



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: November 7, 2023 @ 3:00 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/83958773664>

Meeting ID: 839 5877 3664

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.

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, and Tangney. Commissioner Sampou arrived at 4:10 p.m.

Conservation Agent Ed Hoopes was present along with Administrative Assistant, Kim Cavanaugh.

## I. ENFORCEMENT ORDERS

- A. James & Kathleen Cloherty Henry AND Cloherty Henry Family Trust - 15 Piney Point Drive, Centerville – Map 228 Parcel 155. Failure to comply with the on-going conditions of a Certificate of Compliance (SE3-5464) - mitigation planting shall be retained and mitigation planting areas in the 50' shall be allowed to naturalize.

### Exhibits

- A ARC Reader showing 15 Piney Point Drive, Centerville  
B Plan of Record SE3-5464 Showing Mitigation Area 1 and Current Photo of Mitigation Area 1 (10/3/23, EA)  
C Plan of Record SE3-5464 Showing Mitigation Area 2 and Current Photo of Mitigation Area 2 (10/3/23, EA)  
D Site Photos

James & Kathleen Cloherty Henry represented themselves

Issues discussed:

- The homeowners were concerned they had planted thousands of dollars' worth of plants in the mitigation area to have them die. They do not want to have more plantings die again.
- The Commission would like them to work with their landscape contractor to come up with a better palette of plants for the mitigation area and, if needed, they can continue temporary, above-ground irrigation beyond the standard 1 growing season.
- Restoration of the mitigation areas is to be completed by May 1, 2024

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

Seconded and voted by roll call.

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

Nay -

## **II. REQUESTS FOR DETERMINATION**

- A. **Park City Wind.** Installation of a monitoring well within riverfront area for hydrologic testing necessary for planning and design purposes at 2 Short Beach Road, Centerville as shown on Assessor's Map 206 Parcel 044. DA-23053

The applicant was represented by Jack Vaccaro, P.E. of Epsilon on behalf of Avangrid, and Hans van Lingen of Avangrid.

Issues discussed:

- There was discussion about the erosion protection for the discharge.
- It will go into a vegetated area. A plan will be submitted to staff.
- The installation will be done the first week of December.
- There was discussion about how long the well will be used. It could be pulled out after the testing is done, or possibly left in for a year.
- It is a 2" test well and could be capped and leave the pvc casing in the ground.
- The sediment from the drilling of the well will be collected and removed from the site.

Public Comment: None

A motion was made to approve the project as a negative determination.

Seconded and voted by roll call.

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

Nay -

## **III. NOTICES OF INTENT**

- A. **Stephen and Christine Fournier.** To remove invasive plant species, construct sand path and firepit at 0 Bridge Street, Osterville as shown on Assessor's Map 093 Parcel 036-005.

The applicant was represented by Wayne Tavares of Wet Tech Design.

Issues discussed:

- No DEP number has been issued yet. A continuance will be needed.
- All the abutters will be allowed to use the area, but not the general public.
- There was discussion about what invasive species are being removed. The rosa rugosa will not be removed unless it is in the path area.

- The plant species being used were reviewed.
- Mostly woody shrubs are being put in.
- Bayberry, sumac and rosa rugosa are being left.
- The removal of the bittersweet will be done over a three year period.
- There will be minimal impact of the project.
- Monitoring reports will not be necessary.
- A continuance was requested to November 14<sup>th</sup> for issuance of a DEP # only.

Public Comment:

Tom Roberts. Abutter – Asked if this will be a gas or wood fireplace. It is paper, kindling and wood only. There is a lot of wind in the area. He is concerned about a possible fire. There is a cover for the firepit and it will be covered when not in use. He asked that they be careful with spark control.

A motion was made to approve the project with a continuance to November 14, 2023 for the issuance of the DEP number only.

Seconded and voted by roll call.

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

Nay -

- B. **John Stoddard Ryley and Galen Largay.** To remove existing indoor pool and add a proposed addition, deck, pool and patio at 35 Quail Road, Osterville as shown on Assessor’s Map 117 Parcel 014. **SE3-6138**

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

Issues discussed:

- The haybales will become the edge of the mitigation area.
- The haybales will be moved landward after the demolition.
- The work limit line will be moved up and the area re-vegetated. A note will be put on the plan.
- The mitigation calculations were reviewed.
- The numbers need to be verified.
- The mitigation area will be allowed to naturalize.
- Annual reports will be needed for three years.
- 

Public Comment: None

A motion was made to approve the project subject to receipt of a revised plan showing mitigation calculations plus labeling of the grass area, and annual reports for three years.

Seconded and voted by roll call.

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

Nay -

- C. **Alan A. Fuierer & Renee A. Nichols.** Proposed raze and replace of single family dwelling at 87 Marstons Avenue, Hyannis as shown on Assessor’s Map 288 Parcel 126. **SE3-6139**

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

Issues discussed:

- A description of a vehicle track paver was given.

Public Comment: None

A motion was made to approve the project as submitted.  
Seconded and voted by roll call.  
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Tangney  
Nay -

- D. **Brian Connolly.** Proposed vegetation management to remove a dense cover of invasive, non-native, and aggressive plant species at 169 Salten Point Road, Barnstable as shown on Assessor’s Map 301 Parcel 003. **Continuance requested to 11/14/2023. WC Form received.**

A continuance was requested to 11/14/2023 without testimony.

A motion was made to approve the continuance request to 11/14/2023 without testimony.  
Seconded and voted by roll call.  
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Tangney  
Nay -

#### **IV. CONTINUANCES**

- A. **Amended Order - Town of Barnstable-DPW.** Proposed updated construction access and maintenance plan for the Blish Point Stabilization project at 307 and 329 Millway, Barnstable as shown on Assessor’s Map 301 Parcels 064 and 009. SE3-5257. **WC Form received. Continued from 10/31.**

The applicant was represented by Amber Unruh of Barnstable DPW and Mitchell Buck, P.E. of Woods Hole Group.

Issues discussed:

- The front face of the dune is not vegetated but the crest of the dune is.
- A question was raised about where the sand goes after being placed.
- Only sand is being placed on the dune. Plantings had been attempted twice but were swept away in storms so they were not replaced.
- Some of the sand does end up back in Barnstable Harbor and needs to be dredged.
- The DEP comment letter was received. Time of year restrictions are needed and the staging of the equipment recommendations were made.

Public Comment: None

A motion was made to approve the Amended Order as written to include the DMF recommendations.  
Seconded and voted by roll call.  
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Tangney  
Nay -

Commissioner Sampou arrived at 4:10 p.m.

#### **V. MINUTES**

- A. September 19, 2023
- B. October 3, 2023
- C. October 10, 2023

A motion was made to accept the minutes as written.

Seconded and voted by roll call.

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

A motion was made to adjourn the meeting.

Seconded and voted by roll call.

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

The time was 4:22 p.m.