



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

**DATE: March 9, 2021 @ 3:00 PM**

This meeting of the Barnstable Conservation Commission is being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.

**Remote Participation Instructions**

The Conservation Commission's Public Hearing will be held by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link or telephone number and access code for remote access below.

**Join Zoom Meeting**

<https://zoom.us/j/99977732729>

Meeting ID: 999 7773 2729

888 475 4499 US Toll-free

3. Applicants, their representatives and individuals required or entitled to appear before the Conservation Commission may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to [Darcy.Karle@town.barnstable.ma.us](mailto:Darcy.Karle@town.barnstable.ma.us), so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing [Darcy.Karle@town.barnstable.ma.us](mailto:Darcy.Karle@town.barnstable.ma.us). Comments should be submitted at least 8hrs prior to the hearing.

**3:00 PM AGENDA**

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore and Commissioners John Abodeely, Dennis Houle, and Larry Morin.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Ed Hoopes.

**I. REVISED PLANS**

**Project type:**

**Revisions:**

A. Ted & Dorsey Titcomb SE3-5295  
797 Old Post Road, Cotuit

Beach nourishment &  
shore stabilization

1 time maintenance  
nourishment

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting.

**Issues discussed:**

- Last nourishment was 5 years ago.
- Permit will expire soon. May file as an amended order to request maintenance.
- Current survey was completed prior to request. Sand is not ending up on the marsh.

- Question raised, is there an environmental concern with continuing nourishment year after year. Is there an alternative? Could they review this question prior to coming back as an amended order?
- Question raised - is this a gradual change?

A motion was made to approve the revised plan request.  
Seconded and approved unanimously by roll call.

B. Christopher D. Heckscher SE3-5715                      SFR, on-site sewage  
Landscape/Hardscape  
144 Peppercorn Lane, Cotuit                      disposal  
improvements

The applicant was represented by Sean Riley of Coastal Engineering.

**Issues discussed:**

- How many trees will be removed under this request – approximately 30 trees.
- The northern boundary was required to be kept vegetated under an easement.
- The 50’ buffer will remain vegetated.

A motion was made to approve the revised plan request.  
Seconded and voted unanimously by roll call.

**II. EXTENSION REQUESTS                      Project type:                      Time Requested:**

A. Kingfish, LLC & Chrisjen Realty Trust      Repair/Rebuild Revetment                      3 yrs. (1<sup>st</sup>  
request)  
81 & 86 Sand Point, Osterville SE3-5550                      Beach Nourishment

The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.  
There were no issues discussed.

A motion was made to approve the extension request for 3 years.  
Seconded and voted unanimously by roll call.

B. Janet Voute-Allen SE3-5278                      Construct SFD, driveway                      3 yrs. (2<sup>nd</sup>  
request)  
118 Wild Goose Way, Centerville                      patio,

The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.

**Issues discussed:**

- Concern was raised about a second request, however due to unique family issues as noted on the record, the request should be granted.
- 

A motion was made to approve the 2<sup>nd</sup> extension request for 3 years.  
Seconded and voted unanimously by roll call.

C. Paul & Susan Condrin SE3-5254                      Construct and maintain pier                      3 yrs. (2<sup>nd</sup>  
request)  
270 Smoke Valley Rd, Centerville                      ramp, float, dock

The applicant was represented by, P.E.. John O’Dea of Sullivan Engineering and Consulting

**Issues discussed:**

- Under contract to be built and Chapter 91 license was just issued last November.
- Concern was raised about a second request, it has been 9 years since the Commission last, looked at this site. Have conditions changed, such as depth?
- Was there a delay in filing for the Chapter 91 license?
- John O’Dea stated it is not a significant shellfish area and no waivers were required. Not a dynamic area.
- They did request permission from the Commission to construct pier prior to occupancy permit, however the request was denied.
- Applicant should justify reasoning for 2<sup>nd</sup> extension request for piers in upcoming extension requests. Timeline should be attached.
- Commission accepts justification for this request. Applicant made an effort.

A motion was made to approve the 2<sup>nd</sup> request for 3 years.  
 Seconded and voted unanimously by roll call.

- D. Jennifer Newberg, 1187 CBR Realty Tr. Renovations to SFD, addition 3 yrs. (1<sup>st</sup> request)  
 1187 Craigville Beach Rd., Centerville window dormer, extend walkway  
 SE3-5551 garage

The applicant was represented by John O’Dea P.E. of Sullivan Engineering and Consulting.

