



**Town of Barnstable  
Conservation Commission  
200 Main Street  
Hyannis Massachusetts 02601**

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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: July 12, 2022 @ 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.

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://townofbarnstable-us.zoom.us/j/81011670932>

**Meeting ID: 810 1167 0932**

**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.

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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 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 Conservation Agent Ed Hoopes and Assistant, Emil Assing.

**3:00 PM AGENDA**

**I. REVISED PLANS**

**Project type:**

**Revisions:**

A. Daniel and Sandra Geller SE3-5690  
44 Johnson Lane, Centerville

To permit and maintain  
seasonal pier

Add stairs

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

Issues discussed:

- The changes are needed because of special needs of a family member.
- A Sunset Claus was added to the original Order of Conditions.
- A question was raised of what the special need is.
- It seems it would be easier to walk in from shore rather than to use a set of stairs from the dock.
- A letter from the applicant was requested as to why stairs would help with access.

The matter was tabled to August 9, 2022 to get clarification on the need.

B. Brian and Dawn Marie Jadul SE3-5808 180 Vineyard Road, Cotuit	Construct SFD with pool patio, vista pruning	Vista Pruning
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The applicant was represented by John O’Dea P.E of Sullivan Engineering & Consulting.

Issues discussed:

- This is standard vista pruning. No variance is being requested.
- A meeting with staff will be required prior to the vista pruning.

A motion was made to approve the standard vista pruning.

Seconded and voted unanimously by roll call.

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

Nay

C. Yuriy and Yuele Matskevich SE3-5908 24 Flume Avenue, Marstons Mills	Replace deck, add patio spa, porch, beach stairs	Relocate section of westerly fence
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The applicant was represented by Arlene Wilson of A.M. Wilson & Associates.

Issues discussed:

- There has been a problem with trespassing on the property.
- The trees are part of the mitigation plan.

A motion was made to approve the revised plan as submitted.

Seconded and voted unanimously by roll call.

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

Nay

D. Craig & Maria Cornwall SE3-4882 40 Waterman Farm Rd, Centerville	SFD, Drive, Septic, Walkways Landscape, Ret Walls, Deck	Modify dwelling footprint/ location
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The applicant was represented by John O’Dea P.E of Sullivan Engineering & Consulting.

Issues discussed:

- A question was raised if the relocation will impact any trees. There are no trees of concern at this time.
- The work limit line has been re-staked.
- The work limit line is very close to the 50’ buffer in the patio area. Use of the patio when the project is complete may impact the 0-50’ buffer.
- The stairs of the patio will be located in an area away from the 50’ buffer.
- The patio should be moved back a 2-3 feet and significant demarcation should be added.

A motion was made to approve subject to receipt of a revised plan moving the patio back at least 3 feet, add dimensions of the patio area, and demarcation of the 50’ buffer to be approved by staff.

Seconded and voted unanimously by roll call.

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

Nay

E. Allen & Jone Dalezman SE3-5854  
355 Baxters Neck Rd., Marstons Mills

Pool and Patio

Stone curb stops along  
path, storage area, generator  
enclosure

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

Issues discussed:

- All of the changes seem insignificant.
- The grassy path going down to the water is being reduced to a 4’ path.
- It will be cut with a weed-wacker, not a lawn mower.

A motion was made to approve the revised plan as submitted.

Seconded and voted unanimously by roll call.

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

Nay

## **II. ENFORCEMENT ORDERS**

A. Robert G. Willett – 31 Paine Ave., Hyannis – Map 289 Parcel 119.001. Alteration of the buffer to a wetland resource area – Bordering Vegetated Wetland (BVW) – by cutting vegetation.

### Exhibits

- A ARC Reader Image of 31 Paine Ave., Hyannis
- B Before and After Photos

Mr. Willett (along with his father) represented himself.

Issues discussed:

- The Japanese Knotweed is prolific on the bank and in the buffer to the BVW. Mr. Willett was asked to cease and desist from any further cutting of knotweed or other vegetation within the buffer to the BVW (without permit).
- The Willett’s were concerned about the need for vegetation management with respect to knotweed growth within the road layout. They were directed to DPW as this is not within the purview of the Conservation Commission.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou

Nay –

Abstain - Morin

B. Margareth DeCastro & Dilmar A. Ribeiro – 120 Cobble Stone Rd., Barnstable – Map 316 Parcel 063.001. Alteration of the buffer to a wetland resource area – isolated vegetated wetland – by placing fill and a rock wall, installing an unpermitted retaining wall and allowing uncontrolled roof runoff to cause minor erosion.

