



**Town of Barnstable
Conservation Commission**
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MINUTES - CONSERVATION COMMISSION MEETING

DATE: April 18, 2006, 8:30 a.m.

LOCATION: Town Hall, Selectmen's Conference Room

The meeting was called to order at 8:34 a.m. by Vice Chairman Dennis Houle. Also attending were Commissioners John Parker, Larry Morin, Tom Lee and Pete Sampou. Chairman John Abodeely and Commissioner Scott Blazis were away. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent, and Fred Stepanis, Conservation Assistant.

The meeting was held in the Selectmen's Conference Room, Barnstable Town Hall, Hyannis, MA.

<u>I</u>	<u>REVISED PLANS/AMENDED ORDERS</u>	<u>project type</u>	<u>revision</u>
A.	Michael Ohanian SE3-3237	seasonal pier	timing of deployment

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

Discussion: A letter from the Town Shellfish Biologist was read.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	74 Garrison Lane R.T. SE3-3987	pier	raise deck, add piling
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This matter was deferred to later on the agenda, to be heard under "Certificates of Compliance."

C.	Bayberry Building Co. BCC-0179	sfr	driveway drainage
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The applicant represented himself.

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D.	Jack Hughes SE3-3650	pier	new boat for berthing
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The applicant was represented by John O'Dea, E.I.T.

Discussion: Staff indicated that the second boat authorized for use there a couple of years ago had been contested by the Commission but, in the end, was approved. Staff said that a third boat would not be recommended. Commissioner Sampou said it was an important shellfish area, and the boat would not conform with the new pier regulations.

A motion was made to deny the revised plan.

Seconded and voted unanimously.

E. David Weinstein SE3- 4481 pool, cabana footprint

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

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Seapuit Partners LLC SE3-4375 pier, dredging timing

The applicant was represented by Roy Okurowski, P.E.

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. Bonneybrook R.T. SE3-4458 stairs lighting

The applicant was represented by John O’Dea, E.I.T.

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

H. Portledge By the Sea SE3-2634 pier float piling

The applicant was represented by Jeff Beiling

Discussion: Pete Sampou was concerned about the creep-up to permanent piling when the pier is now only seasonal. Interim substitute 12 inch float piling were agreed upon. The applicant will file a new N.O.I. within 120 days for a proposed pier upgrade, including a new ‘el’ design.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

I. Hugh Sirhal SE3-4035 sfr ret. walls, vista pruning

The applicant represented himself.

No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

J. Philip Dubuque BCC-0180 pier timing

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

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

K. Michael Prentiss SE3-4305 pier timing

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

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

L. Dr. Kenneth Polivy SE3-4439 remodel sfd landscaping

This matter did not come forward. It will be on the next morning agenda.

M. McConville SE3-4456 raze, construct sfd extend gas main

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

Discussion: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

N. Mycock SE3-4177 rehabilitate cottage work on foundation slab

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

Although the revised plan was not, in itself, problematic, the lack of a building permit as well as fill placed in the wetlands was very much a concern of the Commission. Ms. Wilson said that she would confer with her client as soon as possible.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

O. Other

None

II EXTENSION PERMITS

A. Catherine Conover SE3-3764 pier, bulkhead 2nd request

The applicant was represented by John O'Dea, E.I.T.

Discussion: Given the displayed stewardship, the Commission was agreeable.

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

Seconded and voted unanimously.

B. Catherine Conover SE3-3762 sfr 2nd request

The applicant was represented by John O’Dea, E.I.T.

Given the displayed stewardship, the Commission was agreeable.

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

Seconded and voted unanimously.

C. Burnes SE3-4159 dredging

The applicant was represented by John O’Dea, E.I.T.

Discussion: No concerns arose.

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

Seconded and voted unanimously.

D. Susan Morrison SE3-4121 revetment repair 1st request

Discussion: No concerns arose.

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

III OLD & NEW BUSINESS

A. Gloria Geltman – 236 Holly Point Road, Centerville

The applicant was represented by Justin O’Connor.

