



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: August 22, 2023 @ 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 live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <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://townofbarnstable-us.zoom.us/j/81937192514>

**Meeting ID: 819 3719 2514**

**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.

### **REMINDER TO APPLICANTS:**

**FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230 SOUTH STREET, HYANNIS, 02601**

**NEW\*** Conservation Commission meeting materials are available through Laserfiche. Links to application materials can be accessed [HERE](#).

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, Sampou and Tangney.

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

## **I. OLD AND NEW BUSINESS**

- A. Emergency Certification – TOB- DPW – Structures & Grounds** - 1431 Phinney's Lane, Barnstable. Map 275 Parcel 002. To allow for repair of washed out and eroded gully caused by torrential rains on 8/8/23 – Public Safety issue.

Administrator Darcy Karle explained the washout and the reason for the emergency repair.

Issues discussed:

- There should be some management of this area so this doesn't happen in the future.
- Some suggestions were made for DPW to improve the area.
- A permanent solution should be sought rather than waiting for the next emergency repair.

A motion was made to approve the emergency order as written.

Seconded and voted by roll call.

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

Nay –

- B. Emergency Certification – TOB DPW – Highway Division – 37 Oyster Place Road, Cotuit**  
Map 035 parcel 089 – To allow for repair after server erosion/ landing area adjacent to parking lot after severe rainfall event. – Public safety issue.

Issues discussed:

- The issue should be addressed for a permanent fix rather than waiting for another emergency repair.
- A question was raised if Chair Lee should send a letter to DPW.

A motion was made to approve the emergency order as written.

Seconded and voted by roll call.

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

Nay –

A motion was made to authorize Chairman Tom Lee write a letter to DPW expressing concern with the latest wash out area during the storm, and request they find a permanent fix to prevent any wash outs in future events.

Seconded and voted by roll call.

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

Nay -

## **II. REQUESTS FOR DETERMINATION**

- A. Stephen F. Madden.** Installation of split rail fence with plantings along northerly lot line at 95 Eel River Road, Osterville as shown on Assessor's Map 116 Parcel 121. **DA-23045**

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

Issues discussed:

- A question was raised if it is necessary for the fence to all the way to the water line.
- There are foot paths through the property for access from the neighborhood.
- The representative advised they can top the fence at the top of the beach.
- It will be a split rail fence so there will meet the code for space under the fence. There will be a 12- 18" below the bottom rail.
- The plantings will be Rosa rugosa, Virginia rose and native clematis.
- Rosa rugosa was taken off the preferred list of plantings.
- The Rosa rugosa will be replaced with a different plant.

Public comment:

John Foley – 87 Eel River Road and 73 Eel River Road. He is an advocate in the community for the Conservation Commission. He does not have any objection to the project.

A motion was made to approve the project as a negative determination subject to the plantings being on the Commissions native planting list.

Seconded and voted by roll call.

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

Nay -

### **III. NOTICES OF INTENT**

- A. **David and Kathleen DeLuca.** Proposed improvements to a single-family dwelling: removal of existing deck, handicap ramp, and chimney; construction of an addition between existing dwelling and garage; garage and house dormers; front entry portico with deck above; elevated deck off garage; and replacement of existing deck, windows, doors, siding, and roofing at 44 Manor Way, Osterville as shown on Assessor’s Map 116 Parcel 126. **SE3-6118**

The applicant was represented by Lynne Hamlyn of Hamlyn Consulting.

Issues discussed:

- It appears to be a good project.
- Very generous mitigation and environmentally friendly project.
- The mitigation area will be meadow. It should be noted on the plan and demarcation should be required.
- There is a pie shape area that has been taken over by Mugwort which they can make part of the mitigation area.
- The mitigation pallet should be listed on the plan and demarcation of the meadow area.
- The number of times it will be mowed per year and the time of year it will be mowed will be added to the plan.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the additional mitigation area, type of mitigation plantings, the number of times it is to be mowed per year, and demarcation of the mitigation area with the preferred type of bounds.

Seconded and voted by roll call.

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

Nay -

- B. **Craig S. & Maria T. Cornwall.** Propose to re-permit, construct, and maintain boardwalk, ramp, and float at 40 Waterman Farm Road, Centerville as shown on Assessor’s Map 207 Parcel 091 005. **SE3-6117**

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

Town Biologist comment letter dated August 21, 2023 was acknowledged and read into record  
Division of Marine Fisheries comment letter dated April 16, 2023 was acknowledged and read into record.