There were no issues discussed.  
 A motion was made to approve the extension request.  
 Seconded and voted unanimously by roll call.

- E. Nathan & Kathryn Rudman SE3-4924 Construct SFD 3 yrs. (2<sup>nd</sup> request)  
 48 Waterman Farm Rd., Centerville

The applicant was represented by John O’Dea P.E. of Sullivan Engineering and Consulting.

**Issues discussed:**

- This site had a difficult access hurdle to permit first.
- Concern raised on 2<sup>nd</sup> request.
- 50’ buffer is being protected.
- Administrator raised a question on NHESP habitat. If it is determined it falls in NHESP, John O’Dea will check on filing requirements.

A motion was made to approve the 2<sup>nd</sup> extension request for 3 years.  
 Seconded and voted unanimously by roll call.

**III. ENFORCEMENT ORDERS**

- A. Gerardo F. & Stephanie A. Di Iorio – 19 Cranberry Lane, Centerville – Map 226 Parcel 195.  
 Alteration of 50’ buffer to a wetland resource area - wooded swamp (old bog) - by cutting trees.

Exhibits

- A ARC Reader image showing 19 Cranberry Lane, Centerville  
 B Site photos (Before and After)

Daniel Gonsalves, Down Cape Engineering represented the Di Iorio’s and Mr. Gerardo Di Iorio was present.

**Issues discussed:**

- Mr. Di Iorio was cutting trees to increase sunlight penetration on his property. He was not aware of the regulations pertaining to cutting within wetlands jurisdiction. He is a new homeowner at this property.
- Interest among the Commissioners in sending out a general letter to all of the tree service companies in the Conservation database reminding them to consult with Conservation prior to cutting trees near wetlands.
- Any further tree-cutting in Conservation jurisdiction will require filing with Conservation.

A motion was made to approve the enforcement order.

Seconded

Roll call

Voted unanimously.

- B. Michael T. & Mary A. Manning – 119 Shell Lane, Cotuit – Map 019 Parcel 101.002. Alteration of the buffer to a wetland resource area – Bordering Vegetated Wetland – by cutting trees.

Exhibits

- A ARC Reader image showing 119 Shell Lane, Cotuit
- B Site Plan (for review) to show buffer and cut trees
- C Current Site photos

Daniel Gonsalves, Down Cape Engineering and Theresa Sprague, Blue Flax Design represented the Manning's.

**Issues discussed:**

- Mr. Manning had already arranged with Down Cape Engineering and Blue Flax Design to create a restoration planting plan.
- Because there is not enough spacing within the 50' buffer to allow for a 1:1 replacement (for diameter), there will be some trees planted but will be supplemented with shrubs and ground cover to fully restore an undisturbed 50' buffer, which will be fully demarcated by single split rail fence or approved alternative.

A motion was made to approve the enforcement order.

Seconded

Roll call

Voted unanimously.

- C. William & Pamela Randon – 117 Eel River Road, Osterville – Map 116 Parcel 097. Alteration of the buffer to a wetland resource area - marsh, shrub swamp - by cutting vegetation and unauthorized activity beyond scope of Certificate of Compliance (SE3-2356).

Exhibits

- A ARC Reader plan showing resource areas on and around 117 Eel River Road, Osterville
- B ARC Reader Plan showing property lines with respect to impacted resource area buffer
- C Site photos (Before and After)
- D Material provided by Peter Hansen, Peter Hansen Design

Peter Hansen, Peter Hansen Design represented the Randon's.

**Issues discussed:**

- Peter Hansen took full responsibility for the violation which resulted because of a mis-communication.
- Concern was expressed as the machine operator that caused this impact was responsible for a similar problem at another site the previous year. Mr. Hansen assured the Commission that steps were being taken to ensure the operator better understands the importance of staying within the limits of any permits.
- Mr. Hansen is working with Crawford Land Management to design and implement a restoration planting plan.

A motion was made to approve the enforcement order.

Seconded

Roll call

Voted unanimously.

#### **IV. NON-CRIMINAL CITATIONS**

- A. Brad Hyatt of Tree Frog Tree Service – Alteration of the buffer to a wetland resource area  
\$200.00
- Noted
- B. Peter Hansen of Peter Hansen Design – Alteration of the buffer to a wetland resource area  
\$200.00
- Noted

#### **4:30 PM AGENDA**

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#### **REMINDER TO APPLICANTS:**

**FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601**

The meeting was called to order at 4:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore and Commissioners John Abodeely, Dennis Houle, and Larry Morin.

