



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: August 13, 2013 8:30 AM

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 R. Foster. Commissioners John Abodeely, Peter Sampou, and Scott Blazis were away. Conservation Administrator Rob Gatewood assisted, along with Darcy Karle, Conservation Agent.

The meeting was held in the Hearing Room, Barnstable Town Hall, 367 Main Street, Hyannis, MA.

<u>I</u>	<u>REVISED PLANS</u>	<u>project type</u>	<u>revision</u>
A.	New Rushy Marsh Tr. SE3-5080	porch, addition, cottage	various

The applicant was represented by Michael McGrath, P.E.

Issues discussed:

- The cumulative results of the various revisions would be an additional 92 square feet of mitigation planting; A specimen tree will be preserved.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B.	McGuire SE3-5040	sfd	grading, driveway
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The applicant was represented by Stephen Wilson, P.E.

Exhibits:

- A – Proposed revised plan

Issues discussed: no concerns arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Fair SE3-5006 Patios, walls retaining wall

The applicant was represented by Michael Pimental, E.I.T.

Exhibits:

- A – Proposed revised plan

Issues discussed: no concern arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Sousa SE3-1020 driveway & landscaping as-built landscaping, flood light, small beach stairs, & deck pilings

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

Exhibits:

- A – Proposed revised plan

Issues discussed: no concern arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. Indian Point SE3-5042 additions, porches, patios change footprints

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

Exhibits:

- A – Proposed revised plan

Issues discussed: no concern arose.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Baker/Blakeley SE3-4824 pier, ramp, floats boat, relocate pier

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

Issues discussed:

- The proposed revision was for a boat change, and to relocate piles. The vessel will continue to meet the 30-inch rule.

A motion was made to approve the revised plan, with a further revision required, showing final pile footprint.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

A. Leo and Lorraine Arnfeld Trs. – 74 Lake Drive, Centerville **ART-0116**
Placement of an unpermitted 8’x16’ float, after receiving a prior written warning. Beach nourishment without prior authorization from the Conservation Commission.

The Arnfelds were represented by Arlene Wilson, P.W.S. Mr. Arnfeld also attended.

Exhibits:

- A – Site photo taken by Darcy Karle, 7/10/13
- B – Site photo taken by Darcy Karle, 7/10/13

A consultant is at work on the filing and plan for the pier.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- B. Larry Demers of Cape Cod Docks Inc. – contractor for Leo Arnfeld – 74 Lake Drive, Centerville **ART-0116**
Placement of an unpermitted 8' x 16' float. Show cause hearing

Mr. Demers was represented by Jennifer Henry. Dr. Arnfeld also attended.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- C. Jon R. Duane and Catherine Friedman – 51 Dale Ave., Hyannis
Alteration of a wetland resource area, coastal dune. Construction of a kayak rack without prior authorization of the Conservation Commission.

Exhibits:

- A – Site photo taken by Darcy Karle 7/17/13.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- D. Frank and Anne Fitzpatrick – 70 Ocean Avenue, Hyannis (with additional cutting on Harbor Village Condo Property, 160 Marstons Ave.) Show cause hearing.
Alteration of a wetland resources area, by clearing trees and understory located within river protection area , on a coastal bank, in flood zone and Barnstable Conservation Commission 50' undisturbed buffer zone.

Mr. Robert Fitzpatrick attended the meeting.

Exhibits:

- A (1-6) – Site photos, taken 8/1/13 by Darcy Karle
- B (1-7) – Site photos, taken 8/1/13 by Darcy Karle
- C – Google Earth aerial photo 3/11/12
- D – Letter from Harbor Village Condo Association
- E – GIS aerial photo, April, 2008

Issues discussed:

- The contractor was Vektorino's. A 1991 enforcement order was issued to the Fitzpatricks for clearing vegetation at the site. Part of the clearing was performed on the property of Harbor Village Condo Association.

A motion was made was made to issue the initial enforcement order and follow-up enforcement order with the following provisions:

The property owner shall:

Submit a stump report to address the 35 flagged stumps >3" in diameter by August 28, 2013, to address what was cut and number of inches DBH. Submit 9 copies (two stamped copies) of a professional restoration/engineering plan at 1" = 20 ft. scale with full planting protocol and guide report by September 5, 2013, along with the enforcement order response

plan fee of \$200.00. The plan shall indicate property lines and all jurisdictional areas, i.e., coastal bank, flood zone, river front. This shall include 50' buffer and 100' buffer from top of coastal bank and wetlands. Locate the stumps cut on the Harbor Village Condo Property.

The number of trees to be replanted will be in direct correlation with cross sectional area of the trees that have been cut. Trees to be chosen from the Conservation Commission planting list in, consultation with Conservation staff.

The plan and protocol shall address the following:

1. Irrigation in consultation with staff;
2. Final planting must be completed by Nov. 15, 2013;
3. Staking of conservation jurisdiction in field;
4. Identify "no mow *fno* disturbance zone" (single rail fence, bollards in consultation with staff) on plan and in field;
5. Location of trees to be planted shall be identified in the field by colored stakes;
6. Prior to start of work, the applicant shall convene an onsite meeting with the contractor, consultant and the Conservation Division staff to discuss the scope of work and protocols;
7. Annual reports with photos shall be submitted for 3 years, starting once the plantings have been in for one year, e.g., fall Nov. 15, 2015, 2016, 2017;
8. Any trees that have died or are listed in poor health in any of the 3 year annual reports shall be replaced in kind;
9. Any change in team members for the actual planting or reporting, shall promptly be brought to the attention of the Conservation Commission;
10. Any vista pruning in the future will require approval from the Conservation Commission in the form of a Request for Determination of Applicability (RDA).

A motion was made to approve the new (additional) enforcement order plan and protocol as stated above (1 – 10).

Seconded and voted unanimously.

III ENFORCEMENT ORDER RESPONSE PLAN

A. Raymond Ferretti – 52 Halletts Lane, Marstons Mills (from June 18, 2013 hearing)

A motion was made to approve the response plan.

Seconded and voted unanimously.

IV NON-CRIMINAL CITATIONS

A. Leo Arnfeld – 74 Lake Drive, Centerville – Violation of an Order of Conditions **\$300.00**

Citation noted.

B. E.J. Jaxtimer, contractor for Jon Duane – Alteration of a wetland resource area, dune **\$200.00**

Citation noted.

V CERTIFICATES OF COMPLIANCE

NONE

VI OLD AND NEW BUSINESS

A. Request for open gate vehicle access for hunters at W. Barnstable conservation area December 2nd through 31st.

The proponents for the proposed land management change did not attend the meeting.

The matter was tabled until September 10th, so that a proposed plan can be developed and presented at the next morning meeting.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 9:51 a.m.