



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

**DATE: November 9, 2021 @ 6:30 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**

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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.

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<https://zoom.us/j/98345978573>

**Meeting ID: 983 4597 8573**

**US Toll-free 888 475 4499**

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.

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.

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin and Sampou.

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

**I. REQUESTS FOR DETERMINATION**

- A. **Robert Elfer.** Proposed vista pruning at 294 Bay Lane, Centerville as shown on Assessor's Map 186 Parcel 020. **DA-21054**

The applicant represented himself.

**Issues discussed:**

- There was discussion on the vista corridor requested.
- A letter dated 11/09/2021 was submitted from Beck and John MacDonald (the neighbor) agreeing to the vista pruning on their property.
- There was discussion about what needs to be taken down for the vista pruning.

- Applicant will be working with Fred Stepanis regarding the details.
- There was discussion on the size of the vista corridor.
- Jake St. Peter will be doing the work.
- There will be some limbing of one tree, but no trees will be completely taken down.
- There should be a condition that the debris from the limbing of the tree will be removed from the area.
- This project is within the Standard Vista Pruning Guidelines. If there is a variance to the standard the project will come back to the Commission.

There was no public comment.

A motion was made to approve the project as a negative determination subject to a standard vista pruning in consultation with staff and removal of any brush. If there is a variance it will come back to the Commission for approval.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

**B. Hope Barry.** Septic system repair/upgrade at 21 Route 130, Cotuit as shown on Assessor’s Map 010 Parcel 003. **DA-21058**

The applicant was represented by Justin Lamoureux of Strongtree Engineering.

A comment letter via email dated 11/09/2021 from Gavin Frazier was acknowledged.

**Issues discussed:**

- The Board of Health has approved the project.
- There is a large tree that may need to be removed.
- There was a question about the alignment of the leaching field.
- The neighbors’ letter dealt with impacts on his well which would be covered by Board of Health regulations.
- It would be outside the 100’ buffer.

**Public Comment:**

- Justin Frazier abutter - 39 Route 130, requesting the leaching field be angled a little away from the shed and away from his well.

A motion was made to approve the project as a negative determination.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

**II. NOTICES OF INTENT**

**A. Carla Raffo.** To construct and maintain a boardwalk, pier, ramp and float at 1855 South County Road, Marstons Mills as shown on Assessor’s Map 098 Parcel 023 002. **SE3-5930**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

Two comment letters from Natural Resources and Waterways. There were no objections to the project.

**Issues discussed:**

- The kayak rack should be shown on the plan.
- The depths at mean low tide are noted on the plan. It is very shallow.

- There was discussion about it being a seasonal dock. Kayak docks are normally seasonal. Floats stops will be used.
- There was discussion on the type of decking that should be used. If Thru Flow decking is used it would not need to be seasonal.
- Given the conditions at this site a permanent Thru Flow dock is better than a seasonal.

There was no public comment.

A motion was made to approve the project as a permanent, non-motorized dock subject to receipt of a revised plan showing kayak rack and flow stops.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

- B. Miodrag and Dajana Delmic.** Raze existing dwelling, garage and appurtenances. Construct and maintain a single-family dwelling, garage, covered front porch entrance with deck above, side entrance, rear deck and steps with deck above, ac/generator, roof gutters to connect downspouts into drywells, mitigation plantings with associated clearing, grading, utilities and landscaping at 65 Hawes Avenue, Hyannis as shown on Assessor’s Map 323 Parcel 007. **SE3-5933 Continuance requested to 11/23/21.**

A motion was made to approve the continuance without testimony to 11/23/2021.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

- C. Terry L. Simpson, Trustee, Blumist Trust.** Proposed renovation/additions to existing dwelling, reconstruction of garage carriage house, proposed pool and cabana, and driveway improvements at 531 South Main Street, Centerville as shown on Assessor’s Map 206 Parcel 069. **SE3-5932**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

