



**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: July 5, 2022 @ 6:30 PM

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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.

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Meeting ID: 821 3111 0187

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, 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.

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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. OLD AND NEW BUSINESS

A. Conservation Commission re-organization.

Tom Lee, Louise Foster, and George Gillmore offered their service in current positions for another year.

There was a nomination for Larry Morin for Chairman.

There was a nomination for Tom Lee for Chairman.

A motion was made to approve Larry Morin as Chairman.
There was no second for the nomination.

A motion was made to approve Tom Lee as Chairman.
Seconded and voted by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou
Nay – Morin
Tom Lee will continue as Chair for another year.

Louise Foster was nominated for Vice-Chair.
There were no other nominations for Vice-Chair.
Louise Foster will continue as Vice-Chair for another year.

George Gillmore was nominated for Clerk.
There were no other nominations for Clerk.
George Gillmore will continue as Clerk for another year.

II. REQUESTS FOR DETERMINATION

- A. David F. Cappellucci.** To demolish a single family dwelling and construct a new single family dwelling with all associated appurtenances including the relocation of the driveway at 5 Eel River Road, Osterville as shown on Assessor’s Map 116 Parcel 113. **DA-22023**

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

Issues discussed:

- The jurisdiction is flood zone only.
- A tree is being removed in the 50-100’ buffer. The tree is in the view corridor.
- The edge of lawn goes pretty close to the wetland. Would like consideration given to just a once per year mow and move it back closer to the 50’ buffer. The owner consented.
- A twice per year mowing would help control the invasive species a little better.

There was no public comment.

A motion was made to approve the project as a negative determination and the 50’ buffer is recommended to be mowed twice per year.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay

- B. Susan Russo.** Proposed vista pruning at 235 Crystal Lake Drive, Osterville as shown on Assessor’s Map 139 Parcel 052. **DA-22024**

The applicant was represented by Kevin McCarthy of Triple Crown Tree, LLC.

Issues discussed:

- Only four of the trees will need to be disturbed. Topping is recommended in this situation.
- Darcy is in support of the project.
- It is a well maintained property.

There was no public comment.

A motion was made to approve the application as a negative determination.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

- C. **Diane L. Currier, Trustee.** Proposed improvements in existing lawn between 50' – 100' buffer to coastal bank to include grading, irrigation, flag pole, removal of one tree, and vista pruning at 1075 Old Post Road, Marstons Mills as shown on Assessor's Map 074 Parcel 027 X02. **DA-22025**

The applicant was represented by Chuck Rowland, 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 application 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. **John B. and Marissa A. Lazor, Trustees – John B. Lazor Revocable Trust of 2008.** Construct a patio and spa at 60 Great Bay Road, Osterville as shown on Assessor's Map 093 Parcel 075. **SE3-6006**

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

Issues discussed:

- Dimensions are needed for the proposed hardscape.
- There are several trees to the west that will remain untouched.
- There is a tree that might need to be addressed. It can be dealt with administratively.
- The large blocks shown on the plan are hay bales.
- The mitigation has been placed where it should be.
- The drainage pits will be placed outside the 50' buffer.
- A question was raised about moving the work limit line closer to the 50' buffer. They can move it closer.
- Demarcation for mitigation will be put on a revised plan.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing relocation of drainage pit, hardscape dimensions, demarcation line, and relocation of the work limit line.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay

- B. **CKC Eagles, LLC.** To demolish the existing single family dwelling and pool and to construct a new single family dwelling and pool including patios, and rebuild existing stairs at 274 Carriage Road, Osterville as shown on Assessor's Map 071 Parcel 019. **SE3-6007**

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

Issues discussed:

- The specifications for the stairs going down should be put on the plan.
- A question was raised on how they are going to get the work done on this very steep bank.
- Seth Wilkinson explained the procedure they will be using.

- Monitoring reports should be submitted.
- Demarcation will be done at the top of the bank.
- Would like some evergreen or cedar trees used in the mitigation. Scrub oaks are being used because they are more appropriate with the other plantings being used.
- A composite blanket will be used for erosion protection on the bank.
- There should be a special condition for Wilkinson to be the contractor. Any change in contractor would need to be approved by the Conservation Administrator.
- The Land Management Plan was reviewed.
- Number 3 and number 5 size shrubs will be used.
- A Holly tree will be added to the mitigation for diversity.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the demarcation line along the planting area, add a holly tree, replace stairs with the Commissions general practice, annual reports for three years, and a written notification to the Conservation Commission if there is a change in the Landscape Contractor.

Seconded and voted unanimously by roll call.

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

Nay

- C. Douglas Conigliaro, Trustee.** Septic upgrade; house additions; sealcoat existing driveway; replace existing flagstone walks with bluestone walks or loam and seed; and landscaping at 289 East Bay Road, Osterville as shown on Assessor’s Map 163 Parcel 017. **SE3-6008**

The applicant was represented by Michael Pimentel, P.E. of JC Engineering.

Issues discussed:

- The wetlands were flagged by Michael Ball of Marsh Matters Environmental.
- The field data sheet was also submitted.
- This was a good plan.

There was no public comment.

A motion was made to approve the project as submitted.

Seconded and voted unanimously by roll call.

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

Nay

- D. Roger D. and Jillian Tung.** To remove 6 trees on coastal bank and 1 at bank top, plant 8 trees at bank toe and 1 at bank top, plant tree removal area with shrubs and grasses; 3 evergreens used as screening to be replaced at 162 Clamshell Cove Road, Cotuit as shown on Assessors Map 005 Parcel 009. **SE3-6011**

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

Issues discussed:

- The revised plan is dated July 5, 2022.
- The River Birch will remain.
- There are two River Birch. The large one will remain.
- There was a review of which trees are being removed.
- There was an effort to preserve the hard wood trees.
- There is concern about the extent of the work being done on this bank. Would like to request an arborist look at the project and render an opinion.

