



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: September 17, 2024 @ 6:30 PM

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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:

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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. NOTICES OF INTENT

- A. **Lev Ludin.** Construction of a 54' seasonal pier with 6'x18' seasonal "L" at 21 Scottsdale Road, Centerville as shown on Assessor's Map 229 Parcel 064. **SE3-6214**

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

Issues discussed:

- A pontoon boat does not draw much water.
- Long Pond is subject to variations in water elevations.
- At the time of this survey the water level was quite high. The pond elevation is going down quickly without any rain.
- The length of the pier is so in a low water year there will be sufficient water under the boat.
- The request to put the pier in the last two weeks of March is not unreasonable.
- The storage of the pier in the off season was discussed.
- They can take the whole thing out in the off season.

- Any ice in the winter if stored at the edge could damage the pier.
- It is not unusual to see pieces of the pier stored on top of the dock.

Public comment: None

A motion was made to approve the project subject to the removal of the seasonal pier to outside of the buffer area during the winter and allow the pier to be installed between March 15th and April 1st.
Seconded.

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

Nay – none

- B. Kenneth & Priscilla Rondeau.** Proposed foundation and addition to existing single-family house, rebuild retaining walls, add drainage structures for driveway and roof runoff, construct stairs and walkways at 95 Huckins Neck Road, Centerville as shown on Assessor’s Map 252 Parcel 015. **SE3-6213**

The applicant was represented by Danny Gonsalves P.E. from Down Cape Engineering.

Issues discussed:

- The elevations are needed for the top of the retaining wall.
- Some dimensions as far as the expansion and how big the foundation is are needed.
- It will be a poured concrete foundation.
- This is a significant increase.
- The increase in the foundation is in the 0-50’ buffer.
- No vegetation will be taken out for the project. If any is removed it will need to be replanted.
- There was discussion on if the nature of the hardscape should be considered. There is a difference between foundation vs. deck.
- A question was asked if the existing foundation could be used as a support. The structural condition has cracks and a block foundation. This will be a poured concrete foundation the blocks would not be adequate to support the structure.
- The representative feels the block foundation should be considered pre-existing foundation.
- A deck is not equivalent to a foundation.
- Pouring of a foundation on a steep bank close to the resource area is a concern.
- There is concern that a precedent could be set if the deck is considered part of the house.
- There is not a meaningful change in the footprint but there is a significant difference between deck and foundation.
- There are a lot of erosion problems currently. This is increasing a footprint in the 50’ buffer.
- The existing house is already in the 50’. It needs to be repaired but foundation is significant.
- There should be a lot more mitigation than what is proposed.
- There is no work limit line shown on the drawing.
- There is no vegetated buffer at this time.
- If the extra footprint is allowed could some better mitigation be put in place.
- The foundation will remain for many years, but the mitigation plantings may not.
- There was a lot of mitigation included in the previous approved plan.
- That plan included 400 sq. ft. increase in hardscape.
- This proposal is a net reduction of hardscape in the 50’ buffer.
- The driveway is the reduction not the foundation.
- The mitigation approved in the previous project could be added to this project.
- The previous project had an approved foundation.
- More vegetation and a functioning buffer with vegetation on either side improves what is there now.
- A driveway further away from the buffer is not the same as a foundation further into the buffer.
- There could be a revised plan submitted with some mitigation.

- Something environmentally better than what is there now could help the approval of the increase in foundation.

Public comment: None

Owner Ken Rondeau addressed the Commission.

He is retired and is hoping to make this their permanent residence. It is not currently in the condition to be a permanent residence. The deck in the front of house used to have a boat stored under it. It is currently a concrete slab not dirt.

He feels hardscape is hardscape whether it is decking or foundation.

The removal of the pavement for the driveway which has uneven runoff and replacing with an area with drainage would be better than pavement with run off.

He believes the current plan is an improvement.

He is willing to combine the previous plan with mitigation with this plan.

They have no intention of removing any trees.

Public comment:

Ashley & Ryan Frankin 100 Huckins Neck Road – Has questions on how far to the left and right is the increase. They are not adding a story. It may change the elevation approximately 1 foot.

Consultant asked what kind of calculations they are looking for, for the mitigation.

The 2017 plan should be looked at.

Commission discussion continued:

- The specific regulations say 4:1 and is site specific. This current condition needs more mitigation.
- The mitigation calculations are 840 sq ft for deck. A deck does not have the same impact as a house.
- The second story deck is over foundation currently, not dirt.
- A continuance was requested for revised plan and receipt of the NHESP letter to October 1st, 2024.

A motion was made to continue the application to October 1, 2024.

Seconded.

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

Nay – none

II. CONTINUANCES

- A. Joseph Jenkins, Trustee – Bluff Point 1999 Trust No. 2.** The proposed project includes the removal of dislodged fiber rolls, installation of a 290 linear foot fiber roll along the eroding section, and nourishment over the fiber rolls to the beach area, relocation of the existing deck and utilities adjacent to the access steps, removal and replacement of the access steps, and all associated clearing, grading and landscaping required for the proposed work at 128 Bluff Point Drive, Cotuit as shown on Assessor's Map 034 Parcel 069. **SE3-6212 Continued from 9/10/24 for DEP number and NHESP letter. WC Form received.**

The applicant was represented by Tim Santos of Merrill Engineering.

Issues discussed:

- The DEP number has been issued.
- The NHESP letter has not been received.
- A further continuance is needed.

A motion was made to continue the project to October 1, 2024 for receipt of the NHESP letter.

Seconded.

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

Nay – none

III. MINUTES

A. August 13, 2024

B. September 3, 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

The time was 7:44 p.m.