**Issues discussed:**

- A waiver is being requested.
- In the 0-50’ there is a negative 383 sq. ft. reduction of hard scape and 98 sq. ft. reduction in the 50-100’ buffer.
- There is an existing driveway in the 0-50’ buffer.
- There was discussion of the tree removal within the 0-50’. Would like another tree planted to replace it. The tree has to be removed to do the construction. A new tree should be planted in the 0-50’ buffer.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the new tree planted within the 50’ buffer.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

- D. S&D Boston Properties, LLC.** Proposed site improvements to include pool and deck, landscaping, and ecological restoration at 108 Little River Road, Cotuit as shown on Assessor’s Map 054 Parcel 020.

A continuance was requested to 11/23 without testimony.

A motion was made to approve a continuance to 11/23/21 without testimony.  
Seconded and voted unanimously by roll call.  
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

### **III. CONTINUANCES**

- A. **Red Lily Pond Project Association, Inc.** Cutting and removing nuisance aquatic weeds using a mechanical harvester (Eco-Cutter), to improve the water quality and habitat from Red Lily Pond and Lake Elizabeth as shown on Assessor's Maps 226 and 227. **SE3-5862 Continued from 10/12/21 Last continuance.**

Tom Lee recused himself.  
John Abodeely completed the Mullin process for the project.

The applicant was represented by Patrica Deyton and Douglas Farquhar of Red Lily Pond Association, and Ken Wagner Ph.D. of Water Resource Services, Inc.

#### **Issues discussed:**

- The depth of the water where harvesting will take place was discussed.
- Oxygen levels were satisfactory in April but in late summer the levels were much lower and below State standards.
- Dr. Wagner reviewed the other options of managing the vegetation.
- The species being mowed were reviewed. Primarily water lilies.
- The reasons for the mowing were discussed.
- The Eco Cutter will only be used in 2' of water. Clearing of vegetation will be done by hand closer to shore.
- A question was raised if passing this project will set a precedent for other projects.
- A question was raised as to how many times this will be done. The approval could be done for one cut or it could be done once per year for the next 3 years.
- After the first year, monitoring data should be submitted.
- The existing plans do not reflect the actual depths now. Areas were found deeper than what is noted on the plan. The project should be measured and staked prior to the work being done. The staked areas would be reviewed with Conservation before cutting. There should be an updated plan submitted with the correct depths.
- A question was raised if a buffer should be left around the pond rather than hand pull all the way to the shore.
- Time of year restrictions should be listed in the Order of Conditions. No work March 15-June 30<sup>th</sup> and Sept 1<sup>st</sup> to Oct. 31<sup>st</sup>.
- They are interested in working July – September 15<sup>th</sup>.
- The herring warden should be contacted.
- There needs to be a written agreement between the Town and Red Lily Pond Association if using town of Brewster equipment.
- The launching address needs to be clarified on the plan.
- There should be cleanup and restoration after the cutting.
- There should be a special condition for where the debris will be removed too.
- All information on company and contractor needs to be provided if not using the Brewster machine.
- A pre-construction meeting should be scheduled.

#### **Public Comment**

Alice and Steve Brown, 173 Lake Elizabeth Drive, Craigville – Has been involved with Red Lily Pond project since the 1970's. Many of the problems with the pond are human caused. A very strong effort in the 1990's was made to raise money to install the Community Cluster System which provided septic for 17 homes which

was a very effective system. She appreciates everything the Town has been able to do to help them with their efforts.

Terry Ann Haidengar, 21 Birdson Place, Riverside CT. is in favor of the project.

Julia Gavitt, 67 Lake Elizabeth Drive - Worked on the pond for 50 years on different projects and appreciates everything the community has done to help continue this work. Thanked everyone for their efforts.

Olga Levit, 11 Red Lily Pond Road. Bought her cottage in 2010. Over the years surprised by the amount of wildlife is in the area. The pond seemed thriving. Over the last 3 years has noticed less and less wildlife. This summer they have not seen or heard a single frog. When the frogs leave it means the pond is in real trouble. She supports the project.