- The removal is being requested because many of them are dead. The cavity can be seen clearly without the expense.
- The trees were badly pruned in the past. The weight is very uneven.
- A protocol from the Landscape Contractor should be submitted.
- An arborist should do the work.
- Any damage to vegetation at the top of the bank will have to be restored.
- Would like the SE3# for the pier put on the plan.
- Would like the view corridor from the house shown on the plan.
- There should be a revised Landscape Plan.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised Engineering Plan to include the SE3# for the pier, the view corridor to be added, and a revised Landscaping Sketch showing the revised planting allowing for tree removal on the south and a protocol for the removal and pruning of the tree work which should be done by a Certified Arborist, if there is any damage to the top of the bank it should be restored.

Seconded and voted unanimously by roll call.

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

Nay

E. Adam Hostetter. Raze and replace single family home at 401 Ocean Street, Hyannis as shown on Assessor’s Map 325 Parcel 010.

The applicant was represented by Paul Mancuso from BSC Group.

Issues discussed:

- No DEP number has been issued for this project yet. A continuance will be needed.
- There are two structures being removed and two structures being rebuilt in the exact same footprint.
- The pathway and fishpond are staying.
- The condition of the property is a nightmare. There is an opportunity to clean up the property with this project.
- The plan is confusing because it is hard to tell which is staying and what is being replaced. A color mark-up should be submitted.
- A special condition should be added; prior to start of work there will be a site visit to discuss what needs to be cleaned up.

The current owner (Jenny), addressed the Commissioners. They are the new owners and want to clean up the property. They are willing to do whatever the Commission would like.

- There is concern on what is staying and what is going as far as trees and vegetation.
- There needs to be more detail on the plan.
- The project is only to address the replacement of the building, not the other issues.
- A revised plan should be submitted.
- The entire property is within the resource area.

There was no public comment.

A continuance was requested to August 2, 2022 for a revised plan and issuance of the SE3 number.

A motion was made to continue the project to August 2, 2022.

Seconded and voted unanimously by roll call.

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

- F. **Scott Kilcoyne.** Proposed additions to single family dwelling at 256 Indian Trail, Cummaquid as shown on Assessor’s Map 337 Parcel 021. **SE3-6009**

The applicant was represented by Paul Mancuso of BSC Group.

Issues discussed:

- The revised plan is dated July 5, 2022.
- The set of stairs at the bottom of the pool will not require any grading.
- The pool will be at the same elevation as the house. A spot grade on the patio needs to be put on the plan.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the spot grade of proposed patio area.

Seconded and voted unanimously by roll call.

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

IV. AMENDED ORDER

- A. **Donald Adams.** To amend current Order of Conditions to permit existing seasonal 24.8’ x 2.7’ boardwalk at 57 Snow Creek Drive, Hyannis as shown on Assessors Map 325 Parcel 151. **SE3-5665**

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

Issues discussed:

- There is concern that it may not be put back in the same location from year to year.
- There may be a precedent set by approving this application.
- The plants will not grow toward the end of the boardwalk so it is not necessary for the boardwalk to go all the way to the water.
- If the area is wet underneath, usually a raised permanent structure is used.
- It may be better to have a permanent boardwalk.
- A small elevation should be used and it should be permanent. 18” is recommended.

A continuance was requested to August 16, 2022.

A motion was made to approve the continuance request to August 16, 2022.

Seconded and voted unanimously by roll call.

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

V. CONTINUANCES

- A. **Marshal M. Green, Trustee – 210 Carriage Road Nominee Trust.** To remove existing pool and proposed construction of a new pool in a new location, a house addition with patio replacement, elevated stairs down the coastal bank, relocation of hen enclosure, and landscaping to include bank restoration and associated appurtenances at 210 Carriage Road, Osterville as shown on Assessor’s Map 071 Parcel 016. **SE3-5993 Continued from 5/24/22.**

A continuance was requested to August 2, 2022.

A motion was made to approve the continuance request to August 2, 2022.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay

B. Joshua and Claire Nelson. To demolish existing single family dwelling and construct a new dwelling with all associated appurtenances including a driveway at 150 West Street, Osterville as shown on Assessor’s Map 139 Parcel 092. **Continued from 6/14 for the sole purpose of receipt of DEP number. SE3-6005**

- The DEP number has been issued.

A motion was made to close the public comment and authorize the staff to issue the Order of Conditions.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay

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

- | | | | |
|---|---------------------------------------|------------|--|
| A. Susan & Paul Condryn III | SE3-5254 | (COC, ez) | Dock & Pier w/ Float |
| 270 Smoke Valley Rd. Marstons Mills | | | Coastal Bank / Salt Marsh |
| B. Micheal & Catherine Kemether | SE3-5773 | (COC, ez) | Deck / Screen Porch / Add stair / |
| Front porch & deck / Rinse Station | 265 Fifth Ave, Hyannisport | | Salt marsh |
| C. Theodore & Stacey Sheehan | SE3-5467 | (CoC, ez*) | Addition / Retaining Wall / Mitigation |
| Planting & Phragmites Removal | 61 Cedar Tree Neck Rd, Marstons Mills | | Salt Marsh |
| D. Barnstable DPW | SE3-5598 | (COC, ez) | Storm water catchment improvements |
| Rendezvous Lane, Main Street/ RTE 6A, Millway, Freezer Road, Barnstable | | | Shrub swamp / Marsh |

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

VII. MINUTES

A. June 14, 2022

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

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

The time was 8:43 p.m.