



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

**DATE: JULY 20, 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](http://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, Scott Blazis, Larry Morin, and Louise Foster. Commissioner Peter Sampou was away. Rob Gatewood, Conservation Administrator, assisted.

The meeting was held in the Hearing Room, Barnstable Town Hall, Hyannis, MA.

<b><u>I</u></b>	<b><u>REVISED PLANS</u></b>	<b><u>project type</u></b>	<b><u>revision</u></b>
A.	Weatherley SE3-4778	sfd	eliminate drywell, etc.

The applicant was represented by Jack Vacarro.

Shrub replacement planting would be done in consultation with staff. Roof and sump drains would outlet to the buffer zone. Clay soils will prevent effective leaching via drywell. This concerned the Commission because of possible wetland impacts. The Commission asked that an alternative drainage design be explored.

A motion was made to approve the pads for the AC units.

Seconded and voted unanimously.

A motion was made to approve the pads for the AC units.

Seconded and voted unanimously.

A motion was made to continue the three other components of the request to September 14<sup>th</sup>.

Seconded and voted unanimously.

B.	Swaim SE3-4751	sfd	add vista pruning
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The applicant was represented by Jack Vaccaro.

Vista pruning guidelines would be followed.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

(Revised Plans, cont'd)

C. Haley SE3-4645 pool, patio configurations

The applicant was represented by Bruce Besse.

The changes would pull the house and pool some 15 feet landward of the approved location.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Branca SE3-4867 elevated walkway & Patio walkway height

At The applicant's request, the matter was continued to August 17<sup>th</sup>.

No testimony was taken.

E. Laugharn SE3-4710 additions, deck ext., garage landscaping

The applicant was represented by Bill Witkowski.

Photographs were submitted and noted as Exhibit A (1-3).

Significant lawn area would be converted to meadow. Mowing would be allowed twice per year.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Walske SE3-4765 pier, ramp, float boat

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

A 1-foot clearance to bottom would be provided.

The Commission requested that the manufacturer's recommended minimum depth for this type of jet-powered boat be followed.

A motion was made to continue the hearing to August 17th.

Seconded and voted unanimously.

## **II EXTENSION PERMITS**

A. Webb SE3-4649 addition; landscaping 1<sup>st</sup> Request; 3 yrs.

Mr. Webb attended the hearing.

No concerns arose.

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

Seconded and voted unanimously.

(Extensions, cont'd.)

B. Fitzgerald SE3-4698 dune nourishment 1<sup>st</sup> Request; 3 yrs.

The applicant was represented by Peter Sullivan, P.E.

No concerns arose.

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

Seconded and voted unanimously.

C. Ward SE3-4629 wall 1<sup>st</sup> Request; 3 yrs.

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

No concerns arose.

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

Seconded and voted unanimously.

D. Crosby SE3-4313 sfd 2<sup>nd</sup> Request: 3 yrs.

The applicant was represented by Peter Sullivan, P.E.

Issues discussed:

- Landscaping remains to be done.

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

Seconded and voted unanimously.

### **III OLD & NEW BUSINESS**

A. Hayward Landing

Present were Bob Lovell, DPW Highway Supervisor.

Ms. Karle updated the Commission regarding the slow expansion/creeping of the landing between 2001 and 2008 under a prior Highway supervisor's direction.

Public comment:

Chris Outwin, abutter, produced various photos pertinent to before and after the violation:

Exhibits:\*

- A, 1-3 – Landing with boulders placed by staff and the DPW, dated 7/15/10
- B, 1-6 – Landing before boulders, dated 7/6/2010;
- C, 1-5 – Aerials, 1996, 2001, 2005, 2008, 2009;
- E-mail from Dan Horn dated 7/19/10;
- D-1 – Landing July 16, 2010; D-2 – From Chris Outwin;
- E, 1-4 Photos submitted by Chris Outwin (undated);
- F – Plan of Hayward Landing from Conservation file SE3-3145.

\*All photos can be accessed in Conservation Department 2010 Enforcement binder under "DPW/Hayward Landing."

