



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: August 9, 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/87154213243>

Meeting ID: 871 5421 3243

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 , so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing 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 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, and Morin. Commissioner Sampou was absent.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Ed Hoopes and Administrative Assistant Kim Cavanaugh.

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
Tabled from 7/12

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

Issues discussed:

- A letter from the applicant dated July 22, 2022 was submitted stating the need for handicap access.
- There are also handrails included in the plan.
- It falls under the Sunset Clause. The stairs will be removed if there is not a need in the future.
- The dimensions of the stairs need to be put on the plan.

A motion was made to approve the revised plan request, with the Sunset Clause, subject to receipt of a revised plan showing the stair dimensions and railings.

Seconded and voted unanimously by roll call.

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

Nay

- | | | | |
|----|--|--|---------------------------|
| B. | 51 Sunset Point, LLC SE3-5981
51 Sunset Point, Osterville | Partial reconstruction, garage
addition, patios, walkways | Replace entire foundation |
|----|--|--|---------------------------|

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

There were no questions from Commissioners.

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

Nay

II. ENFORCEMENT ORDERS

- A. Estates of Rita B. & Donald S. Hawkins – 36 Daisy Bluff Rd., Hyannis – Map 326 Parcel 081. Alteration of buffer to a wetland resource area – Coastal Bank (Town) within Land Subject to Coastal Storm Flowage – by cutting vegetation.

Exhibits

- A ARC Reader Image of 36 Daisy Bluff Rd., Hyannis
- B Site Photos

Ms. Pam Nothacker represented herself (on behalf of the Hawkins Estate)

Issues discussed:

- The homeowner would like to gain a view through the large shrubs. They were advised to file an RDA to that effect.
- The area impacted by the cutting will be planted in the fall

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

Seconded.

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

Nay – none

III. WARNING LETTERS

- A. Hyannis Rotary, LLC - 10 Hyannis Ave., Hyannisport Map 287 Parcel 131. Failure to comply with an Order of Conditions (Maintaining erosion control) for SE3-5752.

- Noted

IV. CERTIFICATES OF COMPLIANCE –

(ez = no deviations, staff recommends approval)

(* = on-going conditions)

- | | | | | | |
|-------------------------------------|-----------------|------------|---|-----------------------------|---------------------------------|
| A. Christopher McNary | SE3-5362 | (COC, ez) | Construct SFD/ Attached Garage / Title-5
Septic System, Paved Driveway, etc. | 755 RTE 149, Marstons Mills | Hamblin Pond / Marsh |
| B. Christopher McNary | SE3-5670 | (COC, ez*) | Access Stairs & Landing / Seasonal Pier,
Walkway, and Elevated Ramp | 755 RTE 149, Marstons Mills | Hamblin Pond / Marsh |
| C. Ronald & Linda Knight | SE3-5818 | (COC, ez) | Install Pool, Decking, Cabana, & Fence
27 Kalmia Way, Centerville | | Cranberry Bog, Isolated Wetland |

A motion was made to approve A. – C.

Seconded and voted unanimously by roll call.

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

Nay

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, Commissioners Abodeely, Hearn, and Morin. Commissioner Sampou was absent.

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

V. REQUESTS FOR DETERMINATION

- A. **Lawrence Sullivan.** Septic system upgrade at 91 Craigville Beach Road, Hyannis as shown on Assessor's Map 267 Parcel 115. **DA-22028**

The applicant was represented by Daniel Ojala, P.E. of Down Cape Engineering.

Issues discussed:

- The representative was asked if the owner was made aware of the new Nitro and IE systems.
- They will be notified that the technology is available.
- This property is not scheduled for a new sewer. It is sitting right on the edge of the marsh.
- The existing cesspools are being removed. They should be labeled on the plan.
- The representative was informed the Barnstable County loan program may help fund a Nitro system.

Public comment:

Susan and Beau Huhn – Abutter - 97 Craigville Beach Road, asked if the system will be underground. The representative advised there is high ground behind so it will be mostly ground level.

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

Nay

VI. NOTICES OF INTENT

- B. **Pamela Randon.** Construction of a pile/sonotube supported boathouse with grated surfaced access ramp; modify pedestrian access path at 117 Eel River Road, Osterville as shown on Assessor's Map 116 Parcel 097. SE3-6019

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

Issues discussed:

- There are three narrow properties in a row at this location. A boat house will take up most of the buffer area.
- A new boat house right against the water has not previously been approved.
- An electric cart could be used to tow the boat up and down. It would be a better alternative. This may set a precedent.
- The elevations need to be submitted and added to the plan.
- The Commission has approved water dependent structures previously.
- Definitions in the regulations do not specify boat houses.
- This does not appear to be a water dependent structure.
- There was discussion on the regulations and what is a water dependent structure.
- This is not for a recreational area it is for boat storage only.
- The grading material will distribute the weight of the boat and people crossing over the area and allow vegetation to grow up through it.
- The boat is currently hauled out on a dolly which disturbs the vegetation and creates divots in the sand.
- The concept of two types of boathouses was discussed. A garage or storage. This one is for storage.
- There is minimal vegetation in the area.
- The water dependent facility is the question.
- There are alternatives to building a boathouse. The Commission is very cautious about approving any new boat house.
- Approval is at the discretion of the Commission.
- Alternatives should be looked at.
- An approval was given for 265 Sepuit Road. One of the buildings was a water dependent use. The building was 70' from the water, not within the 50' buffer.
- A question was raised if this is day to day seasonal storage or winter storage.
- This is for in season, day to day storage and maintenance. These are lightweight sailboats that can be picked up and moved.
- They could pull it out with a trailer and store it at the house.
- The boat house is 14' wide.
- The ability to have a place to store and secure the boat and equipment is requested. This is a convenience that does not have a significant impact.
- Cumulative impact should be considered in this situation. There are significant options that should be considered.
- A motorized dolly could meet the owners need.
- If approved, when there are significant available options, it may open up many new applications.
- The elevation of the proposed boathouse needs to be submitted.
- 50 Fox Island Road, Marstons Mills boathouse was approved, and the one on Eel River Road may help to evaluate this situation.

