



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: February 7, 2023 @ 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/87524144847>

Meeting ID: 875 2414 4847

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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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, Morin and Sampou. Commissioner Foster arrived at 3:02 pm. Commissioner Sampou arrived at 3:16 pm.

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

Agenda items were taken out of order. Revised Plan and Extension Requests were heard before I.(B.) Zenus Crocker – Barnstable Clean Water Coalition.

## **I. OLD/NEW BUSINESS**

A. Donna Lawson to present Annual Report on Marstons Mills Community Garden.

- The irrigation hose is sticking out of the ground and will need to be repaired before the season starts.
- There were 14 residents that had plots last season.
- There are five plots available for this upcoming season.

B. Zenas Crocker – Executive Director Barnstable Clean Water Coalition – Informal discussion on water quality research for Shubael pond.

- Zenus was thanked for his presentation.
- There was discussion on how the Commission can help.
- Septic systems fall under the Board of Health, not Conservation.
- There was discussion on direction of groundwater flow around Shubael pond. Both phosphorus and nitrogen contribute to the problems.
- There is new technology that could introduce alum to address phosphorus in addition to the nitrogen.
- Storm water could also be contributing to the problem.
- The Commission has promoted these new systems but cannot force people to install them.
- A sub-committee could be formed to talk about how these systems could be promoted by Conservation Commission.
- The Coalition is working with other Towns, not just Barnstable.
- The evidence shows how impactful the use of these systems is.
- The use of wood chips was discussed.
- A question was asked if there are other systems that may be coming out that may be less expensive or better. There probably will be over time.
- There are approximately 65 systems in the ground now.
- There was discussion about the Conservation Commissions authority on the issue.
- The matter should be brought to Town Council.
- The Board of Health may be coming up with some regulations.
- They could also approach the DPW.
- It is important for the Commission to support these systems.

**II. REVISED PLANS**

**Project Type**

**Revisions**

A. 27 Winfield Lane Realty Trust 73 Eel River Rd., Osterville SE3-5889	Raze & rebuild SFD with appurtenances	Removal of 2 Poplar Trees
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The applicant was represented by John O’Dea P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- Confirmation on the type of tree was requested.
- They will be replaced with Tupelo trees.
- White Poplar rejuvenate through their sprouts and are very invasive.
- The replacement trees should be 3” caliper and chest height .

A motion was made to approve the revised plan subject to the replacement trees being 3” diameter and chest height.

Seconded and voted unanimously by roll call.

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

Nay -

**III. EXTENSION REQUESTS**

**Project Type**

**Time Requested**

A. Zero Seapuit Road Realty Trust 0 Seapuit Rd., Osterville SE3-5794	Construct SFD and appurtenances	3 years (1 <sup>st</sup> request)
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The applicant was represented by John O’Dea P.E. of Sullivan Engineering and Consulting.

A motion was made to approve the extension request.



Seconded.  
Aye –Gilmore, Lee, Hearn, Foster, Abodeely, Sampou  
Abstain - Morin  
Nay – none

- C. Alexander Fomin & Milana Ishmukhametova AND Milana Fomin – 377 Huckins Neck Road, Centerville – Map 233 Parcel 044. Failure to comply with on-going conditions of a Certificate of Compliance (SE3-2918) - unpermitted alteration from the plan of record (lean-to within the footprint of the dock structure) and failure to remove seasonal float.

Exhibits

- A ARC Reader Image of 377 Huckins Neck Rd., Centerville  
B Current Site Photos

There was no representative present.

Issues discussed:

- The homeowner sent an email stating they would fully comply with the enforcement order, without contention.

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

Seconded.

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

Nay – none

**V. ENFORCEMENT ORDER RESPONSE PLAN**

- A. Olga Shemanyuk –AND Trout Hill Realty Trust - 30 Lauren Dr., Marstons Mills – Map 101 Parcel 062. Restoration Plan Review. Enforcement Order ratified at November 1, 2022 meeting for Alteration of the buffer to a wetland resource area - Bordering Vegetated Wetland (BVW) - by placing hardscape (rocks) within the 0' -100' buffer (not in compliance with the plan of record for SE3-5814).

Exhibits

- A Restoration Planting Plan dated January 20, 2023 by Andrew Garulay

Andrew Garulay, R.L.A. represented Dr. Shemanyuk.

Issues discussed:

- The stones along the edge of the steps is allowed under this circumstance because of the site specific conditions as it relates to the construction of the steps.
- Some additional planting's will be substituted for some of the Creeping Juniper, subject to staff approval.
- The 18" edge of stone on either side of the steps is needed to reduce the potential for erosion along the edges of the steps. These stones were included in the mitigation calculations.

A motion was made to approve the Enforcement Order Response/Restoration Plan.

Seconded.

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

Accept - Morin

Nay – none

**VI. REQUESTS FOR DETERMINATION**

- A. **Pamela Randon.** Installation of split rail fence along portions of common lot line with 105 Eel River Road at 117 Eel River Road as shown on Assessor's Map 116 Parcel 097. **DA-23010**

The applicant was represented by Arlene Wilson of AM Wilson Associates.

- There were no questions from Commissioners.

There was no public comment.

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 -

**B. Joseph T. Marotta.** Construct 14' x 18' dining room addition at 73 Cranberry Lane, Centerville as shown on Assessor's Map 246 Parcel 180. **DA-23011**

The applicant was represented by Scott Peacock of Peacock Builders.

Issues discussed:

- The jurisdiction is an isolated vegetated wetland.
- There is 84' to the resource area.

There was no public comment.

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 -

## **VII. CONTINUANCES**

**A. Home Port Investments, LLC.** Proposed replacement of existing failing timber bulkhead with a vinyl bulkhead at 9 Indian Trail, Osterville as shown on Assessor's Map 091 Parcel 015. **Continued from 01/31/23 for the sole purpose of DEP# issuance. SE3-6065**

- The DEP # has been received with no comments.

A motion was made to close the public hearing and authorize staff to issue the Order of Conditions.  
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 5:01 p.m.