



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

Office: 508-862-4093E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: August 31, 2021 @ 6:30 PM**

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.

**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 via Channel 18 and may be accessed the Channel 18 website at <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://zoom.us/j/92851384926>

**Meeting ID: 928 5138 4926**

**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.

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**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, Hearn, Morin. and Sampou.

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

**I. REQUESTS FOR DETERMINATION**

- A. **Suzanne Zelner and Robert Kline.** After the fact filing for fresh water beach nourishment utilizing compatible sand within current sand beach footprint at 77 Sachem Drive, Centerville as shown on Assessor's Map 209 Parcel 025. **DA-21043**

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

Issues discussed:

- There was discussion on the percentage of waterfront that is naturalized vegetation vs. sandy beach.
- There are three large trees surrounded by a lot of sand which is not good for the health of the trees. Something should be put around the base of the tree to keep the sand back.
- A question was raised if there is a history of beach nourishment at this location. It appears there has been nourishment and maintenance in this location. Nourishment would be for salt water beaches not ponds. The Mass Dept. of Conservation and Recreation says not to put sand on a pond as it is bad for the natural habitat. There is a concern for allowing this practice going forward.
- A permit was not pulled to do this work. This application is the result of an enforcement order.
- Generally adding sand to a new area is not permitted. It can be added to an already sandy beach for maintenance but not to add a sandy beach.
- Other states have come to realize the negative impact on ponds. If it is a small portion of a home owners waterfront it would be acceptable but not an expansion to this magnitude.
- When putting sand on a beach it eventually goes away. Putting sand in over and over again is a detrimental practice to the well-being of the ponds.
- This permit could be approved but should be conditioned that no more sand will be added in the future.
- There is no pre-existing evidence to the condition of the sand before the new sand was added.

There was no public comment.

A motion was made to approve the project as a negative determination with installation of plastic guards surrounding the trees.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Lee, Morin

Nay – Hearn, Sampou

**B. Kenneth & Patricia Laham.** Build a room and bathroom where the present deck is located at 63 Pine Lane, Osterville as shown on Assessor's Map 118 Map 085. **DA-21044**

The applicant represented himself.

Issues discussed:

- A rinse station is going to be added on the side of the deck near the driveway.
- The existing shower is going to be removed.
- A revised plan should be submitted.

There was no public comment.

A motion was made to approve the project as a negative determination subject to receipt of a revised plan showing the rinse station.

Seconded and voted unanimously by roll call;

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

Nay –

**C. Shawn M. Herlihy and Linda M. Wilkins.** Proposed site improvements to include a new 4' foundation wall under a portion of the existing dwelling, replacement and expansion of existing

patio, proposed second floor deck and driveway, and walkway modifications at 103 Blantyre Avenue, Centerville as shown on Assessor's Map 229 Parcel 008. **DA-21045**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

**Issues discussed:**

- 400 of sq. ft. or less of hard scape can be filed as an RDA instead of an NOI. This is only approximately 130 sq. ft.

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, Hearn, Lee, Morin, Sampou  
Nay

- D. **Marcel Moreau.** Set existing garage on new foundation in southeast corner of lot; install patio on east side of house; and install deck on south of house at 30 First Way, Barnstable as shown on Assessor's Map 301 Parcel 048. **DA-21046**

The applicant Marcel Moreau represented himself.

- The jurisdiction is flood zone only for this project.

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, Hearn, Lee, Morin, Sampou  
Nay

- E. **Edward Crosby.** To remove existing attached garage and construct a proposed kitchen and family room addition with porch at 214 Bridge Street, Osterville as shown on Assessor's Map 093 Parcel 024. **DA-21047**

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

There were no questions from Commissioners.  
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, Hearn, Lee, Morin, Sampou  
Nay

- F. **Mark Akselson.** Interior renovation to kitchen, bathroom, and stairway. Exterior renovation to windows, roofing and siding, second floor shed dormer addition at 861 Craigville Beach Road, Centerville as shown on Assessor's Map 225 Parcel 004. **DA-21048**

The applicant was represented by Phil Miller of Miller Starbuck Construction.

Issues discussed:

- The reason it was not approved administratively was because it is in the very populated Craigville Beach area and staff wanted the abutters notified.

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, Hearn, Lee, Morin, Sampou

Nay

## **II. NOTICES OF INTENT**

- A. **Liam K. & Amy E. Griffin.** Proposed relocation of house with proposed garage addition and construction of pool and patio at 191 Sea View Avenue, Osterville as shown on Assessor’s Map 138 Parcel 015. **SE3-5909**

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

Issues discussed:

- The project will require a waiver.
- The existing dwelling is going to be picked up and moved, not completely razed. The foundation is being demolished.
- The septic system will be replaced and will be out near the street. It is not an IA type system. This is a substantial project. Osterville is not slated for sewer. A more progressive system should be considered.
- It was not discussed with the owner but could be suggested. It is not part of this current project. It would be outside Conservation jurisdiction.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing dimensions of the building and distance from the town bank and property line, include pool equipment pack, demarcations, hand pull vines in consultation with staff, and annual monitoring reports for three years.

