



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

DATE: May 17, 2011 8:30 a.m.

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 8:35 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners John Abodeely, Larry Morin, and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching. Rob Gatewood, Conservation Administrator, assisted, along with Darcy Karle, Conservation Agent.

The meeting was held in the Town Hall Hearing Room, 2nd Floor, 367 Main Street, Hyannis, MA 02601

I ENFORCEMENT ORDERS AND ISSUES

- A. Joseph Garodnick – 56 Wild Goose Way, Centerville (Continued from 4/5/2011)
Continuation for Commission to review existing conditions plan, future replanting plan.
Unauthorized alteration of a bordering vegetated wetland and wetland buffer, alteration of a coastal bank and flood zone by clearing vegetation. Cutting on various parcels owned by Mr. Steinberg

(See Steinberg, below)

- B. Richard D. Steinberg – 68 Wild Goose Way and #0 Bumps River Road (Continued from 4/5/2011)
Continuation for Commission to review existing conditions plan, future replanting plan.
Property owner where cutting occurred as listed under Joseph Garodnick.

The Garodnick and Steinberg hearings were opened simultaneously. The property owners did not attend.

Issues discussed:

- An April 6, 2011 plan by Bennett Engineering was discussed and noted as Exhibit A.
- The enforcement cases were summarized by staff.
- Aerial photos (3) were discussed and noted as Exhibit B (1 – 3).

With the property owners not in attendance, it was unclear as to their intent to follow through on the planting plan. A May 29th deadline is in effect for the planting plan to be in place.

The possibility of a civil penalty was discussed. Consultation with the Town Legal Department will begin.

A motion was made to continue the hearings to June 14th.

Seconded and voted unanimously.

- C. William Quirk Jr. – 104 Swallow Hill Rd., Barnstable cutting on 0 Indian Trail, Barnstable (BLT property)
MN051711

Original enforcement order approved 1/11/2011, on agenda for Commission and BLT review of existing conditions plan and proposed professional replanting plan. Cutting vegetation in bordering vegetation, 50' buffer and 100' buffer.

Staff summarized the case and brought the Commission up to date.

A letter from Jaci Barton of the Barnstable Land Trust was read. The B.L.T. had hoped the planting would occur this spring, but with no planting plan submitted, that prospect appears dim.

Attorney Charles Sabatt and Arne Johnson, P.E., represented Mr. Quirk, who also attended.

All were in agreement that a site visit among parties could occur shortly, and the planting could occur by mid-June (approximately 30 days off schedule).

A May 10th site plan by Sullivan Engineering was discussed and noted for the record as Exhibit A.

A motion was made to continue the hearing to June 14th. An effort will be made to meet this Thursday, allowing time for a planting plan to be submitted on or about June 1st.

Seconded and voted unanimously.

D. William Fitzgerald – 162 Clamshell Cove Rd. **(Continued from 4/5/2011)**
Continuation for Commission to review a mitigation replanting plan set forth under an enforcement order approved by the Commission to issue at prior hearing.

Chris Joyce represented the property owner.

The enforcement order was summarized by staff.

Issues discussed:

- A planting list and attached May 16th planting plan by Joyce Engineering were discussed and noted as Exhibit A (1 – 2).
- Planting is expected before summer.
- Annual reports on the success of the project will be submitted for three consecutive years.

A motion was made to approve the planting plan.

Seconded and voted unanimously.

E. Ronald Sidman Trs. – 276 Wheeler Road, Marstons Mills
Alteration of the Conservation Commission buffer zone by topping trees, without prior authorization.

The enforcement order was summarized by staff.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

F. Stephen Heher and Paul Heher Trs. – 31 Crockers Neck Road, Cotuit Highlands Golf Course
Alteration of the Barnstable Conservation Commission's 50' buffer zone by cutting trees (hazard) on edge of fairway and tee box.

The enforcement order was summarized by staff.

Issues discussed:

- Photos were discussed and noted for the record as Exhibit A (1 – 4).

- A letter from Mr. Paul Heher was read, discussing safety reasons for the cutting.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- G. Wianno (Golf) Club c/o Mark Williams – 379 Parker Road , Osterville - fairway along North Bay
Alteration of the Barnstable Conservation Commissions 50’ buffer zone and 100’ buffer zone by cutting trees and understory vegetation without prior authorization.

Mark Williams and Peter Davies represented the Club.

Photos of the violation were discussed and noted as Exhibit A (1 – 8).

The Enforcement Order was read.

