



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: February 6, 2024 @ 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/84753132635>

Meeting ID: 847 5313 2635

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**

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice-Chair Louise 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. Conservation Commission legal training with Assistant Town Attorney Kate Connolly.

\*Noted

## II. REQUESTS FOR DETERMINATION

A. **Laurie Prothero Sperry.** Failed septic system upgrade at 43 Locust Avenue, West Barnstable as shown on Assessor's Map 197 Parcel 027. **DA-24003**

The applicant was represented by Darren Meyer of Meyer & Sons, Inc.

There were no questions from Commissioners.

Public comment: None

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

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney  
Nay – none

**B. The Beach Club.** To extend the fence along the property line at 27 Long Beach Road, Centerville as shown on Assessor’s Map 206 Parcel 016. **DA-24004**

The applicant was represented by James Galvano, Manager of The Beach Club.

Issues discussed:

- The fence is approximately 125’ long.
- The resource is flood zone and beach area.
- A 6” clearance at the bottom would be hard to maintain with the blowing of the sand.
- An exception will be made in this case for the clearance.

Public comment: None

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

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney  
Nay – none

**C. Dewey Gardens LLC.** Vista pruning of bank between lawn and Cotuit Bay at 621 Old Post Road, Cotuit as shown on Assessor’s Map 054 Parcel 015-001. **DA-24005**

The applicant was represented by Dan Dewey of Dewey Gardens.

Issues discussed:

- The request is standard and within the vista pruning guidelines.
- Cut branches less than 3” in diameter will be left on site for the benefit of the resource area because of the steepness of the slope to provide some structure to the bank.

Public comment:

Sara Molyneaux – abutter at 581 Old Post Road. They are in full support of the project.

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

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney  
Nay – none

**D. Anthony Ambrogio & Anca Viasopolos.** Removal of oak saplings and invasive species. Removal of dug in timbers. Planting of native species in disturbed areas at 580 Lumbert Mill Road, Centerville as shown on Assessor’s Map 147 Parcel 086. **DA-24006**

The application was withdrawn.

**III. NOTICES OF INTENT**

- A. B. Francis, II & Patricia E. Saul.** Proposed removal of invasive species and replacement with native plantings at 355 Eel River Road, Osterville as shown on Assessor’s Map 114 Parcel 023. **SE3-6154**

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

Issues discussed:

- For the stability of the bank, the area should be allowed to grow naturally. It will not be a managed area.
- The one-gallon barberry are fine, they will grow bigger but more than 25 plants may be needed.
- Monitoring reports should be submitted.
- More plants could be put in after a couple of years if needed.
- No mulch should be put in.
- The work area is upland of the salt marsh, so a CERP is not required.
- The work area should have erosion control.
- Peter Hanson is the contractor for the job. Conservation staff will need to be notified if there is a change, and the change in contractor must be approved.

Public comment: None

A motion was made to approve the project subject to receipt of annual reports being submitted for 3 years, Peter Hanson will be the contractor, written notification and approval by staff if there is a change in contractor, contractor will install the erosion control above the salt marsh area to minimize any soil disturbance, and if after review more planting needs to be done to stabilize the bank after year 2 or 3, the applicant will be open to that request.

Seconded.

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

Nay – none

#### **IV. CONTINUANCES**

- A. Elizabeth Gould, Trustee.** To construct a proposed porch at 267 Scudder Road, Osterville as shown on Assessor’s Map 139 Parcel 013. **SE3-6115 Continued from 1/23 for DEP # only.**

The DEP number has been received.

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

Seconded.

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

Nay – none

#### **V. CERTIFICATES OF COMPLIANCE**

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

- A. SE3-5660 Yavuz & Nuray Anahtar (COC, ez\*) Addition, Deck, and Mitigation Planting**  
455 Huckins Neck Road, Centerville Bearnse Pond

A motion was made to approve the Certificate of Compliance.

Seconded.

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

Nay – none

#### **VI. MINUTES**

- A. January 16, 2024

B. January 23, 2024

A motion was made to accept the minutes as submitted.

Seconded.

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

Nay – none

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

The time was 8:07 p.m.