Issues discussed:

- A question was raised if the dock can be approved before there is an occupancy permit.
- Construction of the house is underway.
- The viewing platform is right against the salt marsh. The viewing platform was approved under a separate Order of Conditions.
- Revision date on plan should be 8/21/2023.

- 10 x 12 pilings are needed for the project.
- Float stops should be at 1’.

There was no public comment.

A motion was made to approve the project as submitted with the revised plan dated August 21, 2023. Seconded and voted by roll call.

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

Nay -

#### **IV. CONTINUANCES**

**A. Thomas G. & Nina K. Weld, Trustees – Thomas Weld Revocable Trust.** To demolish existing garage and construct a new garage with living space above at 269 Seapuit Road, Osterville as shown on Assessor’s Map 095 Parcel 005-002. **SE3-6113 Continued from 7/25/2023 Form WC received.**

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

Issues discussed:

- A revised plan dated August 8, 2023 was submitted.
- The added mitigation is appreciated.
- With the change in use of the property, plus the added hardscape, mitigation should be required.
- The revised plan meets the requirements.
- Some of the plantings are adjacent to the driveway. There should be some demarcation of the mitigation area. The entire driveway has a cobble edge.

There was no public comment.

A motion was made to approve the project as submitted with the revised plan dated August 8, 2023. Seconded and voted by roll call.

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

Nay -

**A. Linda Zarifi and Ali Aziz-Sultan –** The Linda Zarifi Revocable Trust of 2018. Proposed construction of a single-family house at 326 Vineyard Road, Cotuit as shown on Assessor’s Map 016 Parcel 028-002. **SE3-6110 Continued from 8/01/23. WC form received.**

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

Issues discussed:

- The revised plan date is August 16, 2023.

There was no public comment.

A motion was made to approve the project as submitted with revised plan dated August 16, 2023. Seconded and voted by roll call.

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

Nay -

**B. Babcock Holdings, LLC and Cape Beach House, LLC.** Proposed revetment connection between existing adjacent structures, and to replace stairway and platform at 11 and 27 Marchant Avenue,

Hyannisport as shown on Assessor's Map 286 Parcels 026 and 025. **SE3-6097 Continued from 08/08/23.**

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

The NHESP letter dated August 22, 2023 was received.

Issues discussed:

- A re-vegetation plan was submitted dated August 11, 2023.
- The original site plan is dated May 5, 2023.

There was no public comment.

The conditions of the NHESP approval were read into record.

Draft special conditions prepared by Chair Lee were read into record. ADD TO MINUTES???

- Annual shoreline monitoring was reviewed.

A motion was made to approve the project with the special conditions read into record and the conditions of the NHESP letter incorporated.

Seconded and voted by roll call.

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

Nay -

Commissioner Tangney was not eligible to vote.

**C. George Haseotes.** Proposed landscape improvements including resource area enhancements, deck and patio reconstruction and reconfiguration, driveway improvements, and fencing at 309 Long Beach Road, Centerville as shown on Assessor's Map 185 Parcel 035. **SE3-6112. Continued from 8/08/23 for NHESP comment only.**

The NHESP letter dated August 10, 2023 was received and read into record.

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

Seconded and voted by roll call.

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

Nay -

## **V. CERTIFICATES OF COMPLIANCE**

(ez = no deviations, staff recommends approval) (\* = on-going conditions)

- A. SE3-5946 James P. Donahue & Jennifer A. Belesi-Donahue** (COC, ez\*) Addition, Patios, Walkways, Driveway Improvements, & Vista Pruning 56 Harrison Road, Centerville Long Pond (Centerville)
- B. SE3-5848 James G. & Catherine C. Fair** (COC, ez\*) Seasonal Pier / Retaining Wall / Mitigation Plantings 1379 Falmouth Road / RTE 28, Centerville Long Pond (Centerville)

A motion was made to approve A. and B.

Seconded and voted by roll call.

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

Nay -

## **VI. MINUTES**

- A. August 1, 2023**

A motion was made to accept the minutes as submitted.

Seconded and voted by roll call.

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

Nay –

A motion was made to adjourn.

Seconded and voted by roll call.

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

Nay –

The time was 7:34 p.m.