Seconded and voted unanimously by roll call;

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

Nay

- B. **Michael P. & Jill M. Stansky.** To replace and raise the existing timber bulkhead with a vinyl bulkhead with proposed returns along property lines with grading at 38 Great Bay Road, Osterville as shown on Assessor’s Map 093 Parcel 015. **SE3-5912**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- A comment letter from Natural Resources was discussed.
- The existing wall seems to be in good shape. A question was raised if just height could be added to the existing wall?
- The current wall is 4 x 4 piles horizontally planked on both sides which is not the way it would be designed these days. There have been concrete repairs done. It is not in as good shape as it looks so adding to it would not be cost effective.
- The return along the east side and some grading is eroding.
- The property does flood. They are trying to reduce flooding with the return.

- A lot of vegetation will need to be removed from the east side of the property in order to do the work.
- Native species will be planted along the bulkhead. A planting plan could be provided to staff. He is trying to save as many existing plants as possible. He does have a lot of flowering plants in this area.
- The planting area will not be reduced.
- No pre-construction meeting will be needed.
- A construction protocol should be submitted.

There was no public comment.

A motion was made to approve the project subject to receipt of construction protocol submitted by the contractor at least one week prior to start of work.

Seconded and voted unanimously by roll call;

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

Nay

- C. **Charles Cheever.** Proposed garage addition, deck reconstruction, hardscape modifications and additions at 309 Green Dunes Drive, Centerville as shown on Assessor’s Map 245 Parcel 028. **SE3-5910**

The applicant was represented by Mike Ball, P.E. of Baxter Nye Engineering, and Sean Papich of Sean Papich Landscape Architecture.

Issues discussed:

- The project was not staked for the site visit.
- Photo’s included with the NOI were reviewed.
- It is difficult to decipher a small scale plan. Would like a larger plan submitted in the future.
- The measurements of the deck, elevation of top of retaining wall, masonry and fireplace elevation need to be put on the plan.
- There needs to be demarcation of the mitigation area. Could put in cobblestone or note tree locations on the plan. The owner needs to be aware that it cannot be re-mulched.
- No monitoring reports will be necessary.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the elevations of the top of the retaining wall, dimensions of the deck and masonry fireplace.

Seconded and voted unanimously by roll call;

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

Nay

- D. **Adam Hostetter.** The proposed project is to elevate and expand the existing single-family home at 32 Hawes Avenue, Hyannis as shown on Assessor’s Map 324 Parcel 073. **SE3-5911**

The applicant was represented by Paul Mancuso from BSC Group.

A revised plan dated August 31, was submitted earlier.

Issues discussed:

- The removal of the phragmites will be done by cutting and chemically treating.

- Yearly monitoring reports should be submitted.

There was no public comment.

A motion was made to approve the project subject to receipt of annual monitoring reports 3 years, and a licensed chemical applicator for phragmites removal.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Hear, Lee, Morin, Sampou

Nay

- E. **William & Prudence Pigott.** Raze existing dwelling, construct new dwelling nearly within the same footprint at 95 Sunset Lane, Barnstable as shown on Assessor’s Map 301 Parcel 027. **SE3-5913**

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

Issues discussed:

- The dimensions for the building should be shown on the plan.
- Comment letter from Anthony Densieski was acknowledged by staff.
- The walkway should be considered additional hardscape. It is shown in the packet.
- There is also a small fence and a gate that should be shown on the plan.
- The finished elevation is 17.4.
- The 3 bayberries should be removed from the plan.

Bill White –property owner addressed the Commissioners. The split rail fence is not going to be replaced. Would like it put back on the property line. This is not Conservation jurisdiction. House is not moving closer to the water.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the building dimensions, pull back from Sunset Lane and removal of the proposed trees.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Hear, Lee, Morin, Sampou

Nay

- F. **Donald J. MacKinnon, Tr. – MCCM Realty Trust.** Demolish patio and construct additions within the area and to the rear of dwelling; upgrade septic system to Title 5 (remove cesspools); install new driveway with drainage to access drive under garage addition; rebuild front deck with storage space under; retaining walls, hot tub/grill area; remove/add walks; replace steps down bank with raised stairs; invasives and non-native tree removal at 910 Main Street, Cotuit as shown on Assessor’s Map 035 Parcel 090. **SE3-5914 Continuance requested to 9/7/21.**

The second application next door at 33 Oyster Place will be heard on 9/7. A special condition is being granted for the continuance to hear them together.

A motion was made to approve a continuance to 9/7/2021 without testimony.

Seconded and voted unanimously by roll call;

Aye –Nay

**III. CERTIFICATES OF COMPLIANCE**

(ez = no deviations, staff recommends approval)

(\* = on-going conditions)

- |    |   |                                       |                        |
|----|---|---------------------------------------|------------------------|
| A. | HEATHWOOD & MCCAFFERTY<br>40 & 50 Windrush Lane, Osterville | SE3-5442 (coc, ez)<br>- North Bay     | dredging               |
| B. | SULLIVAN<br>17 SIXTH AVENUE, Hyannis                        | SE3-5569 (coc, ez)<br>- unnamed river | house addition, etc. * |

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

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

The time was 8:21 p.m.