



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: June 22, 2021 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street 2nd Fl., Hyannis, MA

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.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, and Morin. Commissioners Dennis Houle and Pete Sampou were absent.

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

I. REQUESTS FOR DETERMINATION

- A. **Judith G. Allen.** To permit vista corridor and pruning beyond the 50' buffer at 322 Wheeler Road, Marstons Mills as shown on Assessor's Map 082 Parcel 021. **DA-21036**

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

Issues discussed:

- Existing railroad treads were not permitted through Conservation. Applicant has just purchased the property. The treads were present before the purchase.
- This is a standard vista pruning project.
- Improvements to the stairs with handrails will be permitted separately and not part of this application.

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, Gilmore, Lee, Morin

Nay –

- B. **Kenneth and Patricia Laham.** Addition to house on existing deck footprint at 63 Pine Lane, Osterville as shown on Assessor's Map 118 parcel 085. **DA-21037**

The applicants represented themselves.

Issues discussed:

- The addition will be a 4 season room.
- Roof drainage was addressed. There will be a drywell for the new section.

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, Gilmore, Lee, Morin

Nay –

II. NOTICES OF INTENT

- A. **Susan Connolly.** Proposed building renovation and addition to bring the dwelling into compliance with current FEMA flood zone regulations and to replace existing patios and walkways at 28 Laurel Avenue, Centerville as shown on Assessor's Map 226 Parcel 078. **SE3-5894**

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

Issues discussed:

- The furnace will be brought up to the first floor.
- Requested the pasture rose increase to a three gallon size.
- Revised plan to have flagging information date.
- A written warning was issued in 1999. The shrubs were planted. Would like the lights taken out from the base of the trees.
- There should be demarcation of the mitigation area. Fifty pound rocks for will be used for demarcation and added to the revised plan.
- There is an old retaining wall with a couple of cedar fence posts and grass clippings. It will be removed and raked to stabilize the area.
- Dimensions of the addition should be put on the plan.
- Mitigation calculations should be broken down.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing, wetland flagging information, increase size on roses, demarcation of the mitigation area (50lb boulders every 10'), removal of any lights in mitigation area. The revised plan is to be stamped and submitted electronically along with hard copies.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Lee, Morin

Nay –

- B. **Charles Riley.** Structural additions to residence, deck, driveway reconfiguration, and mitigation plantings at 36 Holly Point Road, Centerville as shown on Assessor's Map 233 Parcel 039. **SE3-5895**

The applicant was represented by Mike Ball, P.E. of Baxter Nye Engineering.

Issues discussed:

- There is a concern that the mitigation up against the deck will be trampled. A strip of that should be placed somewhere else.
- There should be delineation of the mitigation area.
- A question was raised if it is necessary to have the entire backyard be mitigation area.
- There is a small beach. Everything along the beach will stay as is.

Charles Riley addressed the Commission.

They could move some the mitigation along the two retaining walls, and could use the old driveway area for some mitigation.

- Existing conditions plan does not show some of the trees. They should be added to the plan.
- The raised deck is 9 feet high. It should be marked on the plan.
- The description should read will be removed, not most likely be removed.
- It will be a natural barrier.
- There are a couple of kayaks. A kayak rack should be added to protect the mitigation.
- The dog will be out in the front side of the house not the back to protect the mitigation area.
- Some of the plants should be increased to the 3 gallon size, so there will be a mix of 2 and 3 gallon plantings.

A motion was made to approve the application subject to the following; receipt of revised plans showing spot grade of deck, show two existing trees, indicate walking path in front of deck if applicant would like one, kayak rack, demarcation of mitigation area. Revised plan to be stamped and delivered both electronically and hard copy. Special condition for annual monitoring reports for 3 years.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Lee, Morin

Nay –

III. CONTINUANCES

A. **James D. and Nancy E. Montgomery, Trustees.** Remove existing landscape wall and replace with two new retaining walls, grade behind the new wall, plant at toe of both walls, loam and seed all disturbed areas, maintain a 5.6 ft. wide path to the water, well around one tree and prune one tree by the pond at 142 Pond Street, Osterville as shown on Assessor’s Map 118 Parcel 100.

Continued from 5/25/21. SE3-5876

The applicant was represented by Wayne Tavares standing in for Jack Landers Cauley.

Issues discussed:

- Two hard copies of the restoration plan will be submitted. Already submitted the electronic version.
- The construction plan addressed the area above the 50’ buffer line and is dated 6/15/2021.
- A note should be added to the construction plan to reference the planting plan date of 6/16/2021.
- The distance between the new wall and the old wall should be added.
- The stairs are going to be 5 to 6’ wide. Usually the steps are 4’ wide. They are outside the 50’ buffer. Stairs to water are 4’ wide steps to those should be marked 5 to 6’ wide.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised site plan, note on plan should reference revision date of landscape plan, and note distance to second wall, steps near water 4’ wide, (width outside of 50’ 5-6’ width).

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Lee, Morin
Nay –

B. Commonwealth of Massachusetts Coastal Railroad. To renew the previously approved wetland delineation along the Massachusetts Coastal Railroad right-of-way in Barnstable. **DA-21033**
Continued from 6/8.

There was no representative present. The matter was tabled to later in the meeting.

A motion was made to continue the matter to July 6, 2021 as no representative is present.
Seconded and voted unanimously by roll call;
Aye – Abodeely, Foster, Gilmore, Lee, Morin
Nay –

IV. CERTIFICATES OF COMPLIANCE (ez = no deviations, staff recommends approval)
(* = on-going conditions)

- | | | | | |
|----|--|----------|-----------|--|
| A. | Myer | SE3-5673 | (coc, ez) | hardscaping & landscaping * |
| | 24 Bay Road, Cotuit | | - | Shoestring Bay |
| B. | Town of Barnstable /DPW | SE3-5162 | (coc, ez) | pumpout improvements * |
| | Ocean Street and Channel Point Road, Hyannis | | - | Hyannis Inner Harbor |
| C. | Hyannis Building. & Developing (Anchor In) | SE3-4308 | (coc, ez) | remove floats & place new pile-held floating dock system * |
| | 1 South Street, Hyannis | | - | Hyannis Inner Harbor |

A motion was made to approve A – C.
Seconded and voted unanimously by roll call;
Aye – Abodeely, Foster, Gilmore, Lee, Morin
Nay –

V. OLD & NEW BUSINESS

- A. Commendation/Recognition – Commissioner Dennis Houle
- Noted

VI. MINUTES

- A. May 25, 2021
B. June 8, 2021

A motion was made to accept the minutes as written.
Seconded and voted unanimously by roll call;
Aye – Abodeely, Foster, Gilmore, Lee, Morin
Nay –

A motion was made to adjourn.
Seconded and voted unanimously by roll call;
Aye – Abodeely, Foster, Gilmore, Lee, Morin

Nay –

The time was 7:21 pm