The landscape stabilization plan by the representative will be acceptable in this hardship case. A Notice of Intent must be received within 30 days.

A motion was made to allow the proposed plan to be submitted with the N.O.I.

Seconded and voted unanimously.

B. Milage reporting

Staff noted that new milage reporting forms are being required.

C. Other

None.

IV ENFORCEMENT ORDERS

A. Miquel Gomes, 42 Tonela Lane, Centerville SE3-3859 – Violation of an Order of Conditions by failing to request a Certificate of Compliance.

No one appeared at the hearing.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

B. Alvydas Asinskas, 34 Wilfin Road, South Yarmouth – Operating a vehicle on the beach/ vehicle stuck, causing damage to a dune off Breakwaters Shores Drive

Mr. Asinskas appeared at the hearing. No dune repair will be necessary.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

C. Evgenity V. Bronov, 141R Estey Ave., Hyannis – Operating a vehicle on the beach off Breakwater Shores Drive

Mr. Bronov appeared at the hearing. No dune repair will be necessary.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

D. Daniel Ciotti and Peter Gens, 246 Ocean View Avenue, Cotuit – Alteration of a coastal bank and buffer zone by removing 8 trees and trimming understory, vista pruning, without prior authorization from the Conservation Commission.

Carol Bendetson, beneficiary of the trust for the property, and Attorney George Hailer appeared before the Commission.

A motion was made to approve the Enforcement Order as written and issue a 2nd Order, requiring an engineering plan showing the location of the stumps, size and type of trees that were cut and property boundaries. After an engineering plan is submitted, a professional landscaping plan will also be required, showing substantial replanting of the trees that were cut.

Seconded and voted unanimously.

E. James Barrett and Janet Hurd, Trs. – Alteration of a coastal bank and buffer zone by removing 8 trees and trimming understory, vista pruning, without prior authorization from the Conservation Commission.

Darcy reported to the Commission that she received a voice mail message from Ms. Hurd, requesting a new hearing date.

The Commission agreed to table the Enforcement Order until the May 2nd hearing.

F. Andrew Stern, 1691 Main Street, Cotuit – to direct replanting mitigation

Darcy reported that Mr. Stern is continuing to comply with the steps in the Enforcement Order. The engineering plan and the proposed landscaping plan have already been submitted. The landscaping plan will be reviewed by the Commission during the next (May 2nd) morning hearing.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

G. Brian Wasser, 28 Janice Lane, Hyannis – Alteration /dumping fill within the 100' buffer zone from a wetland.

Darcy reported that the property owner has been in contact with her. Mr. Wasser is willing to comply with the Enforcement Order, and will remove the fill that was placed on the SLT Realty Limited Partnership property (Four Points Hotel). We are waiting for written permission to come from SLT Realty, allowing the contractor Jim LeBoeuf, hired to remove the fill, to enter onto the property with equipment. Darcy will extend the deadline dates if necessary. A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

- H. John Rojee – 72 Oxford Drive, Cotuit
Violation of an Enforcement Order, failing to cease and desist activity on No Bottom Pond

Darcy reported that Mr. Rojee's attorney requested that the matter be continued until May 2, 2006. The Commission agreed to continue to May 2, 2006.

- I. Catherine A. DeSimone – 156 Harbor Bluff Road, Hyannis
Alteration of a resource area, coastal bank, by cutting into the bank and construction of a stone retaining wall.

Michael Madden, the contractor constructing the rubble/riprap stone wall on the property, represented the property owner.

A motion was made to approve the Enforcement Order as written. Also, the Commission agreed that a 2nd Order be issued requiring that a Notice of Intent be filed by May 30, 2006, with stamped engineering and landscaping plans. The landscape plan will show the planting of native shrubs (chosen from the approved list, and in consultation with staff) in front of the wall. The contractor may continue work on the wall.

Seconded and voted unanimously.

- J. Cynthia Steeves and William Duckett – 946 Craigville Beach Road, Centerville SE3-3849
Violation of an Order of Conditions, failing to request a Certificate of Compliance after two warning letters.

