



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

DATE: April 13, 2010 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 8:30 a.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee and Commissioners Larry Morin, and Louise Foster. Commissioners Peter Sampou and Scott Blazis were teaching. Commissioner John Abodeely was away. 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.

<u>I</u>	<u>REVISED PLANS</u>	<u>Project #</u>	<u>project type</u>	<u>revision</u>
A.	Leoni	SE3-4862	pier, ramp,float	float access

The applicant attended the hearing.

Issues discussed:

- Construction of the new pier is delayed by permitting.
- A mooring in East Bay would be forfeited, should the interim float array be allowed.
- Two boats would be berthed at the floats.
- A one-year request only.

A motion was made to approve the revised plan, subject to approval by the Harbormaster.

Seconded and voted unanimously.

B.	Valentgas	BCC-0188	sfd	footprint, wall
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The applicant was represented by John O’Dea, P.E.

Issues discussed: no concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C.	O’Neill	SE3-4580	revetment	design
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The applicant was represented by Stephen Wilson, P.E.

Issues discussed: no concerns arose.

Large stones will be placed on the seaward and inward faces and on the top, for stability in over-wash events.

(O'Neill, cont'd.)

Seconded and voted unanimously.

D. Gowdy (Carelli) SE3-4464 modify pier & float modify float piles & stops

The applicant was represented by John O'Dea, P.E.

Issues discussed: no concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Town of Barnstable/MEA SE3-3867 revamp boat ramp modify floats

The applicant was represented by Joe Gibbs, Assistant Harbormaster.

Issues discussed:

- The change would enable boats to be tied-up on both sides of the floats.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Walker SE3-4834 foundations, additions, landscape reconstruct stairs

The applicant was represented by John O'Dea, P.E. and Peter Hansen.

Issues discussed:

- The reason for the deck reconfiguration on the coastal bank was questioned by the Commission.
- Plantings shall be provided in consultation with staff.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

G. St. Onge SE3-4272 addition, landscaping landscape mitigation

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

Issues discussed:

- Shrub plantings in the buffer zone have not succeeded.
- All turf lawn would be replaced with clovers and cinquefoil
- The as-build parking expansion was a problem with the Commission, but as the landscape improvement to parking expansion ratio was approximately 3:1, the proposal was considered acceptable.
- A report on the success of the landscaping will be submitted in years 1 and 2, post-construction.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

H. Berman SE3-4805 sfd same/smaller footprint

The applicant was represented by Jack Vaccaro.

Issues discussed:

MN041310

(Berman, cont'd.)

- The barn would be down-sized.
- The existing driveway would remain, as the proposed one was never constructed.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II EXTENSION PERMITS

A. Dalby SE3-4646 dock and path 1st Request; 3 yrs.

The applicant attended.

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

Seconded and voted unanimously.

B. Kozloff SE3-4609 phragmites removal 1st Request; 3 yrs.

The applicant was represented by Bruce Besse.

Issues discussed:

- Much of the work is complete or on-going.
- Some *Rodeo* use was requested for use on bittersweet and poison ivy.

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

Seconded and voted unanimously.

C. Haley SE3-4645 raze/replace sfd 1st Request; 3 yrs.

The applicant was represented by Stephen Wilson, P.E. and Bruce Besse.

Issues discussed:

- Work has begun on the house. A revised plan will soon be submitted, moving the proposed structures landward.

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

Seconded and voted unanimously.

III ENFORCEMENT ORDERS

A. Peter Chalpara – 95 Millway, Barnstable
Cutting two Norway maple trees and some understory vegetation within Conservation Commission's 50' undisturbed buffer zone.

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

Seconded and voted unanimously.

B. Dennis Berube – 94 Millway, Barnstable
Alteration of a wetland and 50' buffer by clearing understory vegetation and two small trees. Erosion of a slope where a shed was placed under a minor activity form. In addition, a possible isolated wetland disturbed on south of property.

(Berube, cont'd.)

Mr. Berube attended the hearing.

There was some discussion as to whether the small depression on the southeast portion of the lot was a "wetland" or not. It is now graded and devoid of all vegetation.

Mr. Berube said runoff from an adjacent drive flows to this part of his property. The Commission resolved the matter by allowing the area to be returned to natural grade (with no new fill imported) and then seeded with a wetland seed mix. The area will then be observed in future to see if water accumulates again, and if so, to determine the source(s), and to otherwise determine whether this area is or is not subject to consideration as being a 'wetland'.