There was no public comment.

A request for continuance to September 27, 2022 was made.

They will do a cumulative impact analysis in the area south of Oyster Harbors bridge.

A motion was made to approve the continuance request to September 27, 2022.

Seconded and voted unanimously by roll call.

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

Nay

- C. **Steven Cohen, 209 Bay, LLC.** Proposed invasive species management to include phragmites at 209 Bay Street, Osterville as shown on Assessor’s Map 117 Parcel 158. **SE3-6020.**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting and Jeremy Schaub of Wilkinson Ecological Design.

This is an ecological restoration project. There is not a different standard of review for this type of filing.

Jeremy Schaub from Wilkinson explained the reason for filing with the State is to streamline the application. A regular Order of Conditions can be issued for this type of project.

A comment letter dated August 2, 2022 from DEP was read into record by Chuck Rowland.

The wetland delineation needs to be added to the plan.

The pond should also be put on the plan.

Issues discussed:

- A question was raised about allowing poison ivy to grow back. Only poison ivy along the existing path would be removed.
- Everything will be allowed to grow back but some may be cut back.
- A special condition should be added that Wilkinson will be the consultant and any change in consultant will need to be a CERP.
- Annual reports for three years will need to be submitted.
- They would like to manage the aggressive native vines.

Public comment:

Colleen Boselli, 183 Bay Street, asked the representative if phragmites are on their property as well and could they ask for a similar application in the future.

The application process was explained.

A motion was made to approve the project subject to receipt of a revised plan showing the existing pond, the wetland delineation information, annual reports for three years, written notification if change of contractor from Wilkinson Ecological, must be a Certified Ecological Restoration Professional (CERP), allowing ongoing minimum maintenance to control phragmites and native and aggressive native plantings.

Seconded and voted unanimously by roll call.

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

Nay

VII. AMENDED ORDERS

- A. **209 Bay, LLC.** Request to amend order of conditions to allow additional fencing, a pathway to include a walkway and sitting area, and to modify the approved vista corridor and parking area at 209 Bay Street, Osterville as shown on Assessor’s Map 117 Parcel 158. **SE3-5849**

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

Issues discussed:

- During site visit the views seemed pretty good.
- The Commission asked if the cedar trees could be dug up and moved instead of cut down. Also requested the walkway and sitting area be explained in more detail.
- The trees could get moved without causing too much damage. Matting could be put down to protect the area while being moved. Monitoring of the trees should be done after being moved.
- The path is just a natural path and the sitting area is just a bench.
- The walkway would be boards to go across the wet area.
- A revised plan should be submitted with more details.
- The height of the walkway should be added to the plan.
- A question was asked what kind of vegetation is being lost when creating the path. It is mostly phragmites. There is very little native vegetation.
- Owner addressed the Commissioners and advised he would be willing to use the most environmentally friendly materials.
- Looking toward the water, once the phragmites are removed it will open up the view a lot.
- The vista corridor and location was discussed. Would like the large oak left in the vista corridor so it could be pruned.
- There was concern about putting a path and a boardwalk through a wetland.
- Wetland delineation will be put on the plan.
- The path is almost 10' wide. After construction is finished the path should be narrowed down to 4' wide.
- More detail needs to be added for the bench and the bench area. It looks like a big triangular area, not just a bench. The bench should come out of the wetland area.
- The vista corridor, parking area, and split rail fence could be approved and they can come back with a revised plan for the path and sitting area.
- Path, sitting area and boardwalk are being removed from this Amended Order request. They will be brought back with more detail as a Revised Plan Request.
- The existing cedar trees will be removed and new ones planted.

There was no public comment.

A motion was made to approve the Amended Order subject to receipt of a revised plan showing the relocated cedar trees to be planted, showing dimensions on proposed gravel area, and narrow the existing path down to 4 feet wide. Approved including the split rail fence.

Seconded and voted unanimously by roll call.

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

Nay

VIII. CONTINUANCES

- A. **Amended Order - Stanley Davitoria – SE3-5739** Proposed changes to the original Order of Conditions include the relocated wall, along with a proposed pool, patio, shed, and deck at 55 & 61 Beechwood Road, Centerville as shown on Assessor's Map 252 Parcel's 182 and 008. **Continued from 07/19/2022. Continuance requested to August 30, 2022.**

This is the fourth and last continuance.

A motion was made to approve the continuance request to August 30, 2022.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin

Nay

Commissioner Hearn is not part of the quorum for this project.

IX. MINUTES

A. July 19, 2022

A motion was made to accept the minutes as submitted.

Seconded and voted unanimously by roll call.

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

Nay

The Chair reminded the Commissioners and public the proposed Chapter 704 regulation changes will be discussed at the August 16, 2022 meeting and to submit written comments as soon as possible.

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

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

Nay

The time was 6:23 p.m.