Conservation Administrator, Darcy Karle was present along with Administrative Assistant, Kim Cavanaugh.

#### **V. REQUESTS FOR DETERMINATION**

- A. **Edmund Lukas.** Proposed vista pruning and tree trimming to include topping and creating tree snags at 6 Leonard Road, West Barnstable as shown on Assessor's Map 136 Parcel 011 002. DA-21013

A continuance was requested to 3/16/21.

A motion was made to continue the project to March 16, 2021 without testimony.  
Seconded and voted unanimously by roll call.

- B. **Dorian & Elida Alba.** Replace and expand existing 2nd floor structurally compromised rear deck at 10 Gosnold Street, Hyannis as shown on Assessor's Map 324 Parcel 036. DA-21014

The applicants represented themselves.

**Issues discussed:**

- A question was raised if drainage for the expansion is included in the plan. No additional drainage is required.
- The footing are not going to need to be replaced or changed.

There was no public comment.

A motion was made to approve the project as a negative determination.  
Seconded and voted unanimously by roll call.

- C. **William and Vicki Wessel.** Cut back and trim down vegetation that is encroaching in lawn and to house at 93 Ocean Avenue, Centerville as shown on Assessor's Map 226 Parcel 074. DA-21015

No one was available to represent the applicant. Tabled to later in the meeting, called again, no representative was available.

A motion was made to continue the project to 3/16/2021.  
Seconded and voted unanimously by roll call.

- D. **1812 South County Road LLC.** Request to review and confirm the wetland boundary as delineated at 1812, 1850, 1852 South County Road, Marstons Mills as shown on Assessor's Map 008-002, 008-003, and 008-004. DA-21016

The matter is scheduled for 3/16/2021.  
The matter was tabled to 3/16/2021.

## VI. NOTICES OF INTENT

- A. **Barry C. Cosgrove, Trustee.** Relocation of driveway and landscaping at 71 Sand Point, Osterville as shown on Assessor's Map 073 Parcel 014. **SE3-5853**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

**Issues discussed:**

- The revised plan is dated 3/5.
- The stone wall height is about 30" it is existing and is a sitting wall.
- The driveway has shifted southerly on the street. The existing driveway is being removed.
- A question was raised if the parking area at the base of the driveway is necessary. It is a safety issue. The road is curvy and narrow. It is important for guests to have a place to turn around.

There was no public comment.

A motion was made to approve the application as submitted.  
Seconded and voted unanimously by roll call.

- B. The Michael W. Fish Revocable Trust – 2011 and The Elizabeth Fish Revocable Trust – 2011.** Proposed construction of a pool, patio and cabana and a fire pit at 434 Sea View Avenue, Osterville as shown on Assessor’s Map 138 Parcel 002-004.**SE3-5855**

The applicant was represented by John O’Dea, P.E. from Sullivan Engineering and Consulting.

**Issues discussed:**

- There is a proposed sewer line coming out of the cabana. It may be a bathroom.
- The previous OOC for the pool needs to be closed out.

There was no public comment.

A motion was made to approve the project as submitted.  
Seconded and voted unanimously by roll call.

- C. Allen & Jone Dalezman.** Proposed pool and patio at 355 Baxters Neck Road, Marstons Mills as shown on Assessors Map 075 Parcel 007 002. **SE3-5854**

- D.** The applicant was represented by John O’Dea P.E. from Sullivan Engineering and Consulting and Peter White of Zen Associates.

A revised mitigation planting plan was submitted.

**Issues discussed:**

- There was discussion on the bank being extremely vulnerable. Questions were raised of how vegetated the bank is, how many trees are being removed, and if the mitigation sufficient.
- The pool is located within existing lawn. Only one holly tree may need to be removed. No trees will be removed in the 50’ buffer.
- The Commissioners would like to see the vegetation in the 0-50’ enhanced. They are proposing some plantings along the edge of the path that goes down to the beach.
- Should there be any monitoring reports. No
- Would like demarcation where the plantings are going in area B.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing demarcation on area B.  
Seconded a voted unanimously by roll call.

**VII. MINUTES**

- A. February 2, 2021
- B. February 9, 2021

A motion was made to accept the minutes as written.  
Seconded and voted unanimously by roll call.

A motion was made to adjourn.  
Seconded and voted unanimously by roll call.  
The time was 5:05 p.m.