



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

Office: 508-862-4093E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

FAX: 508-778-2412

**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: March 15, 2022 @ 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**

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 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.

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<https://zoom.us/j/93253742687>

Meeting ID: 932 5374 2687

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:**

**FEEES 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. OLD AND NEW BUSINESS**

A. Property Access Form – Required document to be submitted with Notice of Intent Application and Request for Determination. Public comment welcome.

- Commissioner Morin requested changes.
- If the property owner refuses to give access the Commission reserves the right to deny the application.

- The application will not be accepted unless the form is submitted with the filing.
- The form has been reviewed by the Town Attorney.
- If changes are made Town Attorney should look at it again.

Public comment:

Arlene Wilson – Consultants have clients with gates and passcodes that they do not want to give out. There have been a few situations in the past that they have had to specify days and times to view the property.

- The form allows for specific days and times the owner will not be available.
- Scheduling should not be included.
- The current procedure works.

B. Chapter 707 – revision to add Property Access Form requirement to Submission Checklist. Public comment welcome.

- Commissioner Morin commented on some grammatical changes that should be considered. Mostly to have it read better.
- Changes were reviewed.
- Question was raised if there have been any issues. There have been none.

There was no public comment.

C. Chapter 710 – revision to add Property Access Form requirement to Guidelines for filing a Request for Determination. Public comment welcome.

- Commissioner Morin expressed concern about Chapter 706 which should be mentioned in Chapter 710.

Public comment:

Arlene Wilson – the property maps of the Town website generates the map and the list. It would have to be a river that does not belong to the owner for it to be an issue.

A., B., and C, were tabled to a future meeting for final approval.

## **II. REQUESTS FOR DETERMINATION**

A. **Thomas Hynes.** Proposed septic upgrade at 22 Great Bay Road, Osterville as shown on Assessor’s Map 093 Parcel 017. DA-22005

The applicant was represented by John O’Dea from Sullivan Engineering and Consulting.

This is a Nitro system which is a newly developed system.

Issues discussed:

- There should be a panel or pump chamber on the drawing.
- The leach field is outside the 50’ buffer but is partially inside the 100’ buffer.
- There would be an issue of this were on a lake because of the phosphorus but a great project for decreasing nitrogen which is the issue on salt water.

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, Gillmore, Hearn, Lee, Morin, Sampou

Nay

## **III. NOTICES OF INTENT**

- A. IL-TEMPO-SE-NE-VAS, LLC.** Proposed patio reconfiguration, installation and maintenance of boardwalk and ramp, restoration and mitigation plantings and all associated landscaping at 105 Sunset Lane, Barnstable as shown on Assessor's Map 301 Parcel 029. **SE3-5967**

A continuance was requested without testimony to 3/29/22.

A motion was made to approve the continuance without testimony to 3/29/2022.

Seconded and voted unanimously by roll call.

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

Nay

#### **IV. CONTINUANCES**

##### **A&B were opened at the same time.**

- A. Town of Barnstable – Marine & Environmental Affairs.** Off road recreational vehicle management plan for Sandy Neck Beach Park, West Barnstable as shown on Assessors' Map 263 Parcel 001 and Assessors' Map 322 Parcel 001. **Continued from 2/15/22 for DEP and NHESP only. SE3-5965**

NHESP letter dated 3/14/22 was received.

There were five conditions included in the letter that were read into record and will be included in the Special Conditions.

The DEP number has been issued.

The applicant was represented by Nina Coleman.

Public comment:

Alyssa Lovell – 354 Sandy Neck Beach.

Asked a question about what constitutes the beach trail. It is a condition that was in the prior permit.

Conservation Commission findings were read into record.

A motion was made to approve the findings.

Seconded and voted unanimously by roll call.

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

Nay

Special Conditions to be included in the Order of Conditions were reviewed and read into record.

- B. Town of Barnstable – Marine & Environmental Affairs.** Off road essential and guest vehicle management for Sandy Neck Beach Park, West Barnstable as shown on Assessors' Maps and Parcels 263/001, 303/005, 321/003, 322/001, 339/002, 339/003, 303/006. **Continued from 2/15/22 for DEP and NHESP only. SE3-5966**

NHESP letter dated 3/14/22 was received.

There were five conditions included in the letter that were read into record.

The applicant was represented by Nina Coleman.

The differences of the special conditions for this application vs. the recreational vehicle special conditions were reviewed and read into record.

There were no questions from Commissioners.

Nina Coleman reviewed additional changes that should be made.

- SE3-4717 should be replaced with 3-5965.
- Take out “subject to previous order” and changed to subject to this OOC.
- #9 was reviewed by Nina. They can escort cottage owners to trail #6.

Public comment.

Patrick Bresette-368 Sandy Neck Beach. Appreciated it was read into record. In support of decision to move forward. Cottage owners worked with Nina on this. There are positive things happening as a result of the staff working with cottage owners.

Cheryl-268 Sandy Neck Beach, Nourse Cottage – Applaud and agreed with Mr. Bresette.

Alyssa Lovell-354 Sandy Neck Beach. Thanked everyone for their hard work.

A motion was made to approve the special conditions for SE3-5966.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

- C. Christina Corsiglia & Sarah Alger, Trustees.** To demolish the existing dwelling and construct a new single-family dwelling with all associated appurtenances at 65 Waterman Farm Road, Centerville as shown on Assessors’ Map 206 Parcel 072. **SE3-5950 Continued from 3/1/22.**

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

A revised plan dated 3/7/22 was submitted prior to the hearing.

