



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: December 20, 2022 @ 6:30 PM

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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/83132965873>

Meeting ID: 831 3296 5873

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.

**REMINDER TO APPLICANTS:
FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230
SOUTH 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 Administrative Assistant, Kim Cavanaugh.

I. EXECUTIVE SESSION

A. Executive Session for the purpose of discussing litigation strategy with respect to the pending appeal of 25 Cove Lane Realty Trust, et al. (applicant Tobias Welo) v. Barnstable Conservation Commission, Barnstable Superior Court Docket No. 2272 CV 00319 (property located at 25 Cove Lane, Osterville as shown on Assessor's Map 052 Parcel 009), if the Chair determines that an open session could be detrimental to the Commission's litigation position.

- **CHAIR:** Next on the agenda is an Executive Session to discuss litigation strategy with respect to the pending appeal of 25 Cove Lane Realty Trust, et al. (applicant Tobias Welo) v. Barnstable Conservation

Commission, Barnstable Superior Court Docket No. 2272 CV 00319 (property located at 25 Cove Lane, Osterville as shown on Assessor's Map 052 Parcel 009).

- **DECLARATION OF THE CHAIR:** I declare that the discussion of litigation strategy in open session with respect to the pending appeal of 25 Cove Lane Realty Trust, et al. (applicant Tobias Welo) v. Barnstable Conservation Commission, Barnstable Superior Court Docket No. 2272 CV 00319 (property located at 25 Cove Lane, Osterville as shown on Assessor's Map 052 Parcel 009) may have a detrimental effect on the litigating position of the Commission and I, therefore, ask for a motion to go into executive session.
- Following the Executive Session, the Commission will reconvene in Open Session. I recognize the Clerk to make the motion.
- **CLERK:** I move to go into Executive Session under G.L.C. 30A§21(a)(3) to discuss litigation strategy with respect to the pending appeal of 25 Cove Lane Realty Trust, et al. (applicant Tobias Welo) v. Barnstable Conservation Commission, Barnstable Superior Court Docket No. 2272 CV 00319 (property located at 25 Cove Lane, Osterville as shown on Assessor's Map 052 Parcel 009) based on the Chair's declaration that an open meeting may have a detrimental effect on the litigating position of the Commission and will reconvene in Open Session following the conclusion of the Executive Session.
- **CHAIR:** I second the motion.
- **ROLL CALL VOTE:**
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay –

TIME: 6:35 p.m.

The Commission adjourned Executive and returned to public session at 7:34 p.m.

II. REQUESTS FOR DETERMINATION

- A. B. Francis II & Patricia E. Saul.** Proposed 5' x 11' addition for elevator at 355 Eel River Road, Osterville as shown on Assessor's Map 114 Parcel 023. DA-22047

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

Issues discussed:

- There will be a foundation put in for this.
- A silt fence should be installed.

There was no public comment.

A motion was made to approve the project as a negative determination with one condition of erosion control around the construction area.

Seconded and voted unanimously by roll call.

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

Nay -

III. NOTICES OF INTENT

- A. Anchor to Windward Real Estate Trust.** To adjust location of driveway currently encroaching on abutting parcel at 271 Eel River Road, Osterville as shown on Assessor's Map 115 Parcel 004. **SE3-6051**

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

Issues discussed:

- The position of the relocation was discussed.
- The project was not staked at the time of the visit.
- The drawing has a label that says potential screening for trees. This work is not in the buffer zone. It is on the plan in case it is needed.

There was no public comment.

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

IV. CONTINUANCES

- A. Christian Camp Meeting Association.** Proposed dock and stairway reconstruction at 160 Lake Elizabeth Drive, Centerville as shown on Assessor’s Map 226 Parcel 137. SE3-6050 **Continued from 12/06.**

A second continuance without testimony was requested to January 3, 2023.

A motion was made to approve the continuance without testimony to January 3, 2023.
Seconded and voted unanimously by roll call.
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay -

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

The time was 7:35 p.m.