Terri Franklin – 109 Lake Elizabeth Drive - Appreciates the Towns efforts to find a solution.

Bill McKinney - 327 Lake Elizabeth Drive - Took over for Jim Lane as President of the Christian Camp Association. They are in support of the project.

Alan Schumacher - 12 Butler Avenue lives here year round. Grew up on Lake Elizabeth. Is in support of the project to bring the pond back.

**Pete Sampou left the meeting.**

- A revised plan with the depths and areas of mowing of the pond needs to be submitted and approved by Darcy.
- Monitoring reports should also be submitted.

A motion was made to approve the project subject to receipt of a map/plan indicating current water depths, proposed location of areas slated for mowed or hand pulling, duration of activities whether this will be a one year, two year or three year project, a monitoring plan before and after activities, no more than 20 to 25 percent of plants to be removed at one time, time of year restrictions recommend by the state, contact herring warden prior to work. Eco cutter will not be used in less than two feet of water with had pulling in shallow depths, agreement between Town or Red Lily Pond for use of Eco Cutter or contractor approved by Conservation Administrator, pre-meeting with staff to go over conditions before any mowing, receipt of a revised plan addressing the access point, clean up of debris at access point, restoration of access point if area is disturbed, notification to staff of where the material is going. Language for special condition addressing a contract provision between parties shall be submitted to Administrator for review and then placed in special conditions.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Morin,

Nay

- B. Laurie J. Hall, Trustee, TMT Realty Trust.** Proposed dock system to include installation of a pier, ramp and float at 979 Sea View Avenue, Osterville as shown on Assessor's Map 090 Parcel 008. **Continued from 10/12/21. SE3-5926 Continuance requested to 11/23/21**

The proposal has been revised. Have not received comment back from Waterways Committee.

A motion was made to approve the continuance to November 23<sup>rd</sup> without testimony.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin.

Nay

- C. Harry D. Taylor.** To remove existing 32' x 52' parking area and to construct a 27' x 44' Sports Court at 56 Sand Point, Osterville as shown on Assessor's Map 073 Parcel 017. **SE3-5921 Continued from 10/12/21.**

**Withdrawal request without prejudice was submitted.**

- D. Amended Order - Jane Ward and Steve Waller.** Replace the existing driveway with permeable pavers and replace the existing septic tank with an innovative/alternative septic tank (FujiClean™) as part of a pilot program at 125 Blantyre Avenue, Centerville as shown on Assessor's Map 229 Parcel 108. **SE3-5622 Continuance requested to 11/23/21. This is the third continuance.**

A motion was made to approve a continuance to November 23, 2021.  
Seconded and voted unanimously by roll call.  
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin  
Nay

**IV. CERTIFICATES OF COMPLIANCE** (ez = no deviations, staff recommends approval)  
(\* = on-going conditions)

- |    |   |          |                |   |
|----|---|----------|----------------|---|
| A. | McCafferty<br>40 Windrush Lane, Osterville      | SE3-5602 | (coc, ez)<br>- | Raze/Rebuild single family dwelling *<br>North Bay  |
| B. | Davis<br>986 Sea View Avenue, Osterville        | SE3-5738 | (coc, ez)<br>- | Repair/Replace Timber Bulkhead<br>West Bay          |
| C. | Hostetter<br>Berry Hollow Drive, Marstons Mills | SE3-5733 | (coc, ez)<br>- | roadway storm water improvements *<br>cranberry bog |
| D. | Quinn<br>313 Bridge Street, Osterville          | SE3-5355 | (coc, ez)<br>- | construct garage, pool, patio*<br>flood zone        |

A motion was made to approve A-D.  
Seconded and voted unanimously by roll call.  
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin  
Nay

A motion was made to adjourn.  
Seconded and voted unanimously by roll call.  
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin,  
Nay

The time was 9:14 pm.