



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION MEETING

DATE: May 20, 2008 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), audiocassette and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 8:30 p.m. by Chairman Dennis R. 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, and Fred Stepanis, Conservation Assistant.

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

I REVISED PLANS

project type

revision

A. Drake SE3-3624 sfd carport to slab

The applicant was represented by Ed Pesce, P.E.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Hower SE3-4579 rebuild seawall time (window) adjustment

The applicant was represented by Michael Borselli.

Issues discussed:

- The request was to allow revetment work during the summer.

A motion was made to approve the request.

Seconded and voted unanimously.

C. Robert J. Ciolek SE3-4677 detached garage various (Hansen /S. Wilson)

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

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

(Revised Plans, cont'd.)

D. F.E.C./Cirrito SE3-4611 sfd; garage; patio add porch

The applicant was represented by Jeff Goldstein.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Kuhn SE3-4373 addition widen path; enlarge deck; etc.

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- The scope of the overall mitigation was discussed.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Carey SE3-4515 sfd stone walls & steps

The applicant attended the hearing.

Issues discussed: No concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. Kuhn SE3-4373 addition 1st Request/3 yrs.

The applicant was represented by Lynne Hamlyn.

Issues discussed: No concerns arose.

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

Seconded and voted unanimously.

B. Wilkens SE3-4396 maintenance dredging 1st Request/3 yrs.

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

Issues discussed: No concerns arose.

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

Seconded and voted unanimously.

(Extension Permits, cont'd.)

C. Oyster Harbors SE3-4405 maintenance dredging 1st Request/3 yrs.

The applicant did not attend the hearing.

Issues discussed: None

A motion was made to approve a three-year extension, contingent upon favorable staff review.

Seconded and voted unanimously.

D. Anderson SE3-4399 maintenance dredging 1st Request/3 yrs.

The applicant did not attend the hearing.

Issues discussed: None

A motion was made to approve a three-year extension, contingent upon favorable staff review.

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

A. John J. Fallon – 43 Island View Road, Hyannis **SE3-3467**
Alteration of a wetland resource area and violation of on going conditions of a Certificate of Compliance.
Unauthorized use of a large piece of equipment in a wetland to remove dead trees and branches. Use of
equipment destroyed all understory.

John Fallon represented his father, John J. Fallon.

A motion was made to approve an amended enforcement order, with a two-week extension for wetland mix to go in.

Seconded and voted unanimously.

B. Robert Bothwell – 252 Clamshell Cove Road, Cotuit **SE3-4096**
Violation of an Order of Conditions and plan of record, by adding 8 x 6 float, davit, boat rack, two benches and
rearrangement of the pilings.

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

Seconded and voted unanimously.

C. Denise G. Swan – 32 Windswept Way, Osterville **SE3-3857**
Violation of a Certificate of Compliance “on-going conditions” by cutting several trees on a coastal bank and
50’ buffer zone.

Mrs. Swan attended the hearing, along with Bruce Besse, Steve Wilson, P.E., and Laurie McDonald. No one from
Oyster Harbors was present.

Darcy Karle presented a history of the property from its previous ownership to the present. Ms. Karle indicated that the
Swans submitted three revised plans in 2003, 2004, and 2006, respectively. The Swan’s also applied for an extension
permit in 2004, and requested permission for vista pruning in 2006 (all under SE3-3857).

On July 27, 2006 staff met with Bruce Besse and Peter Childs, arborists hired to do the vista pruning. The vista pruning
was completed and signed-off on by staff. During a Certificate of Compliance hearing in 2007, Darcy also submitted

(Enforcement Orders, cont'd.)

photos dated November 27, 2006 and December 15, 2006 to the Commission showing the completed vista pruning, as well as photos showing the cleared area taken on March 21, 2008.

When questioned, Mrs. Snow stated that she was responsible for the cutting, and had hired John Segalla of Maine to do the work.

Steve Wilson presented the "existing conditions" plan dated May 16, 2008, locating 84 stumps.

Bruce Besse presented a proposed re-planting and specification document.

Vice-Chairman Abodeely stated that this was a "grievous violation," and that the Commission would seek 100% mitigation, i.e., one-to-one replanting, and a possible civil penalty of up to \$25,000.

A motion was made to continue the hearing to June 17th to allow the following issues to be discussed and/or completed:

- Signed confirmation that Oyster Harbors Club has been copied on replanting information and proposed mitigation, and is in agreement. Darcy to contact representative for Oyster Harbors, Attorney Larry Murphy's office;
- The Commission to be apprised of the total inches cut (Commissioner Lee indicated that it was approximately 1,000 inches).;
- Possible civil penalties;
- Issuance of an enforcement order to contractor John Segalla.

