – Plan of Record for floating docks at 111 Pond View Dr. 10/26/1992
- D – Assessors photo of floating dock. 7/30/200
- E – Assessors photo of new pier. 8/8/2014
- F – Photos and dimensions of new pier 11/16/2015

Bill and Barbara Walsh attended the hearing.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

- B. Edward Sliby – 25 Red Lily Pond Rd.
Alteration of a resource area, and alteration of the 50' undisturbed buffer and 100' buffer from a wetland, Red Lily Pond, by constructing concrete sona-tubes in ground. Violation of a Certificate of Compliance (SE3-3409).

Exhibits:

- A –10/14/2015 Photo of concrete sona-tubes in buffer zone.
- B – Copy of Order of Conditions for 25 Red Lily Pond Road, issued 10/23/1998
- C – Approved site plan for 25 Red Lily Pond, May 7, 2002

Mr. Sliby was represented by Atty. Albert Schulz.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

- C. Greg Conigliaro – 155 Salten Point Rd.
Alteration of the 50' undisturbed buffer from a wetland, Barnstable Harbor, by constructing a block patio.

Exhibits:

- A – Photo of patio and Barnstable Harbor 10/14/2015
- B – Aerial image from Google Earth 3/11/2012
- C – Aerial image from Town of Barnstable GIS data 4/2014
- D – Approved plan for permit SE3-5271 at 155 Salten Pt. Rd.
- E – Photos from Mr. Conigliaro of patio removal 11/15/2015

No one attended the hearing.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

- D. Peter Cheng – 393 Lakeside Drive West

Fill of wetland, Lake Wequaquet, and alteration of the 50' undisturbed buffer from a wetland, Lake Wequaquet, by placing stones along shoreline and in lake and building up land.

Exhibits:

- A – Photos of shoreline at 393 Lakeside Drive West 10/26/2015
- B – Copy of Enforcement Order, required action, and photo from 11/5/1999
- C – Site plans with edge of wetland line from latest NOI package 10/13/2015
- D – Copy of Order of Conditions from SE3-0340, May 17, 1978
- E – Restoration plan submitted in anticipation of enforcement hearing, 10/13/2015
- F – Letter from neighbor Roger Bodley, submitted at 11/17 hearing

Mr. Cheng attended and was represented by Keith Fernandes.

A motion was made to approve the enforcement order, as amended.

Seconded and voted unanimously.

V NON-CRIMINAL CITATIONS

- A. Larry Demers, Cape Cod Docks – 111 Pond View Dr.
Alteration of a resource area, Long Pond, by constructing new pier structure, out of compliance with order of conditions in permit# SE3-2583 by not matching the approved plan.

Noted.

4:30 PM AGENDA

**REMINDER TO APPLICANTS:
FEES FOR LEGAL ADS ARE DUE AT HEARING; YOUR FEE IS LISTED
BELOW**

This meeting of the Barnstable Conservation Commission is being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.

VI REQUESTS FOR DETERMINATION

Richard J. Rakauskas. Clean understory vines and garbage; install landscaping between 50 – 100-foot buffer to include 3-foot-wide path to water's edge at 14 Pine Ln., Hyannis as shown on Assessors Map 325 Parcel 001. **DA-15064**

The applicant was represented by Atty. John Kenney.

Exhibits:

- A – Site plan
- B – Photos

A motion was made to issue a negative determination, subject to a special condition to remove vines by hand, only.

Seconded and voted unanimously.

Brian & Valeri Jansson. Rennovate existing dwelling, including addition of front entry room in footprint of existing patio, as well as landscaping, grading, utilities, at 26 Johnson Ln., Centerville as shown on Assessors Map 193 Parcel 041.

DA-15063

The applicant was represented by Barbara Frappier.

A motion was made to issue a negative determination,

Seconded and voted unanimously.

VII NOTICES OF INTENT

Maureen Jankauskas. Install seasonal dock in Mystic Lake; construct access stairs; vista pruning at 371 Wheeler Rd., Marstons Mills as shown on Assessors Map 082 Parcel 001-002. **SE3-5335**

The applicant was represented by Jack Vaccaro and Daniel Ojala, P.E.

Allowance is made for the landing on the stairs and the bench, given the steepness of the bank.

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

Seconded and approved unanimously.

Randy & Cathy Papadellis. Raze existing detached garage; replace with new garage within same footprint with floodzone-designed foundation at 297 West Bay Rd., Osterville as shown on Assessors Map 116 Parcel 115. **SE3-_____**

The applicant was represented by Daniel Ojala, P.E.

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

Seconded and approved unanimously.

Steven & Debora Reuman. Construct attached garage addition; invasive species management; buffer zone restoration and lawn reduction at 185 Stoney Point Rd., Cummaquid as shown on Assessors Map 336 Parcel 027. **SE3_____**

Exhibits:

A – Planting plan

The applicant was represented by Michael Ball of Marsh Matters.

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

Seconded and approved unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 5:24 p.m.