### Exhibits

- A ARC Reader Image of 120 Cobble Stone Rd., Barnstable
- B Before and After Aerial Photos
- C Current Photos
- D Plan of Record for ART-0168 AND On-going Conditions from COC

The Ribeiro’s represented themselves.

Issues discussed:

- A rock retaining wall located at near the driveway was relocated closer to the wetland and a two-tiered retaining wall and driveway improvements were made in its place.
- At a recent RDA hearing (6/8/22) it was noted several pvc drain pipes were draining roof-runoff into the back yard toward the wetland. The RDA was issued a positive determination for lack of information (applicant/representative not present at hearing).
- In keeping with the on-going conditions in the COC, there was no activity conducted beyond the work limit line for ART-0168. However, there was a change to, and addition of, hardscape in the buffer to the wetland.
- The Agent believes the wetland boundary is closer to the original work-limit line established and maintained under ART-0168.
- A new wetland delineation will be required before it may be determined how to proceed with future permitting of the added hardscape. Should the wetland boundary be determined to be closer to the old work-limit line a NOI will be required to permit and mitigate for the new hardscape and management of the roof-runoff. Should an NOI be required the applicant could also incorporate the work associated with the Positive Determination (DA-22019).

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously by roll call.

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

Nay – none

- C. Lisa A. Heinricher & Paul S. Quadrozzi – 255 Cap’n Crosby Rd., Centerville – Map 193 Parcel 178. Alteration of a wetland resource area – Bordering Vegetated Wetland (BVW) – by cutting vegetation. Alteration of the buffer to a wetland resource area – unnamed pond and BVW – by cutting vegetation and installing unpermitted fire pit and generator.

Exhibits

- A ARC Reader Image of 255 Cap’n Crosby Rd., Centerville
- B Site Photos

Ms Heinricher and Mr. Quadrozzi represented themselves.

Issues discussed:

- There was unpermitted cutting of vegetation in the BVW and buffer to an unnamed pond.
- An unpermitted fire pit was also observed.
- The homeowner’s were not aware of the wetland regulations; they thought they were doing a good thing by removing vines and thorny plants from their yard.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously by roll call.

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

Nay – none

- D. Ram & Anjali Chuttani – 255 Green Dunes Drive, Centerville – Map 245 Parcel 031. Alteration of the 100’ Riverfront Area and 50’ buffer to a wetland resource area – saltmarsh – by installing an unpermitted deck. Alteration of the Riverfront Area and a wetland resource area – coastal bank – by cutting vegetation and topping trees and work beyond the scope of orders of conditions (SE3-5364). Failure to request a Certificate of Compliance (SE3-5364).

Exhibits

- A ARC Reader Image of 255 Green Dunes Dr., Centerville
- B Site Photos
- C Plan of Record and minutes from 2/9/16 for SE3-5364

John O’Dea, Sullivan Engineering represented the Chuttani’s and Dr. Chuttani was present.

Issues discussed:

- The Chuttan’s received an Order of Conditions (OOC) for adding additions to the existing house. Issue date 2/17/16. There were no extension requests so the OOC expired on 2/17/19, a little more than a year prior to the initiation of Covid tolling.
- The POR for SE3-5364 required mitigation plantings and contained a special condition (#19) concerning vista pruning on the property. It stated, “Proposed vista-pruning shall be in accordance with Conservation Commission guidelines. Advance consultation with the Conservation Agent is required. No lopping of trees or removal of vegetation on the bank is permitted. This property will need to be brought into compliance with standard vista pruning guidelines.” It was not specified how the bank was to be brought into compliance.
- It was evident that cutting of trees had been conducted after the OOC was issued.
- The homeowner stated they did not cut anything on the bank except for trimming storm-damaged limbs and downed woody material. He further believed he was doing something good by chipping the cuttings and creating a blanket of chips on the existing path to reduce erosion.
- A new deck was constructed right at the boundary of the salt marsh. At least 2 of the commissioners were not comfortable with the idea of permitting this structure. The homeowner will consult with the engineer and decide if they will remove the deck or go forward and attempt permitting.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously by roll call.

