



**Town of Barnstable
Conservation Commission**
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MINUTES

CONSERVATION COMMISSION MEETING

DATE: AUGUST 12, 2014 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 John Abodeely, Scott Blazis, Larry Morin, and Louise Foster. Commissioner Peter Sampou was away. Vice Chair Tom Lee left at 9:30 a.m. 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, 367 Main Street, Hyannis, MA.

I REVISED PLANS

project type

revision

A. Smith SE3-5128 dock kayak rack (as-built)

The applicant was represented by Jack Vacarro.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Chalupka SE3-4911 construct pool & garage pave driveway (as-built)

The applicant attended the meeting.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. Purcell SE3-4844 construct addition add patios (as-built)

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

Mitigation for additional hardscape is to be provided.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. Vedder SE-5059 cottage bedroom landscape & mitigation

The applicant was represented by Stephen Wilson, P.E., Greg Bilowz, and Seth Wilkinsen.

Exhibits:

- A (1-4) – Site photos
- B – Proposed revised plan

A motion was made to table the matter to September 9th.

Seconded and voted unanimously. A planting plan will be forthcoming.

E. Rudman SE3-4882 sfd modify work limit

Commissioner Scott Blazis informed the Commission that his father constructed the house, but that he (Scott) has no financial involvement.

Exhibits:

- A – Proposed revised plan

A motion was made to approve the revised plan.

Seconded and voted unanimously.

F. Rooney (Guarente) SE3-4782 pier, ramp, float new boat

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

A motion was made to approve only the 29-foot Harrier with specifications as provided.

Seconded and voted unanimously.

G. Bogert SE3-5124 sfd reduce footprint, etc.

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

Exhibits:

- A – Proposed revised plan

Public comment: David Sauro

Elevation views will be provided.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

H. Barber SE3-5092 pool, patio install low-voltage uplighting

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

I. Gray/Cowan SE3-5024 addition, garage fern grass meadow

The applicant was represented by David Cowan.

Some woody vegetation was requested within the meadow.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

II ENFORCEMENT ORDERS

- A. Anthony and Carolyn Ninivaggi – 974 Craigville Beach Road, Centerville
Alteration of a wetland resource area, barrier beach system and velocity zone, by construction of a block patio and brick walkway at Craigville beach grill without prior authorization.

Exhibits:

- A – Site photos
- B – Packet consisting of emails, GIS map, and three site photos from Mr. Ninivaggi

A motion was made to amend the enforcement order to include that a notice of intent be filed, or patio be removed, within thirty days of this hearing.

Seconded and approved with one abstention.

- B. Arnold Low – 108 Little River Road, Cotuit DA-01024 & SE3-2965
Cutting in 50-ft. buffer in violation of the Order of Conditions for SE3-2965 and the Determination of Applicability for vista pruning (DA-01024)

Exhibits:

- A (1-2) – Site photos taken 7/15/14
- B – Site photos taken 11/23/99
- C – Letter dated 8/12/14, from Aaron Childs

Mr. and Mrs. Low attended the meeting.

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

- C. Sarah K. and Matthew G. Fair – 1001 West Main Street, Centerville
Alteration of the Town of Barnstable Conservation Commission's 50' undisturbed buffer zone by removal of pond shore vegetation. Removal of 3 trees and removal of old garden area within 100' buffer zone.

Exhibits:

- A – 6 photos dated 07/15/2014 taken by Fred Stepanis
- B – photo dated from 1/18/2010 from TOB Assessing Department
- C – 4 photos dated 04/08/2013 taken by Fred Stepanis
- D – 4 photos dated 07/16/2013 taken by Fred Stepanis

The property owners did not attend the meeting.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

- D. Robert Armitage – 80 Point of Pines, Centerville SE3-4966
Violation of a enforcement order, cease and desist, and work beyond approved plan of record, installation of dock in wrong location.

Commissioner Morin recused himself.

Exhibits:

- A – 4 photos dated 08/01/2014 taken by Darcy Karle
- B – 4 photos dated 08/01/ 2014 taken by Darcy Karle

C – Approved plan of record with revision date of 5/14/2013

Public comment: Roger Berman, abutter (via email); Dr. Paul Caniff (testimony)

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

Seconded and voted unanimously.

III NON-CRIMINAL CITATIONS

A. Anthony P. Ninivaggi – 974 Craigville Beach Road – alteration of a resource area \$200.00

Noted

B. Robert Armitage – 80 Point of Pines, Centerville – violation of an enforcement order \$300.00

Noted

IV WRITTEN WARNINGS

A. Nikolay Efremow – 873 Craigville Beach Road, Centerville – spraying vegetation.

A motion was made to approve the written warning.

Seconded and voted unanimously.

V CERTIFICATES OF COMPLIANCE

NONE

VI OLD & NEW BUSINESS

A. Staff-approved beach dolly at 835 Sea View Ave., Osterville (Khoury SE3-5010)

The approval of the dolly was noted by the Commission.

B. Anastasia Marty, Tr. – 249 Long Beach Road, Centerville – Alteration of a resource area by removal of a set of wooden stairs without prior consultation and authorization.

Atty. Albert Schulz attended, representing Mrs. Marty.

Exhibits:

- A (1-8) – Site photos from Janet Joachim
- B (1-3) – Aerial photos from Janet Joachim
- C – Email from Janet Joachim
- D – Letter with attachments from Peter Fisher

Atty. Schulz argued that the enforcement order was not properly placed before the Commission. He stated that the stairs were never permitted and, therefore, illegal. His client had the obligation to remove the illegally-placed stairs, as she now owns the property.

Public comment: Fred Chirigotis

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

Seconded and voted unanimously.

C. Land Management Plan for Lumbert Pond Conservation Area

Ms. Karle outlined the features of the management plan.

A motion was made to approve the management plan subject to further review.

Seconded and voted unanimously.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 11:42 a.m.