



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: September 3, 2024 @ 6:30 PM

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Alternative public access to this meeting shall be provided in the following manner:

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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.

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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 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice-Chair Louise Foster, Clerk Angela Tangney, Commissioners Abodeely, Hearn, and Sampou.

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

I. REQUESTS FOR DETERMINATION

- A. Esther Finkielsztein.** Removal of beech tree infected with beech leaf disease within 50' of Lake Wequaquet and replacement with a new tree nearby at 256 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 031. **DA-24041**

The applicant was represented by Sergio Finkielsztein.

Issues discussed:

- A written arborist recommendation is in the record.
- A tree will be placed in a nearby location.
- This is not intended to increase the vista.
- The type of tree and location will be approved by staff.
- The landscaper will be Mark Holmquist.

Public comment: None

A motion was made to approve the project as a negative determination with tree selection in consultation with staff.

Seconded.

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

Nay – none

- B. Brian M. Katz.** Modify the existing pier by changing the end platform from a hammer head to an “L” with no increase in length at 365 Lakeside Drive West, Centerville as shown on Assessor’s Map 232 Parcel 049. **DA-24042**

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

Issues discussed:

- The pier will continue to be seasonal.
- At the site visit a float was observed pushed against the shore into the bushes on the east side of the property.
- There was a mooring permit for it by the previous owner.
- It needs a new mooring permit or needs to be removed.

Public comment: None

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

Seconded.

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

Nay – none

- C. Julie Herlihy, Trustee – Kinder-Herlihy Family Trust.** Proposed landscaping including re-grading of existing lawn area with a small amount of fill at 85 Wachusett Avenue, Hyannis as shown on Assessor’s Map 287 Parcel 075. **DA-24043**

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

Issues discussed:

- The area needing fill is approximately 20’ and will require 2-3 cubic yards for the grading.
- The reason for the project is the house is being reconstructed. It is to give more usable flat area around the
- house.

Public comment: None

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

Seconded.

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

Nay – none

II. NOTICES OF INTENT

- A. Caroline C. Ayres.** To replace existing railroad tie and brick steps to shoreline with natural stones, to replace existing timber landing and stairs into pond, and proposed vista pruning at 208 Huckins Neck Road, Centerville as shown on Assessor’s Map 252 Parcel 140. **SE3-6211**

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

Issues discussed:

- Darcy addressed the Commissioners with some background of the property.
- The house was constructed around 1977 after the Wetlands Protection Act, but at that time Conservation was not consulted on the project.
- The landing was looked at in two previous projects.
- In 2016 the owner wanted to change some lawn to native plantings. The project was approved and photos at the time show the landing in place.
- Some of the plants from that project did not survive. Darcy spoke with the owner who intends to replace them.
- A revised plan could be submitted to show the new plantings.
- The steps are dangerous and should be replaced.
- The width of the vista is almost the entire width of the house. quite large. There is some supreme growth down by the pond that should remain.
- The pruning should be 14' on either side of the stairs for a total width of 28' which would save some of the growth along the pond.
- There is concern about the timber landing and stairs going into the water.
- They were never permitted but were included in the filings.
- This NOI would approve the timber landing and the stairs. It would not be allowed under today's standards.
- The entire hill side in the 0-50' buffer is all mulch and is manicured. It is not a vegetated buffer strip.
- A planting pallet could be incorporated into this plan to enhance the buffer area.
- It is currently a non-functioning buffer.
- The amount of shoreline vegetation contributes to fish habitat. The vista pruning should not be at the water's edge.
- This project would not be permissible today.
- None of the previous projects on this property addressed the landing or the stairs.
- It does not seem to be something that is grandfathered.
- There is the potential for a lot of run-off into the pond.
- The landing has been there for at least 40-50 years and has been through five different owners. The consultant feels it should not be eliminated as it has been seen by Conservation a few times in the past.
- The width of the vista corridor could be narrowed and they could work towards improving the buffer zone.
- The Commission is looking for a betterment to what is existing now to allow the landing and stairs that would not be permissible now.
- A recommendation was made to have a protected vegetated buffer that is not mulched on either side of the stairs and keep the vista corridor vegetation that is low at pond level intact.
- To limit the vista pruning and add a well vegetated buffer would be a reasonable compromise.

Public comment:

Roberta Mauch – 80 Greenwood Avenue, Hyannis - When she moved to the Cape in 1975 there were many natural berry bushes which are no longer there. Would like to see a natural vegetation list put out by the Commission. They should encourage property owners to plant natural plantings.

Roberta was advised there is already a native planting list and a monarch butterfly plant list on the Conservation website.

A motion was made to approve the project subject to receipt of a revised plan showing dimensions of the narrower vista corridor and planting plans to show a better buffer and removing the mulch eventually in the area.

Commissioners would like to see the revised plan before it is approved and a demarcation where the area is clearly marked and allowed to naturalize.

A continuance is needed for review of the revised plan.

Darcy is confident that staff can work it out with the consultant. She will make sure there is demarcation, and it is written on the plan and it is to be left natural. She would like the width of the vista part of the approval.

It should be narrowed to 28'.

A motion was made to approve the project subject to receipt of a revised plan showing the dimension of the vista corridor (not more than 28') and a planting plan with demarcation and removal of mulch.

Seconded.

Aye –Abodeely, Hearn, Lee, Sampou, Tangney

Nay – none

Abstain - Foster

III. MINUTES

A. July 23, 2024

B. August 6, 2024

C. August 20, 2024

A motion was made to accept the minutes as submitted.

Seconded.

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

Nay – none

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

The time was 7:25 p.m.