



# Town of Barnstable Conservation Commission

230 South Street  
Hyannis Massachusetts 02601

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: May 14, 2024 @ 6:30 PM**

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### **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 live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <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/87207505667>

**Meeting ID: 872 0750 5667**

**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.

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

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

## **I. REQUESTS FOR DETERMINATION**

- A. Carolyn and James Mahoney.** Proposed addition to a single-family dwelling within the 100 year floodplain at 54 Hawes Avenue, Hyannis as shown on Assessor's Map 324 Parcel 077. **DA-24024**

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

There were no questions from Commissioners.

Public comment: None

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

Seconded.

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

Nay – none

## **II. NOTICES OF INTENT**

**Items taken out of Order – Representative for A. Parsi was not available.**

- A. **Thomas F. Parsi.** Proposed seasonal dock at 98 Hayes Road, Centerville as shown on Assessor’s Map 210 Parcel 097. **SE3-6184**

The applicant was represented by Mark Burgess of Shorefront Consulting.

Issues discussed:

- Commissioner Hearn was concerned about the lawn running right down to the water’s edge.
- Thomas Parsi addressed the Commissioners regarding the history of the property.
- He sent pictures showing the history of the property.
- The lawn was put in in 1950.
- When he purchased the property in 2018 there was a perfectly maintained and manicured lawn.
- He has stopped fertilizing and is letting it go back to a more natural state.
- A suggestion was made that he let some of the grass grow taller and not mow.
- The project is not scheduled to go in front of the Waterways Committee until May 21<sup>st</sup>.
- The existing sand beach is not permitted.
- In 2018 there were some raised vegetable and flower gardens in the beach area which have been removed.
- Agent Ed Hoopes will look at the arial photo’s to determine when it was beach.
- The only thing on this project is the application for the dock.
- The beach area is not being approved at this hearing.
- A suggestion was made to remove the “beach” label on the plan as it is not permitted.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay – none

- B. **Kenneth H. Miller.** Construction of 12’ wide, post/Sonotube supported, elevated, open deck on south and west facades of existing dwelling at 1211 Craigville Beach Road, Centerville as shown on Assessor’s Map 206 Parcel 054. **Continuance requested to 5/28. WC Form received.**

A continuance without testimony was requested to May 28, 2024.

A motion was made to approve the continuance request without testimony to May 28, 2024.

Seconded.

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

Nay – none

- C. **David M. Caseau, Trustee – David M. Caseau Living Revocable Trust.** Construct new three-bedroom dwelling within 100 ft. buffer zone to Bordering Vegetated Wetlands at 589 Whistleberry Drive, Marstons Mills as shone on Assessor’s Map 061 Parcel 050.

The applicant was represented by Darren Meyer of Meyer & Sons, Inc.

Issues discussed:

- The representative explained the owner would like to make a change to the location of the project.
- An updated engineering plan is needed.
- This is a totally undeveloped lot.
- The lawn area will not be in the 100 ft. buffer zone.

- There will not be a lot of run off directed to the wetland.
- Approximately one half of the house is in the 50' – 100' buffer.
- During the site visit a fence and a rinse station were observed which is not shown on the plan.
- There was a vehicle and a tent on the property during the site visit.
- A revised plan should be submitted before the project is voted on.
- A continuance is also needed for the issuance of the DEP number.
- There should be a special condition, or demarcation that there won't be any disturbance within the 50' buffer.

Public comment: None

A continuance was requested to May 28, 2024.

A motion was made to continue the application to May 28, 2024.

Seconded.

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

Nay – none

- D. **Town of Mashpee.** Proposed maintenance dredging at the existing approach, inner, and 1916 channels within Popponesset Bay that extends into Barnstable.

The applicant was represented by Paul Mancuso from BSC Group.

Issues discussed:

- Monitoring reports and bathymetric studies will be provided.
- DMF letter has not been received.
- DEP number has not been received.
- A continuance was requested to May 28, 2024.

Public comment: None

A motion was made to continue the application to May 28, 2024.

Seconded.

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

Nay – none

- E. **Eugene & Margaret Curley.** To raze and replace existing single-family dwelling at 18 Sail-A-Way, Centerville as shown on Assessor's Map 230 Parcel 095. **SE3-6185**

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

Issues discussed:

- The firepit should be shown on the plan.
- There should be a work limit line put on the plan.
- There is already a good buffer on the left. Some of the mitigation should be going to the right side of the dock.
- The work limit line is right at the 50' buffer. It can be brought further out.
- Representative offered to move 20 percent of the mitigation to the right side of the dock.
- The sizes of the plants could be increased.
- A revised plan showing the moved mitigation area, the fire pit, and the work limit line will be submitted.
- A continuance was requested to May 28, 2024.

Public comment: None

A motion was made to continue the project to May 28, 2024

Seconded.

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

Nay – none

- F. **John and Diana Duffley.** Proposed replacement of landscape retaining walls at 92 Wild Goose Way, Centerville as shown on Assessor’s Map 167 Parcel 049. **SE3-6189 Continuance requested to 6/4/24.**

A continuance without testimony was requested to June 4, 2024.

A motion was made to approve the continuance request without testimony to June 4, 2024.

Seconded.

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

Nay – none

- A. **Parsi was taken next.**

- G. **Susan Schink.** Proposed construction of a deck and staircase down to Long Pond. The proposed structure will replace an existing multi-level deck and patio area and will be entirely within the footprint of the existing deck and patio area at 52 Harrison Road, Centerville as shown on Assessor’s Map 229 Parcel 074. **SE3-6187**

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

Issues discussed:

- The ground at the west end of the deck is currently gravel. They would like it to remain gravel.
- Ivy has overgrown the gravel.
- The patio will be left in place under the deck.
- No letter has been received from NHESP.
- A continuance was requested to May 28<sup>th</sup> for receipt of the NHESP letter.
- Clarification of what will be at the end of the deck should be added to the plan.
- It will be left undisturbed.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan clarifying what will be at the end of the deck and continued to 5/28 for receipt of the NHESP letter only.

Seconded.

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

Nay – none

- H. **Sean Sweeney.** Proposed addition to an existing single-family dwelling, with new driveway at 281 Ocean Street, Hyannis as shown on Assessor’s Map 325 Parcel 022.

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

Issues discussed:

- A few more plantings could be put on the south side of the driveway going out to the road.
- There was discussion on trying to bring the project completely out of the 50’ buffer.
- The existing garage is in the 50’ buffer.
- They cannot slide it to the north because of setbacks.
- Some of the mitigation plantings could be put in the 50-100’ buffer on the west side.
- The plan as submitted does not appear to have a negative impact.

- Three more shrubs can be added to the back.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing additional mitigation next to the driveway and a few more plantings in the back.

Seconded.

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

Nay – none

### **III. CERTIFICATES OF COMPLIANCE**

(ez = no deviations, staff recommends approval) (\* = on-going conditions)

<b>A. SE3-5910</b>	<b>Charles A. Cheever, Tr.</b> (COC, ez*) <b>309 Green Dunes Drive,</b> Centerville	Additions, Garage, hardscape Coastal Bank
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A motion was made to approve A.

Seconded

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

Nay – none

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

The time was 8:00 p.m.