Issues discussed:

- Revised plan shows an increase in the 0-50 and increase in 50-100 in hardscape from the original plan. The increase is the driveway, not the building.
- Mitigation calculations were reviewed.
- Would like to see a decrease in hardscape in the 0-50’ buffer.
- The widening of the driveway increased the hardscape. The widening at the request of the neighbors to allow for larger vehicles to be able to turn around without driving on lawns. It may be a good thing rather than the damage incurred from the large vehicles.
- Overall the project reduces the amount in the 50’ buffer.

There was no public comment.

A motion was made to approve the project as submitted on the revised plan dated 3/2/22.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

- D. Mass. Division of Fisheries and Wildlife.** Management of specialized and rare species in a unique ecosystem using various tools including herbicide, mechanical (cutting/mowing), prescribed fire, and timber harvest at 0 Mary Dunn Road, Hyannis as shown on Assessors’ Map 347 Map 002-001. **SE3-5957. Continued from 3/8/22**

The applicant was represented by Daniel Bove of Mass. Wildlife.

Issues discussed:

- The project has been submitted to NHESP.
- It sounds like it is a good plan and there is a need.
- There is no indication of exactly where the work is being done.
- Commission would like more information on exactly where and what is being done in specified locations.
- Annual reports will be submitted and could include updates of work done and work that is going to be done in the future.
- They will work with the Town and the Fire Department on the plan.
- Many conditions will be put into place from MESA. This project will be on-going for many years.
- Mass. Wildlife is committed to protecting the habitat.
- Daniel listed other large projects they are working on. He is the herbicide safety officer for the Division.
- The herbicides that will be used were reviewed.
- They will be cutting timber in the wetlands.
- A question was raised if there could be consultation with staff before implementing major parts of the project and monitoring for results and impacts.
- They could provide a plan for the upcoming year.
- There is already a letter back from NHESP which was not submitted with the filing. He will send it in. The letter is for the entire site. A letter will be submitted confirming this parcel is covered.
- Clarification of the herbicides being used and how they are going to be applied needs to be submitted.
- Spray bottle, glove and wipe, was the only way application was approved in 2019. Backpack spraying will be used for this project. They did not include mist spraying in this application.
- This is a larger site so the backpack sprayer will be needed to spray the stumps.
- The plan submitted to MESA should be submitted to staff.
- The use of the backpack sprayer was discussed.

There was no public comment.

A motion was made to approve the project subject to the following: 1) allow the use of the backpack sprayer, spray bottle, wipe and glove, 2) provide a protocol with prior notification to the conservation agent for the plan being used and describing the method, 3) provide annual monitoring reports for three years, with a continuance to 3/29/2022 for receipt of the NHESP letter and any comments.

Seconded and voted by roll call.

Aye – Abodeely, Gillmore, Hearn, Lee, Morin, Sampou

Nay - Foster

Motion carries

- E. Raymond Brooks.** View Shed modification, boat house maintenance, beach improvement including beach mitigation planting at 82 Tern Lane, Centerville as shown on Assessor's Map 212 Parcel 009. **SE3-5962 Continued from 3/8/22**

**Abodeely and Sampou left the meeting at 8:57 p.m. as they are not part of the quorum for the remainder of the hearings.**

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

Issues discussed:

- A site visit was done by Commissioner Lee and Administrator Darcy Karle.

- A revised plan was submitted prior to the hearing and reviewed.
- The changes are appreciated however putting sand as proposed completely diminishes the function of the buffer. Although grandfathered the practice should be stopped.
- There will be 12 cu. yards or less of nourishment.
- The width of the beach should come up to where the shuffle board used to be.
- The 704 Regulations are being reviewed for clarification. There are other issues that could be addressed in the review.
- As a trade-off of removing trees for the view the beach will be limited in size.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the smaller width of the beach.

Seconded and voted unanimously by roll call.

Aye – Foster, Gillmore, Hearn, Lee, Morin

Nay

- F. Brett A. Quinn.** Construction of basement level addition, 1<sup>st</sup> floor deck addition, modify existing patio and provide mitigation plantings at 108 Bay Road, Cotuit as shown on Assessor’s Map 007 Parcel 022. **SE3-5968 Continued from 3/8/22 for the sole purpose of issuance of DEP#.**

The DEP number has been issued with no comments.

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

Seconded and voted unanimously by roll call.

Aye – Foster, Gillmore, Hearn, Lee, Morin

Nay

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

A.	<b>White Revocable Trust</b> 50 Fox Island Rd, Osterville	<b>SE3-5554</b>	(COC, ez)	Pier/Dolphin Piles/Boat Shed Land Under Ocean, Salt Marsh
B.	<b>Lewis &amp; Jody Klessel</b> cabana & add outdoor bar / Mitigation Planting	<b>SE3-5692</b>	(COC)	Rebuild decks & porch / Remove Salt Marsh, BVW, Coastal Bank

A motion was made to approve A&B.  
 Seconded and voted unanimously by roll call.  
 Aye – Foster, Gillmore, Hearn, Lee, Morin  
 Nay

**VI. MINUTES**

- A. February 1, 2022

A motion was made to accept the minutes as submitted.  
 Seconded and voted unanimously by roll call.  
 Aye – Foster, Gillmore, Hearn, Lee, Morin  
 Nay

A motion was made to adjourn.  
 Seconded and voted unanimously by roll call.  
 Aye – Foster, Gillmore, Hearn, Lee, Morin  
 Nay  
 The time was 9:17 p.m.

