



Town of Barnstable Conservation Commission

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MINUTES

CONSERVATION COMMISSION MEETING

DATE: MAY 19, 2015 @ 2:30 PM

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 2:30 p.m. by Chairman Dennis R. Houle. Also attending were Vice-Chairman Tom Lee, and Commissioners John Abodeely, Peter Sampou (arrived at 3:25 p.m.), Scott Blazis (arrived at 2:55 p.m.), and Larry Morin (left at 5:30 p.m.). Commissioner Louise Foster 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, 367 Main Street, Hyannis, MA

2:30 PM AGENDA

I OLD & NEW BUSINESS

A. Tree policy – Dying trees in 50-foot buffer (Tabled from 4/21)

Affirmed fallen tree guidelines. RDA to be filed for waivers.

The Commission provided guidance on two specific cases presented by staff. They also commented on their agreement with the fallen tree policy.

Public comment: Charles Rowland, E.I.T., representing the Mykranzes, Main Street, Osterville, and George Foy of Sea View Avenue.

B. DeVesto - SE3-4837 – review deed restriction for shared pier use (tabled from 4/21/15 agenda, now tabled to 6/16/15 agenda)

The applicant's attorney to confer with the Town Attorney. A progress report to be submitted at the June 16th hearing.

II REVISED PLANS

project type

revision

A. Vedder SE3-5105

replace pilings & sheetings

landscaping/mitigation

The applicant was represented by Stephen Wilson, P.E. and Greg Billows.

A motion was made to approve the revised plan.

Seconded and voted unanimously.

B. Quinn SE3-5123 pier construction deviations

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

C. M6 Cape Trust SE3-5026 raze/rebuild sfd, pool location generator & pool equipment

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

Exhibits:

A – As-built plan

A motion was made to approve the revised plan.

Seconded and voted unanimously.

D. L. S. Ventures SE3-4326 sfd, landscaping exterior stairs; HVAC platform; landscaping

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

A motion was made to approve the revised plan.

Seconded and voted unanimously.

E. 225 Ocean Ave. R.T. SE3-5155 bank access ramp, etc. allow winches/cranes/ladders on pier, etc.

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

Exhibits:

A – Davit detail

B (sheets 1-3) – Site photos.

A motion was made to approve the revised plan with “improvements” to be removed upon transfer of the property, or when there is no longer a demonstrated need.

Seconded and voted unanimously.

F. Tavilla SE3-4028 bank access stairs modify stairs & boardwalk

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

A motion was made to approve the revised plan for the three additional steps at top and bottom, and for the as-built platform dimensions, subject to the submittal of a revised plan.

Seconded and voted unanimously.

III EXTENSION REQUESTS

A. Oyster Harbors SE3-4405 maintenance dredging 2nd Request/3 years

The applicant was represented by Matt Carstensen.

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

Seconded and voted unanimously.

B. McGuire/Huges SE3-5040 raze/rebuild sfd, landscape 1st Request/3 years

The applicants were unable to attend the meeting, due to a medical necessity.

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

Seconded and voted unanimously, with one abstention.

IV ENFORCEMENT ORDERS

A. Eric Kinsella – 791 old Post Road, Cotuit c/o Richard Montague
Violation of an order of conditions, work beyond approved plan of record under SE3-4528 expansion of pool deck. Violation of an enforcement order, dated June 2, 2010, cutting beyond demarcation line.

Lynne Whiting Hamlyn and Richard Montague represented Eric Kinsella.

Exhibit A – 11 photos taken by Darcy Karle on May 14, 2015, showing completed restoration planting;
Exhibit B – Lynne Hamlyn submitted a PDF section of a revised existing-condition plan. Full scale plan to follow;
Exhibit C – Check for donation from Mr. Kinsella to 29 Acre Project.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

B. William and Ruth Cuming – 123 Hummock Lane, Cotuit
Vista pruning without a valid permit and adding a kayak rack to side of coastal stairs.

Mr. and Mrs. Cuming were represented by Charles Rowland, E.I.T.

Exhibit A – 3 photos taken by Darcy Karle on April 1, 2015.

A motion was made to amend the enforcement order to add: "...no further cutting may occur on the coastal bank without proper permission from the Conservation Commission."

Seconded and voted unanimously.

