



Town of Barnstable Conservation Commission

230 South Street
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MINUTES – CONSERVATION COMMISSION HEARING

DATE: July 16, 2024 @ 3:00 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 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/81318622097>

Meeting ID: 813 1862 2097

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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.

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice-Chair Louise Foster, Clerk Angela Tangney, Commissioners Hearn and Sampou. Commissioner Abodeely was absent.

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

I. EXTENSION REQUESTS

Project Type

Time Requested

- | | | |
|---|---|------------------------------------|
| A. Yuriy and Yuelena Matskevich SE3-5908
24 Flume Avenue, Marstons Mills | Replace deck, add patio porch, beach stairs, landscaping, SFR | 3 years, (1 st request) |
|---|---|------------------------------------|

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

Issues discussed:

- A question was raised about the mitigation plantings. Some of the plantings have not grown very well.
- Most of the plantings that are in were planted last fall. They have not had the opportunity to grow.
- Some of the beach front plantings won't be done until they get to the end of the project.
- The representative offered to submit periodic reports to keep the Commissioners updated.
- The project should be completed by this time next year.
- There is an option to issue a one or two-year extension.
- When was the beach nourishment approved. It seems like sand has been added to the beach.
- No sand has been added but the owner raked, which was permitted in the OOC.

A motion was made to approve the extension request for two years.
Seconded.
Aye –Foster, Hearn, Lee, Sampou, Tangney
Nay – none

- B. Joseph R. Jenkins, Trustee SE3-5775 Beach Nourishment 3 years (1st request)
195 Seapuit River Road, Osterville

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

- There were no questions from Commissioners.

A motion was made to approve the extension request for three years.
Seconded.
Aye –Foster, Hearn, Lee, Sampou, Tangney
Nay – none

II. REVISED PLANS

Project Type

Revisions

- | | | |
|---|---|---|
| A. Marc Landry & Nancy Allen
494 Elliott Rd., Centerville SE3-5927 | Walkways, deck, firepit
deck retainage, tree
removal, landscaping | Changes in materials for
retainage and walkway |
|---|---|---|

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

Issues discussed:

- The materials for retainage were changed from railroad ties to stone.
- The owner is deleting the firepit and patio from the project.
- The brick path from the driveway to the front door was replaced with a poured concrete path instead.

A motion was made to approve the revised plan as submitted.
Seconded.
Aye –Foster, Hearn, Lee, Sampou, Tangney
Nay – none

III. ENFORCEMENT ORDERS

- A. Albert R. Gamper, Jr. and Julia Diganova – 30 Belair Lane, Cotuit – Map 053 Parcel 002. Alteration of a wetland resource area – saltmarsh – by mooring a vessel on, and allowing that vessel to sit upon, the saltmarsh.

Exhibits

- A ARC Reader image and Aerial Photo Showing Wetland Resource Areas – 30 Belair Lane, Cotuit
- B Site Photo (before violation) – 30 Belair Lane, Cotuit

Arlene Wilson, A.M. Wilson Associates represented Mr. Gampers.

Issues discussed:

- Mr. Gamper lives in a zoning restricted no-dock zone.
- The homeowner will be filing some type of permitting for a possible solution in the future.

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

Seconded.

Aye –Sampou, Lee, Hearn, Tangney, Foster

Nay – none

IV. REQUESTS FOR DETERMINATION

- A. Town of Barnstable DPW – Engineering Department.** Installation of a 100 ft. long, 5’ wide Mobi-mat® Roll Out Ground Access Mat system to replace and extend the 75’ of damaged 5’ wide raised wooden boardwalk, and a 5’ wide ADA compliant wooden transition ramp between the Mobi-Mat® system and the existing boardwalk at Kalmus Beach Park, 670 Ocean Street, Hyannis as shown on Assessor’s Map 324 Parcel 041. **DA-24032**

The applicant was represented by Matt Wrobel – Town of Barnstable DPW.

Issues discussed:

- The revised plan date is 7/15/24.
- There are no nesting plovers in the area currently.
- The mat will be removed in the off season.
- The ramp would remain in place year-round.
- Staff supports the project.
- Nina Coleman has signed off on the application.
- There should be a condition that it can be installed seasonally in perpetuity.

Public comment: None

A motion was made to approve project as a negative determination and allow the Mobi-mat® to be installed in perpetuity on a seasonal basis.

Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

- B. Nancy Simches.** Planting of three native shrubs along the property line at 591 Sea View Avenue, Osterville as shown on Assessor’s Map 114 Parcel 052-002. **DA-24033**

The applicant was represented by Julie Esteves of Julia Garden Designs.

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

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

Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

- C. William Cole.** Maintain and prune two 20 ft. vista corridors at 439 Elliott Road, Centerville as shown on Assessor’s Map 227 Parcel 111. **DA-24034**

The applicant was represented by Michael White of M. White Arbor & Land Care.

Issues discussed:

- There will be an undulating 3-5 ft. cut.
- Staff supports the project.
- Staff will meet with the arborist before any cutting will be done.
- There is a field of pepperbush that will be maintained.

Public comment: None

A motion was made to approve the project as a negative determination allowing the undulating area to be 3-5 feet.
Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

V. NOTICES OF INTENT

- A. Susan P. Stickells, Trustee and Albert A. Holman III, Trustee.** Proposed construction of a pool and all associated appurtenances at 149 Inwood Lane, Centerville as shown on Assessor’s Map 225 Parcel 025.

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

The DEP number has not been issued. A continuance will be needed.

- There were no questions from Commissioners.

Public comment: None

A motion was made to approve the project as submitted with a continuance to July 23rd for issuance of the DEP number only.

Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

VI. CONTINUANCES

- A. Housing Assistance Corporation of Cape Cod.** Construction of a three story, 50-unit affordable housing residential building within the 200’ riverfront area at 268 Stevens Street, Hyannis as shown on Assessor’s Map 308 Parcel 017. **SE3-6205 Continued from 7/9/24 for DEP# only.**

The DEP number has been issued.

A motion was made to close the hearing and authorize the staff to issue the Order of Conditions.

Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

- B. Arthur Gutierrez.** Landscape improvements to an existing pool area including construction of a spa, outdoor kitchen, seating area and mitigation plantings at 180 Pinquickset Cove Circle, Cotuit as shown on Assessor’s Map 005 Parcel 071. **SE3-6204 Continued from 7/9/24 for DEP# only.**

The DEP number has been issued.

A motion was made to close the hearing and authorize the staff to issue the Order of Conditions.

Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

VII. CERTIFICATES OF COMPLIANCE

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

A. SE3-6156	Edmund S. Dawes Jr. and Elizabeth Byrne (COC, ez*)	Replacement of Retaining Walls
	68 Stanley Way & 465 Pine Street, Centerville	

A motion was made to approve A.

Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

A motion was made to adjourn the meeting.

Seconded.

Aye –Foster, Hearn, Lee, Sampou, Tangney

Nay – none

The time was 3:46 p.m.