A motion was made to amend the enforcement order to allow grading on the south side of the depression, in consultation with staff, and re-seeding with a wetland mix.

Seconded and voted unanimously.

IV OLD AND NEW BUSINESS

A. Open Space and Recreation Plan Update

Growth Management Principal Planner Elizabeth Jenkins and Director JoAnne Buntich spoke about their update efforts in the Open Space and Recreation Plan. Commission input will be sought in the process. The current Open Space and Recreation Plan is valid through July, 2010. The draft plan will be reviewed by the Commission.

B. Craigville DCPC review

GMD Director Jo Anne Buntich discussed the proposed Craigville District of Critical Planning Concern (DCPC). A Craigville Beach District Map (within the DCPC) was distributed. The regulations should have no effect on pier permitting. This discussion will serve as the required Conservation Commission review of the proposed DCPC.

C. Hathway's Pond – leash discussion

Dog Officer Charlie Lewis described complaints received last year stemming from unleashed dogs. Staff pointed out that the "dog beach" area is actually part of the Recreation parcel.

Public comment:

- Nancy Willis, Centerville, walks her dogs every day at Hathaway's Pond where they like to go for a swim. She said that an enforcement of a leash regulation will be inequitable and cause ill will.
- Harrison Markus, Centerville, loves to walk his dog at the pond. Unleashed dogs are more social, he stated. He likes to pick up trash.
- Beth Markus, Centerville, described the social network that dog walking (especially running and swimming) provides. Her comments also included: dealing with homeless population, cutting back vegetation to help control tick population. If dog owners cannot unleash their dogs here, and if they go elsewhere, it will have the effect of expelling the land stewards. Don't let the few who are irresponsible take from the many who are responsible
- Kathy Finnegan suggested that signs be posted, perhaps distinguishing between Conservation and Recreation land. She suggested that this situation calls for communication and compromise
- Lora Zeampa urged not to allow things to be so tight and restrictive.
- Dominique Blessing, Hyannis, said that everything doesn't need to be legislated

- Charles Wry, Centerville, loves to let his well-behaved dogs run, and they certainly love it
- Gea Leighton, Barnstable, said the dog walkers help keep up the park, picking up litter. There's no place else for dog-walkers to go
- Mark Gentili talked about the stewardship provided by the dog walkers. He said he went there on Easter morning (4/4) and observed campfires and many empty beer bottles
- Chris Jackson, Centerville, said that dog walkers are present all day long. They pick up glass on the dog beach

The Chairman reminded the public that the Commission cannot exempt individuals from the leash regulations. The Commission has to support the Dog Officer's ability to enforce the regulation. The Commission added that one "bad (Hathaway's Pond, cont'd.)

apple" ruins the barrel for everyone. Bad apples often include careless owners, as well as their dogs. Something needs to be done about them.

D. Unauthorized vehicles, Stonehedge Drive

Chairman Houle will draft a letter to the Town Manager requesting a meeting with the Police Chief and staff, to address more police presence at or near #0 Stonehedge Drive and 46 Stonehedge Drive.

V NON-CRIMINAL CITATIONS

A. Dennis Berube – alteration of a wetland **\$200.00**

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. Keally SE3-4500 (coc) construct seasonal pier, ramp, & float *

A motion was made to approve the certificate, subject to receipt of a check for \$1,000 for shellfish acquisition and planting.

Seconded and voted unanimously.

B. Tilton SE3-3995 (coc) construct seasonal pier, ramp, & float *

A motion was made to continue the hearing to May 11th.

Seconded and voted unanimously.

C. Warner (Conover) SE3-1537 (revised plan only) unpermitted chain-link fence

A motion was made to approve the certificate.

Seconded and voted unanimously.

D. TOB/DPW SE3-4352 (coc,ok) Centerville River dredging – Phase 2

A motion was made to approve the certificate.

Seconded and voted unanimously.

E. Siroonian SE3-4569 (coc) construct additions to single-family dwelling *

A motion was made to continue the hearing to May 11th.

Seconded and voted unanimously.

A motion was make to adjourn.

Seconded and voted unanimously. The time was 11:25 a.m.