Mr. Williams said that the site was degraded, with bittersweet vines choking the cedars. He stated that the area has been occasionally cut over many years. The cut area was once part of the golf course. The club would like to return it to fescue or bluestem rough.

The Club was asked how it wants to treat the mowed area. They suggested occasional mowing for historic rough.

Along the Crosby property, cedars would be planted and the area allowed to re-grow.

A site visit with staff will take place soon to identify areas desired for occasional mowing (area running along fairway).

A motion was made to approve the enforcement order.

Seconded and voted unanimously. [Commissioner Morin abstained]

- H. 1. Christopher H. Babcock – 109 Marquand Drive, Marstons Mills
Alteration of the Barnstable Conservation Commission’s 50’ undisturbed buffer zone and 100’ buffer zone by removing and limbing trees.
2. Christopher H. Babcock – 109 Marquand Drive, Marstons Mills
Enforcement order to address mitigation and grow back area

The Babcock hearing (1 & 2) were opened simultaneously.

Issues discussed:

- The enforcement orders were summarized.
- Aerial photos were discussed and noted as Exhibit A (1 – 3).
- Site photographs were discussed and noted as Exhibit B (1 – 4).
- No new trees were felled; trees were cut by a previous owner.
- The Commission discussed planting additional trees.

A motion was made to approve the enforcement orders.

Seconded and voted unanimously.

- I. Mary B. Hash – 1199 Craigville Beach Road, Centerville **SE3-4401**
Violation of an Order of Conditions and on-going conditions of a Certificate of Compliance by cutting vegetation beyond the established work limit line.

The property owner attended the hearing.

Issues discussed:

MN051711

- A July, 2009 aerial photo was provided and noted as Exhibit A.
- Staff summarized the case and the enforcement order, and discussed ongoing conditions in the Certificate of Compliance restricting cutting beyond the wall.
- Photos 1 – 9 were provided and noted as Exhibit B.
- Mrs. Hash said some cutting of large vines was done to preserve a tree. The cutting allows items dropped over the wall by renters to be retrieved.
- Phragmites control was recommended.
- The Commission discussed the recent cutting of additional vegetation, including two trees and the placement of lawn.
- A site plan by Sullivan Engineering dated 3/22/05 for SE3-4401 was discussed and noted as Exhibit C.

A motion was made to approve the Enforcement Order, and allow grow-back to occur in the cut area.

Seconded and voted unanimously.

J. Gerald Entine – 220 Vineyard Road, Cotuit
Alteration of the Barnstable Conservation Commission’s 50-foot buffer zone by mowing vegetation.

The property owner was represented by Chris Joyce and Dean Fraser.

The enforcement order was read.

Issues discussed:

- Photos were discussed and noted as Exhibit A (1 – 2); aerial photos were discussed and noted as Exhibit B (1 – 2); a series of 2005 photographs was discussed and noted as Exhibit C.
- Mr. Joyce (not involved in the violation) said that the cutting involved a large poplar field, already growing back.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

K. Meredith Parsons Tr. – 91 Point Isabella Road, Cotuit. **SE3-4054**
Violation of an Order of Conditions and ongoing condition in Certificate of Compliance, installing pier lighting.

The enforcement order was summarized.

A letter from Jeffrey Parsons was read, indicating that he has removed the light on the dock.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

II WRITTEN WARNINGS / OTHER BUSINESS

A. Keith Mckenzie-Betty 3280 Main St./Rte 6A (Barnstable) – shed location, gravel and tent structure

The property owner was not in attendance.

Issues discussed:

- The warning was summarized by staff.
- Site photographs were discussed and noted for the record as Exhibit 1 (A – F).
- Aerial photos were also discussed and noted as Exhibit 2.
- An RDA filing will be made in an attempt to correct the matter.

- B. Jon Tobin / Joyce Landscaping 656 South Main Street, Centerville – clarification of approved revised plan **SE3-4494**

Chris Joyce represented the applicant.

Issues discussed:

- The November 2nd, 2009 revised site plan for file SE3-4494 was discussed and noted as Exhibit A.
- Photos taken May 4th, 2011 were discussed and noted as Exhibit B (1 – 2).
- The warning was summarized by staff.
- The Commission was asked to clarify the allowance for clearing and meadow maintenance under SE3-4494.
- Cutting twice per year for meadow maintenance was agreed upon.

A motion was made to approve the twice-per-year mowing as specified in the Joyce letter.

Seconded and voted unanimously.

III NON-CRIMINAL CITATIONS

- A. Mary Hash – violation of an Order of Conditions \$300.00

Noted.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:37 a.m.