C. Charles and Margaret Gaziano – 86 Clamshell Point Lane, Cotuit
Violation of enforcement order dated July 8, 2009, by continuing to cut vegetation on coastal bank. Flood near dock.

The Gazianos attended the hearing.

Exhibit A – 7 photos taken by Darcy Karle on 5/7/15
Exhibit B – prior enforcement order dated July 8, 2009
Exhibit C – photos dated 6-30-93 from filing SE3-2197

A motion was made to approve and to amend the enforcement order to read: "...[violator(s)] to return within 60 days (i.e., by July 18, 2015) with a vegetative management plan by a certified arborist, including the submission of annual reports with photos for three years, and to remove the flood light as soon as possible within 60 days (i.e., by July 18, 2015).

Seconded and voted unanimously.

D. Richard D. and Gloria Ann Uber, Trs. – 72 Clamshell Point Lane, Cotuit
Alteration of a resource area, cutting on a coastal bank

Mr. Uber attended.

A follow-up enforcement order will address required planting.

A motion was made to approve the enforcement order.

Seconded and voted unanimously.

V NON-CRIMINAL CITATIONS

- A Eric Kinsella c/o Richard Montague – Violation of an order of conditions \$300.00
- B. Charles Gaziano – Violation of a prior enforcement order \$300.00
- C. Richard D Uber – Alteration of a resource area, cutting on a coastal bank \$200.00

The above citations (A – C) were noted.

4:30 PM AGENDA

RDA's (None)

VI NOTICES OF INTENT

Christopher D. Heckscher. Construct single-family dwelling at 144 Peppercorn Ln., Cotuit as shown on Assessor's Map 004 Parcel 010. **SE3-_____**

The applicant was represented by Sean Riley, P.E. and Jerry Dunn.

Exhibits:

A – Proposed plan

Public comment: John Gormally, abutter and his attorney Gregor McGregor.

A motion was made to approve the project with standard and special conditions, and incorporating any conditions forthcoming from Natural Heritage & Endangered Species Program (NHESP).

Seconded and voted unanimously, with one abstention.

Christopher D. Heckscher. Vista management at 144 Peppercorn Ln., Cotuit as shown on Assessor's Map 004 Parcel 010. **SE3-_____**

The applicant was represented by Sean Riley, P.E. and Jen Crawford.

Exhibits:

A – Proposed plan

Public comment: Gregor McGregor on behalf of John Gormally, abutter.

A motion was made to continue the hearing to July 7.

Seconded and voted unanimously.

Patrick J. Melampy, Tr., Ships Eagle Lane Nominee Trust. Demolish existing structures and construct new single-family dwelling and all associated appurtenances at 41 Ships Eagle Ln., Osterville as shown on Assessor's Map 165 Parcel 096. **SE3-_____**

The applicant was represented by Charles Rowland, E.I.T.

Exhibits:

A - Proposed plan

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

Garik Gevorgyan. Raze existing restaurant; remove gravel parking lot; construct single-family residence to be connected to town sewer; restore 0 – 50' buffer; landscape, at 36 Old Colony Rd. (Lot 1), Hyannis as shown on Assessor's Map 306, portion of Parcel 117. **SE3-_____**

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

Exhibits:

A – Subdivision plan

B – Proposed plan

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

Garik Gevorgyan. Raze existing cottage; construct single-family residence; restore 50' buffer to wetlands; landscape, at 36 Old Colony Rd. (Lot 2), Hyannis as shown on Assessor's Map 306, portion of Parcel 117. **SE3-_____**

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

Exhibits:

A – Proposed plan

A motion was made to approve the project with standard and special conditions.

Seconded and voted unanimously.

VII CONTINUANCES

Aleksandr Kapustin. To construct wooden staircase, semi-permanent dock, bluestone terrace, gravel walkway, outdoor shower, fence screen and driveway improvements at 30 Newspaper Rd., Hyannis as shown on Assessor's Map 253 Parcel 012-001. **SE3-5285**

An Email was received from the consultant requesting a continuance to June 9.

A motion was made to continue the hearing to June 9.

Seconded and voted unanimously.

No testimony was taken.

A motion was made to adjourn.

Seconded and voted unanimously.

The time was 5:37 p.m.