



**Town of Barnstable  
Conservation Commission**  
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Hyannis Massachusetts 02601

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**MINUTES – CONSERVATION COMMISSION MEETING**

**DATE: May 9, 2017 @ 3:00 PM**

**LOCATION: HEARING ROOM – 367 Main St., 2<sup>nd</sup> Floor, Hyannis, MA 02601**

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](http://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 Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners Peter Sampou (arrived at 3:25 p.m.), Scott Blazis, and Larry Morin. Commissioner John E. Abodeely was away.

Conservation Agent Martin Wunderly assisted.

**3:00 PM AGENDA**

**I CERTIFICATES OF COMPLIANCE**                      **(d = deviations, staff recommends denial)**

- A. Riley SE3-4731 (coc, d) construct retaining wall  
129 Hayes Road, Centerville – Wequaquet Lake

No one attended.

Staff recommended denial due to deviations from the approved plan.

A motion was made to send a denial notice with a 60-day deadline for submitting a new plan.

Seconded and voted unanimously.

- B. Tradewinds – staff update

No one attended.

No landscape plan had been submitted to date.

The Commission agreed to turn the matter over to enforcement.

**II EXTENSION REQUESTS**                      **Project type:**                      **Time requested:**

- A. Kariotis SE3-5189 maintenance dredging 1<sup>st</sup> Request; 3 years  
67 Pirates Cove, Osterville

No one attended.

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

Seconded and voted unanimously.

B. Sweeny SE3-5199 pool, patio, garage, addition 1<sup>st</sup> Request; 3 years  
70 Eel River Rd., Osterville

No one attended.

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

Seconded and voted unanimously.

**III REVISED PLANS**

**Project type:**

**Revision:**

A. Markowitz/Fruitt SE3-5248 additions landscape/mitigation plantings  
628 Poponessett Rd., Cotuit

The applicant was represented by Matt Farrell.

Exhibits:

A – Color-coded revised plan and calculations

Issues discussed:

- Concern with patio near top of bank.

A motion was made to approve the revised plan subject to receipt of a new revised plan, keeping the grass meadow area bayward of the existing deck as shown on the 2015 plan.

Seconded and voted unanimously.

B. Sunrise Nominee Tr. SE3-5342 sfd revised footprint  
60 High Noon Dr., Centerville

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Periello & Garriga SE3-5418 porch room expansion handicap ramp; additional mitigation  
166 Bay Shore Rd., Hyannis

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

A motion was made to approve the revised plan subject to receipt of a new revised plan with condition that ramp be permitted as long as a demonstrated need exists, or the property is sold or transferred.

Seconded and voted unanimously.

D. Samra/Pearson SE3-5323 raze/replace sfd modifications of hardscape  
265 Seapuit Rd., Osterville

The applicant was represented by Sean Riley.

Issues discussed:

- Concern with boat storage and shed in 50-foot buffer

A motion was made to table the matter to June 6<sup>th</sup>.

Seconded and voted unanimously.

#### **IV VIOLATION WARNINGS**

- A. **Cape Cod Hotel LLC – 1470 Iyannough Rd., Barnstable**, Cutting trees in buffer to wetland, unnamed pond.

Deepak Patel attended.

The Commission suggested that the matter go to enforcement after the hotel manager admitted someone affiliated with the property owners did cut the trees.

A motion was made to approve the violation warning.

Seconded and voted unanimously.

#### **V ENFORCEMENT ORDERS**

- A. **Gamper, Albert R. Jr. – 30 Belair Ln., Cotuit**, Alteration of a wetland resource area (coastal beach) by installing post and rail fence and sign posts.

Albert Gamper, Jr. attended.

The sign post should be moved out of the intertidal zone, and fence should be removed to original plan or applied for under a Notice of Intent.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- B. **Schultz, Michael F. Trust – 994 Main St., Cotuit**, Alteration of the coastal bank and buffer to resource area, Cotuit Bay.

No one attended.

The order was written to address the non-compliant items.

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

Seconded and voted unanimously.

- C. **Carvalho, Mateus – 287 Mitchell’s Way, Hyannis**, Alteration of a resource area, Fawcetts Pond, by maintaining unpermitted dock, and mowing vegetation in buffer zone.

No one attended.

The Commission had received a request to postpone the matter, for reasons presented by Ms. Arlene Wilson.

The matter was tabled to 6/6/17.

- D. **Vlastanov, Kiril – 301 Mitchell’s Way, Hyannis**, Alteration of a resource area, Fawcetts Pond, by maintaining unpermitted dock, treehouse, and clearing vegetation in buffer zone.

Kiril and Kristina Vlastanov attended.

The Commission allowed the treehouse, but the vegetation-clearing and boardwalk on the pond should be restored or applied for under a Request for Determination.

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

Seconded and voted unanimously.

E. **Glazer & Rottenberg Trust – 11 Cove Ln., Osterville**, Alteration of the coastal bank and buffer to Cotuit Bay beyond a scope of determination.

Chuck Rowland of Sullivan Engineering represented Mr. Glazer and the Trust.

The Commission was concerned with the continual adding of mulch in the buffer strip and for the health of trees that were trimmed outside of the view corridor.

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

Seconded and voted unanimously.

## VI CITATIONS

A. **Carvalho, Mateus – 287 Mitchell’s Way, Hyannis**, Violation of Order of Conditions and Enforcement Order.

Noted

## 4:30 PM AGENDA

## VII REQUESTS FOR DETERMINATION

**David L. & Lisa M. Pontius**. Remove vines, underbrush and smaller sapplings from upper hill area; replace with conservation-friendly bushes and shrubs; vista prune remaining large oaks and maples at 35 Hidden Ln., Osterville as shown on Assessor’s Map 139 Parcel 018. **DA-17029**

The applicant was represented by Sean Buckland.

Exhibits:

A – Revised plan dated 5/9/17 and photos

Issues discussed:

- Concern over condition of bank and potential for erosion.
- The need for a species planting plan
- The need to separate-out vista pruning.

A motion was made to issue a negative determination with standard vista pruning; an NOI must be submitted within 90 days of this hearing date for restoration of shrubs, and to fix erosion issues.

Seconded and voted unanimously.

## VIII NOTICES OF INTENT

**John & Mary Lombardo**. Raze existing residence and deck; build new residence and deck on approx. same footprint. Install new gravel parking area. Remove and replace existing retaining wall. Remove 4 trees. Installation of mitigation plantings and miscellaneous associated landscaping at 81 Willow Run Dr., Centerville as shown on Assessor’s Map 210 Parcel 056. **SE3-5476**

The applicant was represented by Griffin Bowden.

Exhibits:

A – Revised plan

Issues discussed:

- Raise section of wire fence to 6 inches along the BVW
- Concerns with aesthetics of stone wall and the possibility to include buffer strip beachward of wall for runoff protection
- Will submit another revised plan with 4-foot-wide strip of vegetation on both sides of entire length of wall, minus path.

A motion was made to approve the project with special conditions upon receipt of a revised plan.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 5:44 p.m.**