



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

**DATE: November 20, 2007 8:30 a.m.**

**LOCATION: TOWN HALL, SELECTMEN’S CONFERENCE ROOM**

Scrivener’s note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, several resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://town.barnstable.ma.us) ), audiocassette and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 8:30 a.m., by Chairman Dennis Houle. Also attending were Vice-Chairman John Abodeely and Commissioners Larry Morin, Tom Lee, 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 Selectmen’s Conference Room, Barnstable Town Hall, Hyannis, MA.

**I CONTINUANCES**

**Celestino DiGiovanni.** Install Title-5 septic system; construct single-family home with appurtenances; construct bituminous concrete driveway; install stone retaining wall; grading and landscaping at 35 Short Beach Rd., Centerville as shown on Assessors Map 206 Parcel 030. **SE3-4676**

The applicant was represented by Norman Hayes.

Issues discussed:

- The overall building height of 26.5 feet conforms with that allowed by the ZBA.

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

Seconded and voted unanimously.

**II REVISED PLANS**

			<u>project type</u>	<u>revision</u>
A.	McLaughlin	SE3-4507	raze/rebuild sfd	landscape

The applicant was represented by Arlene Wilson.

Issues discussed:

- Beach grass will replace the proposed fescue grass.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	Wroe	SE3-4634	sfd	patio/walls
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The applicant was represented by Stephen Wilson, P.E.

Issues discussed:

- Mr. Wilson agreed to add some additional hay bales along the southerly property line.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C, Town DPW SE3-4633 Bismore Park renovations reduce footprint

The applicant did not attend.

Issues discussed:

- The project will be scaled back, with the 2<sup>nd</sup> floor being deleted.

A motion was made to allow staff the discretion of approving a forth-coming revised plan showing the deletion of the 2<sup>nd</sup> floor, a reduction in building footprint, or both.

Seconded and voted unanimously.

D. Cannistraro SE3- 4292 cottage, pool adjust work limit

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

No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Ciolek SE3-4677 garage full foundation

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

No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

### **III EXTENSION PERMITS**

A. Town of Barnstable Cons. Div. SE3-3953 hydrilla control 2<sup>nd</sup> request, 3 yrs.

The applicant was represented by Rob Gatewood.

Issues discussed:

- A project update was provided.

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

Seconded and voted unanimously.

B. Town of Barnstable Cons. Div. SE3-4381 Lovell’s aeration 1st request, 3 yrs.

The applicant was represented by Rob Gatewood.

Issues discussed:

- Several Commissioners expressed a desire for a new Notice of Intent filing, so that possible new control techniques might be considered.

- The 2008 control season has already been funded by Town Council.

A motion was made to approve a one-year extension. Beyond the 2008 season, a new Order of Conditions would be required.

Seconded and voted unanimously.

C. Damian Dupuy SE3-4317 pier 1<sup>st</sup> request, 3-yrs.

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

Issues discussed:

- A case background was provided
- The standard practice of getting D.E.P. and Town wetland permits “on the same clock” (the D.E.P. clock).

A motion was made to approve an extension to March 29, 2008.

Seconded and voted unanimously.

#### **IV OLD & NEW BUSINESS**

A. The Conservation Agent represented the Division and the Commission in two cases in First District Court in October: 1) Scott Manley arraignment – no-show after second call; 2) Martin Scanlon – dismissed upon payment of \$200.00 for Court costs

Noted.

B. Scanlon – 133 Breakwater Shores Drive, Hyannis – enforcement order discussion

Attorney Sabatt represented Mr. Scanlon and Stephen Wilson, P.E.

A motion was made with regard to the following stipulations:

- Old fence location to be staked by December 5, 2007
- Existing fence to be moved to old fence (staked) location by December 12<sup>th</sup>
- The area east of staked location shall be reclaimed and gravel removed by December 17<sup>th</sup>, and native shrubs planted from approved list, 3-gal. pot size, 3-ft. on center, by May 15, 2008. The area west of the fence shall be reviewed by staff and Attorney Sabatt during an “on-site,” by December 17, 2007. The “on-site” will determine if the rest of the gravel area can remain or whether an RDA will be needed. If it is determined that an RDA is needed, it shall be submitted by January 8, 2008. The Agent will send out a letter with new deadline dates.

Seconded and voted unanimously.

C. Other

- The possibility of holding a meeting December 4<sup>th</sup> to discuss the Cape Wind Notice of Intent
- The up-coming special hearing on the shooting range and shellfish habitat was noted.

#### **V ENFORCEMENT ORDERS**

A. Robert and Susan Tobin – 35 Hidden Lane, Osterville – **DA-04054 and SE3-2665**  
Failure to comply with enforcement order dated July 26, 2006 and warning letter dated Aug. 13, 2007.

Darcy Karle informed the Commission that the Tobin’s had completed the required planting of the trees and were in compliance with the enforcement order.

A motion was made to approve the order as written.

Seconded and voted unanimously.

- B. Greg Lackso – 37 Abby Gate Road, Cotuit  
Alteration of the 50’ and 100’ buffer zone on the edge of Santuit River by vista pruning and cutting understory beyond the edge of an existing lawn. Planking placed in wetland to access river.

Mr. Lackso did not attend the hearing. Marian Scolles and another neighbor attending gave comment.

A motion was made to approve the enforcement order, and to have the Agent send a letter stating that the Commission views this as a serious violation.

Seconded and voted unanimously.

- C. James K. Williams c/o Christopher Kuhn– 337 South Main Street, Centerville  
Alteration of 50’ buffer zone and 100’ buffer zone by landscaping activities, tree and shrub removal.

Mr. Kuhn attended the hearing.

He stated that he cut a sumac and a cherry tree, along with some honeysuckle.

A motion was made to amend the order to clarify that two trees, 3-inch caliper at chest height, along with understory, chosen from the approved planting list, will be part of the landscaping sketch plan, as described in the enforcement order.

Seconded and voted unanimously.

- D. Edward and Debbie Crowell – 350 Plum Street, West Barnstable  
Alteration of a wetland and 50’ buffer zone by cutting vegetation and adding sand on Garrett’s Pond

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

Seconded and voted unanimously.

## **VI WARNING LETTERS**

- A. Martin Traywick – 525 Ocean Street, Hyannis – tenants dumping mattresses and debris near marsh  
B. Clark Gates – 123 Lake Elizabeth Drive, Centerville – violation of an enforcement order

A motion was made to approve both warning letters (“A” and “B”) 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)

None