Darcy reported that Arlene Wilson, C.W.S., via fax, notified Conservation that she had been retained to submit the Certificate of Compliance request.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

- K. John and Rita Kelley Jr.- 116 Bay Road, Cotuit SE3-3407
Violation of an Order of Conditions, failing to obtain a Certificate of Compliance.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

- L. John Jr. and Rita Kelley – 116 Bay Road, Cotuit SE3-3449
Violation of an Order of Conditions, failing to obtain a Certificate of Compliance

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

- M. Vladimir Pave – 65 Pine Crest Road, Centerville SE3-3028
Violation of an Order of Conditions and approved plan of record, deck and driveway encroaching into 50' buffer, clearing into 50' buffer, retaining walls and patio constructed, existing house deviates from approved plan of record.

Mr. Pave and Lynne Hamlyn of Hamlyn Consulting appeared before the Commission.

A motion was made to amend the Enforcement Order to allow for a Notice of Intent to be filed. This was deemed necessary in order for the applicant to seek approval for the work already completed in the 50-foot buffer. Darcy added that the non-criminal citation for \$300.00 should be paid as one of the requirements. The Notice of Intent shall be filed by May 9, 2006.

Seconded and voted unanimously.

- N. David W. Pane – 194 Salt Rock Road, Barnstable
Violation of an Enforcement Order and written warning addressing mitigation measures, for clear cutting 50' buffer.

No one appeared at the hearing.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

- O. William Moore – 583 Lumbert Mill Road, Centerville
Alteration of the 100' buffer zone, removal of a few small trees and understory.

Darcy stated that she had met on site with Mr. Moore. He is willing to comply with the Enforcement Order.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

V CITATIONS

- A. John Rojee – violation of an Enforcement Order - \$300.00

Vladimir Pave – unauthorized activity beyond the scope of an Order of Conditions - \$300.00

[As noted above]

VI WRITTEN WARNINGS

- A. Mr. Roger Berman – 122 Point of Pines, Centerville – SE3-3838
Failure to request a Certificate of Compliance.

A motion was made to approve the warning letter as written.

Seconded and voted unanimously.

VII 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. Venditti - Mattakeese Wharf SE3-3942 (coc) construct two additions; rebuild retaining wall *

A motion was made to issue a Certificate of Compliance, contingent upon cleaning up shingles and cigarette butts.

Seconded and voted unanimously.

B. Peck (Tyler) SE3-4032 (ap,c) add stairs, brick patio & walkway, fence

A motion was made to issue a Certificate of Compliance.

Seconded and voted unanimously.

C. Peck (Tyler) SE3-4032 (coc,c) construct additions to single-family dwelling *

A motion was made to issue a Certificate of Compliance, contingent upon a fence adjustment and removal of grass clippings.

Seconded and voted unanimously.

D. Wilson SE3-3906 (coc) remove and construct in-ground swimming pool *

A motion was made to issue a Certificate of Compliance, contingent upon a revised plan showing the leach pit.

Seconded and voted unanimously.

E. Segall SE3-4303 (coc,c) construct garage, addition, & deck to single-family dwelling *

A motion was made to issue a Certificate of Compliance, contingent upon mitigation planting.

Seconded and voted unanimously.

F. Seifel (Small) SE3-1071 (coc,c) construct single-family dwelling *

A motion was made to issue a Certificate of Compliance, contingent upon a delineation of buffer with shrubs.

Seconded and voted unanimously.

G. 74 Garrison R.T. SE3-3987 (rev.pl.,ok) modify pier

A motion was made to issue a Certificate of Compliance.

Seconded and voted unanimously.

H. 74 Garrison R.T. SE3-3987 (coc,c) modify ramp & float; relocate 2 piles *

A motion was made to issue a Certificate of Compliance, contingent upon removal of the light.

Seconded and voted unanimously.

A motion was made to adjourn the meeting.

Seconded and voted unanimously.

The time was 11:43 a.m.