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

Nay – none

E. Eva Maria T. Janerus – 3009 Main St./Rte 6A, Barnstable – Map 279 Parcel 050.001. Failure to comply with an Enforcement Order. **Tabled from June 14, 2022.**

- This item was Tabled to September 6, 2022

### III. NON-CRIMINAL TICKETS

- |    |                   |  |       |
|----|-------------------|--|-------|
| A. | Peter Govoni      | Alteration of a Wetland Resource Area – Land Subject to Flooding | \$200 |
|    | • Noted           |  |       |
| B. | Peter Govoni      | Alteration of a Wetland Resource Area – Land Subject to Flooding | \$200 |
|    | • Noted           |  |       |
| C. | Michael F. Schulz | Alteration of a Wetland Resource Area – Land Subject to Flooding | \$200 |
|    | • Noted           |  |       |
| D. | Michael F. Schulz | Alteration of a Wetland Resource Area – Land Subject to Flooding | \$200 |
|    | • Noted           |  |       |

### IV. CERTIFICATES OF COMPLIANCE –

(ez = no deviations, staff recommends approval)

(\* = on-going conditions)

- |    |                                     |                 |          |   |
|----|-------------------------------------|-----------------|----------|---|
| A. | <b>Robin A. Brown, Tr.</b>          | <b>SE3-5061</b> | (Denial) | Elevate beach house to flood code / Mitigation Coastal Bank / Salt Marsh/ Flood Zone AE |
|    | 250 Smoke Valley Rd. Marstons Mills |                 |          |   |

The applicant was represented by John O’Dea of Sullivan Engineering & Consulting.

#### **Issues discussed:**

- **Conservation Assistant Emil Assing** identified a mitigation planting area which was installed in the 50-100’ buffer zone instead of the 0-50’ buffer zone.
- **Emil Assing** recommended the Commission vote to deny the COC request and require the applicant relocate the mitigation planting area to the 0-50’ buffer as shown on the plan of record.
- **Commissioner** commented that this was a pretty big mix up to plant the mitigation in the wrong area and that she supported the staff recommendation. She also requested that a variety of shrubs be planted instead of just Virginia Rose.
- **Commissioner** asked whether or not the boat house and pier structures were in compliance.

- **E. Assing** replied that he felt they were in substantial compliance with the plan of record.
- **Commissioner** asked whether or not the shading from the trees would cause issues for the shrub plantings in that area.
- **E. Assing** responded that he had a discussion with **J. O’Dea** about some shade and salt tolerant shrub species that would grow well in that area. He felt that the planting could be done in a way that the trees and coastal bank would not be negatively impacted; however, he said it should be done carefully.
- **Commissioner** asked if the original order called for specific plantings.
- **E. Assing** replied that the original order did not specify, but a later order SE3-5170 had included a landscape plan which showed 2 gallon white Virginia Rose plantings in the mitigation area.
- **Commissioner** asked if there was a basis for enforcement action for this issue.
- **E. Assing** said that he felt the applicants had been working with the commission to permit their projects properly and therefore believed that this issue could be resolved through a COC request once the plantings have been installed in the correct location.
- **Commissioner** recommended planting of deep rooted woody vegetation at the top of the coastal bank. He felt diversity of vegetation was important and also recommended planting holly trees in the area.
- **Commissioner** asked **J. O’dea** to work with Conservation staff to develop a plan for planting the 0-50’ mitigation area.

A motion was made to deny the COC request per staff recommendation.

Seconded and voted unanimously by roll call.

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

Nay

- B. John & Mary Lombardo**                      **SE3-5476**                      (COC, ez)                      Raze & Rebuild SFD / Retaining Wall  
81 Willow Run Drive, Centerville                      BVW / Lily Pond / Lake Wequaquet

A motion was made to approve the COC request per staff recommendation.

Seconded and voted unanimously by roll call.

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

Nay

**V. MINUTES**

**A. June 7, 2022**

A motion was made to approve the minutes as submitted.

Seconded and voted unanimously by roll call.

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

Nay

**4:30 PM AGENDA - THERE WERE NO AGENDA ITEMS FOR THE 4:30 SESSION**