Seconded and voted unanimously.

D. Paul Venditti – 273 Millway Road, Barnstable – Mattakeese Wharf
Violation of an order of conditions listed in an emergency certificate for bulkhead work.

Paul Venditti and Peter Jason were present at the hearing.

A motion was made to amend the enforcement order to include the submission of a revised plan, subject to staff approval.

Seconded and voted unanimously.

E. Carlton Neuben – 174 Lakeside Drive, Marstons Mills **SE3-3871**
Alteration of a resource area and 50' undisturbed buffer zone on Shubael Pond, by continuing to work on patio
Expired permit. No siltation controls in place.

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

Seconded and voted unanimously.

F. Abraham and Marianna Dranetz – 299 Sea View Ave., Osterville
Alteration of a resource area, unpermitted coastal access stairs over permitted groin and landing on beach

E. J. Brown from Rogers & Marny represented the Dranetzes.

Mr. Brown stated that the structure had been there for at least twenty-four years.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

G. Joseph Amaral Landscaping – landscaper for 145 Bridge Street, Osterville - cease and desist order
Alteration of a resource area, flood zone and coastal bank, and 50' undisturbed buffer by removal of trees and

(Enforcement Orders, cont'd.)

understory, pulling stumps and regrading with a bobcat.
(see below)

- H. Frederick I Day Jr. ET ALS – 145 Bridge Street, Osterville -
Alteration of a resource area, flood and coastal bank, and 50’ undisturbed buffer by removal of trees
And understory, pulling of stumps and regrading with a bobcat.

(“G” and “H” were opened simultaneously)

Anthony Amaral, Sr., attended the hearing.

The violation was discussed. Darcy noted that this company had a previous violation at 93 Marquand Drive, Marstons Mills. She asked to see Mr. Amaral’s license identification. A non-criminal citation was issued for \$200 for the alteration of a resource area by landscaping and tree removal at 145 Bridge Street, Osterville.

A motion was made to approve the enforcement order issued to Amaral Landscaping.

Seconded and voted unanimously.

Mr. Neil Perkins represented the Millers, the new property owners of 145 Bridge Street. Mr. Arne Johnson will be retained to carry out the mitigation replanting and submit a plan. Mr. Johnson was also present at the hearing.

A motion was made to approve the enforcement order as written, and amend it by changing the name on the order from Frederick Day to the current owner, Stephen Miller.

Seconded and voted unanimously.

IV NON-CRIMINAL CITATIONS

- A. John J. Fallon – 43 Island View Rd., Hyannis – Alteration of a resource area and work beyond COC **\$200.00**
- B. Denise G. Swan – 32 Windswept Way, Osterville – Violation of a Certificate of Compliance **\$300.00**
- C. Paul Venditti – 58 Acre Hill Rd., Barnstable - Unauthorized activity beyond scope of order of conditions in emergency certificate. **\$300.00**
- D. Carlton H. Neuben – 174 Lakeside Drive, Marstons Mills – Alteration of a resource area and work with an expired permit. **\$300.00**

Noted

The agenda was amended to add the following:

- E. Anthony Amaral – 145 Bridge St., Osterville – Alteration of a buffer zone **\$200.00**

Noted

V WARNING LETTERS

- A. Ms. Adele Barraro – 18 Briarcliff Lane, Centerville – landscape debris in steam.

Noted

VI 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. Lane SE3-3774 (ap,ok) construct gazebo & deck; extend retaining wall
- B. Lane SE3-3774 (coc,ok) raze & construct single-family dwelling *
- C. Korkuch SE3-3928 (ap,ok) relocate upweller; switch from submersible to surface pumps
- D. Korkuch SE3-3928 (coc,ez) construct & operate upwellers for raising shellfish seed *
- E. Tavano SE3-3965 (ap,ok) changes to deck configuration & hardscaping beyond 50 ft.

A motion was made to approve certificates (“A” – “E”).

Seconded and voted unanimously.

- F. Tavano SE3-3965 (coc,ok) construct pool & garage *

A motion was made to approve certificate “F,” contingent upon prior consultation with Conservation staff for all work done within the 100-foot buffer zone.

Seconded and voted unanimously.

VI OLD & NEW BUSINESS

- A. Barnstable harbor bulkhead access way paving.

Dr. Dale Saad attended the hearing.

A motion was made to approve the proposed temporary widening.

Seconded and voted unanimously.

- B. The Commission established that, for osprey pole construction, it is standard for construction material to remain wood.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:10 a.m.