



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

DATE: June 9, 2009 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, 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 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee, and Commissioners John Abodeely, and Larry Morin. Commissioner Louise Foster was away, and 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 Hearing Room, Barnstable Town Hall, Hyannis, MA.

I REVISED PLANS

project type

revision

A. Ciolek SE3-4677

detached garage

mitigation

The applicant attended.

Issues discussed:

- Proposing to fill-in voids in vegetation on coastal bank, as opposed to lawn planting
- Compromising with 3 – 4-ft. planted buffer in addition to filling in
- Staff consultation required.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Simboli SE3-3537

raze and rebuild dwelling

mitigation landscape plan

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- A mitigation landscaping plan was prepared in consultation with staff
- A pre-planting meeting between staff, consultant, and contractor was proposed.

A motion was made to approve the revised landscaping plan , subject to a pre-planting meeting with contractor, consultant, and staff.

Seconded and voted unanimously.

C. C-O-MM SE3-4804

intersection improvements

replace/upgrade water lines

Requesting continuance to 7/14/09

The matter will be re-docketed to July 14th.

II EXTENSION PERMITS

A. Payson SE3-4530 access road 1st Request; 3 yrs.

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

Issues discussed:

- No work under taken to date.

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

Seconded and voted unanimously.

B. Cruise SE3-4459 addition/boathouse/landscape 1st Request; 3 yrs.

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

Issues discussed:

- Cottage work nearly complete.

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

Seconded and voted unanimously.

C. Kinsella SE3-4528 pool, access, landscaping 1st Request; 3 yrs.

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

Issues discussed:

- The work was about 98% complete.

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

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

A. David J. Der Hagopian – 265 Ocean View Ave., Cotuit
Alteration of a resource area, coastal bank, by removing 4 cedar trees, 6” to 8” diameter on a coastal bank.

Mr. Der Hagopian was represented by Attorney Kevin Kirrane.

A motion was made to issue a second enforcement order, stating the following:

“Remove cut slash on bank by July 9, 2009. Replanting mitigation plan shall be submitted to, and approved by, the Conservation Agent by July 15, 2009. The plan shall show replanting of cut trees, in-kind inches, or other suitable mitigation ideas, e.g., removal of invasive species to make up for the inches that cannot be planted due to steepness of bank. Previous replanting report for this property should be reviewed for ideas. Native trees shall be used and water supplied. Planting shall take place by September 15, 2009.”

Seconded and voted unanimously.

B. Edward C. Lenk – 206 Wheeler Road, Marstons Mills **SE3-4711**
Contractor – Phil Miller of Miller Starbuck Construction Inc.
Alteration of a bordering vegetated wetland and 50’ buffer zone by 1” to 2” of silt from failed siltation controls
Failure to install a complete section of siltation controls near boat house.
Failure to use any siltation fencing behind haybales.

(Lenk, cont'd.)

Construction of a retaining wall not shown on the plan of record.
Failure to submit protocol to protect trees on or near work limit as stated in special conditions.

Mr. Phil Miller, contractor, and Steve Wilson, P.E., represented Mr. Lenk.

A motion was made to amend the enforcement order to read:

“Property owner shall have an engineer submit a protocol for protection of trees on or near the work limit line. A revised plan shall be submitted for the retaining wall. Siltation control status reports shall be submitted once a month to the Conservation Division by the engineer. “

Seconded and voted unanimously.

C. Ray Leoni – 47 Ladd Road, Centerville **DA-97001**
Unpermitted dock, additional items stored on property.

A motion was made to amend the enforcement order to read:

“Remove or file a Notice of Intent for the seasonal dock structure by July 1, 2009; file a Request for Determination for other item stored on the property.”

Seconded and voted unanimously.

D. Joan Delnegro – 99 Rosemary Lane, Centerville
Alteration the Commission’s 50’ undisturbed buffer zone, by the construction of a retaining wall, associated fill, above ground pool, associated deck, and ground level deck.

Ms. Delnegro represented herself.

A motion was made to amend the enforcement order as written to read:

“File a Notice of Intent or remove all unpermitted structures and replant disturbed areas in consultation with staff by July 25, 2009. “

Seconded and voted unanimously.

F. Daniel Salvatore and Roxanne Pappas – 110 Prince Ave., Marstons Mills **SE3-4502**
Cutting trees within the River Protection area, failure to cease and desist mowing near river, failure to request a certificate of compliance for SE3-4502.

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

Seconded and voted unanimously.

IV NON-CRIMINAL CITATIONS

A. Edward C. Lenk Jr. – 206 Wheeler Road - violation of an order of conditions - **\$300.00 SE3-4711**
Phil Miller/Miller Starbuck Construction - violation of an order of conditions (contractor) **\$300.00 SE3-4711**

Noted.

V WRITTEN WARNING

A. Mr. William Landes – 30 Belair Lane, Cotuit – boat hauling device.

Approved.

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. Windmill Cove Assoc. SE3-4039 (coc) maintenance dredging of Windmill Cove

A motion was made to approve the certificate.

Seconded and voted unanimously.

VII OLD & NEW BUSINESS

A. Barnstable County Fire Grant awarded

A \$10,000 grant was awarded from Barnstable County to be used in West Barnstable conservation area to improve trail and road signage; also, fuel reduction, road repair, and mowing of road buffers.

B. Swan enforcement: planting deadline extension

A motion was made to extend the planting deadline through June and beyond, through staff consultation.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 10:20 a.m.