(Old & New/Hayward Landing, cont'd.)

Staff stated that no additional unauthorized material was brought in since 2008. Grass was observed growing up through the material/debris at the east edge of the lot.

A motion was made to request the DPW to place an additional row of boulders along the north edge of the lot, in consultation with Conservation staff, and to hand-rake any material requested by staff. The existing two rows of boulders to remain in place.

Seconded and voted unanimously.

B. Pier maintenance in Certificates of Compliance (continued from 6/8/10)

Arlene Wilson, P.W.S., participated in the discussion.

Staff recommended that the Commission delete the pier maintenance statement from the Keally Certificate of Compliance. A motion was made to amend the Agenda to add the following under "Certificates of Compliance:"

C. Keally SE3-4500 (coc re-issue) pier

Seconded and voted unanimously. (For action, see VI – B., below).

#### **IV ENFORCEMENT ORDERS**

A. Eric Kinsella – 791 Old Post Road, Cotuit SE3-4528  
Violation of an Order of Conditions, unauthorized cutting beyond work limit. Cutting trees and dumping brush on coastal bank. Vista pruning without consultation with staff. (Continued from 6/8/10)

Arlene Wilson, P.W.S., represented Mr. Kinsella.

Chairman Houle read Mr. Kinsella's letter into the record.

The Commission discussed the illegal pruning of trees on either side of the coastal stairs, on both Turnbull's side and that of Kinsella.

Ms. Wilson requested permission to plant one-half dozen or more small cedar trees directly on the bank, along with fifteen shrubs/Bayberry. She stated that her client will not touch anything within the 20-foot buffer from the top of the bank.

Stumps will be left, for now, in the meadow area. Two trees near the pool which were removed will be replanted with two hardwood trees. The meadow will be staked off with boundary markers and two new trees, as aforementioned.

A motion was made that the following conditions be met:

- Submission of a revised planting plan approved by staff;
- A three-year monitoring plan, after planting; reports and photos required;
- A new enforcement order be issued to Mr. Kinsella for vista pruning trees near stairs without a permit.

Seconded and voted unanimously.

Ms. Wilson agreed that the planting would be done by fall of 2010.

Exhibit A-1 – Letter from Eric Kinsella, dated June 30, 2010. (May be accessed in Conservation Department 2010 Enforcement binder under "K – Kinsella)."

B. Conrad Geyser – 64 Old Shore Road, Cotuit – work on Town of Barnstable ramp  
Alteration of a wetland resource area by digging out an area and pouring a concrete pad on the beach next to boat ramp.



**V NON-CRIMINAL CITATIONS**

A Conrad Geysler – alteration of a wetland resource area \$200.00

Noted.

B. Dominick Gautrau – violation of an Order of Conditions \$300.00

Noted.

A motion was made to amend the agenda to add the following:

C. Robert Maffei Landscaping – alteration of a wetland resource area \$200.00

Seconded and voted unanimously.

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. Steamship Authority SE3-4770 (coc) dredging to accommodate slip #2

The applicant was represented by William Cloutier, P.E.

Issues discussed:

- Mr. Cloutier stated that the channel kept filling in and required over-dredging beyond the approved footprint (Exhibit A – Post-dredge Bathymetric Survey, dated 11/15/09)

Mr. Cloutier apologized for not obtaining prior approval of the Commission.

Commissioner Blazis thought that some kind of mitigation would be appropriate.

A motion was made to approve the Certificate, with staff sending a letter to the applicant, referencing the approved dredge depth and urging better communication in the future.

Seconded and approved: 5 votes “Aye;” 1 vote “Nay.”

A motion was made to amend the agenda to add the following:

B. Keally SE3-4500 (coc re-issue) pier

Seconded and voted unanimously.

A motion was made to re-issue the Keally Certificate, deleting the pier maintenance statement preceding the ongoing conditions.

Seconded and voted unanimously.

**A motion was made to adjourn.**

**Seconded and voted unanimously.**

**The time was 11:10 a.m.**