



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: June 25, 2024 @ 6:30 PM

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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/88961684688>

Meeting ID: 889 6168 4688

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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.

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 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. Commission vote on future format of meetings.

Issues discussed:

- The official act allowing remote meetings will expire March 31, 2025.
- Meeting options are limited to in person or remote. Hybrid meetings are not an option at this time.
- Commissioner Sampou commented on seeing everyone in person brings comradery.
- He feels something is lost in his ability to communicate via zoom.

- Commissioner Hearn feels something is lost in communication with the public.
- He asked if it possible to meet in public until December 1st and then go to zoom until March 31st.
- Commissioner Gillmore commented that he knows the public is better able to participate when it is in zoom. People who are away can participate.
- Everyone is getting used to the remote meetings and there has been more input from the public.
- Angela feels because of the number of the meetings per month zoom flows more easily and gets the work done more efficiently.
- Louise feels the benefit of having better access for the public is very important.
- There have been many times when Commissioners have been away but were able to participate because of the zoom format.
- John has always favored zoom. There is value in face-to-face meetings. He believes the public deserves the best access that is available.
- Many of the applicants and abutters are off cape and still available to attend remote meetings, especially on the controversial projects.
- This vote is only for nine months and will be re-visited if the State allows the remote option after March 31, 2025.

A motion was made to continue future meetings by Zoom until 3/31/2025.

Seconded.

Aye – Abodeely, Foster, Gillmore, Lee, Tangney

Nay – Hearn, Sampou

II. REQUESTS FOR DETERMINATION

- A. **Robert Hayden.** To remove five trees that pose a hazard to structures at 7 and 19 Ocean View Avenue, Cotuit as shown on Assessor’s Map 034 Parcels 040 and 041. **DA-24027**

The applicant was represented by Jessica Petrush.

Issues discussed:

- There is written permission from the neighbor to remove the tree from their property.
- Ed Hoopes looked at it and staff supports the project.
- There will be some replacement plants put in.
- The trees viewed during the site visit should definitely be removed.

Public comment: None

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

Seconded.

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

Nay – none

- B. **John N., Jr. & Erin S. Spinney.** To maintain an existing vista corridor and proposed grading for flood protection at 46 Little Island Drive, Osterville as shown on Assessor’s Map 093 Parcel 058-008. **DA-24028**

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

Issues discussed:

- The re-grading will include the plants being put back and the area will regrow to its natural state.
- The grading will be an increase of approximately 18”.
- The re-grading area is within the 50’ buffer.
- The vista corridor seems to be very wide.

- There are no trees in the vista corridor being removed, it is just an understory that will be pruned in an undulating fashion.
- There is manicured grass growing right up to the 50' buffer.
- This is a minor re-grading in the 50' buffer which will eliminate a lot of disturbance that would have to occur if done in the 100' buffer.
- Staff supports the project as presented.
- The plants in the area behind the re-grading could be damaged if salt water continues to flow through the area.
- Some vegetation between the public view and the house for the vista corridor is preferred.
- There does not appear to be a negative impact of the 50' buffer by re-grading.
- Staff will be on site to determine what will be cut in the vista corridor.
- This is an RDA not NOI so no conditions can be added.
- The vista pruning is within the guidelines. No trees will be taken down.
- This is a site-specific project for the work in the 50' buffer.
- There are significant trees on either side of the view corridor.
- The motion should include the undulating cut.

Public comment: None

A motion was made to approve the project as a negative determination. with the standard vista pruning and an undulating cut 4 to 6'.

Seconded.

Aye – Abodeely, Gillmore, Lee, Hearn, Sampou

Nay – Foster, Tangney

C. Burt Realty Trust. To repair subsurface septic system and upgrade under Title V. The proposed upgrade includes the replacement of the existing cesspool with an Innovative/Alternative (I/A) system with a 1,500-gallon septic tank, a UV disinfection system, a back-up generator to support the pump chamber system, and new disposal field at 4741 Falmouth Road, Cotuit as shown on Assessor's Map 009 Parcel 020. **DA-24029**

The applicant was represented by Sam Hess of Strong Tree Engineering.

Issues discussed:

- The application was approved by the Board of Health.
- Sam was thanked for offering the AI system.
- The AI system will help protect the river.

Public comment: None

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

Seconded.

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

Nay – none

III. NOTICES OF INTENT

A. Kathleen K. & Wallace S. Grove, Trustees. To replace existing failing concrete bulkhead with vinyl bulkhead at 944 Main Street, Cotuit as shown on Assessor's Map 035 Parcel 094. **SE3-6199**

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

Issues discussed:

- A 5’ return will be at each end of the bulkhead so that it will be protected if the neighbor does not keep up with their bulkhead.
- There is one failing groin which will be replaced. There are grasses growing around the groin. The grass may not survive if the groin were removed.
- Removing the stones will probably promote marsh grass growth.
- There should be a construction protocol submitted by the contractor.

Public comment: None

A motion was made to approve the project subject a submittal of a written construction protocol submitted by the contractor at least four weeks before the work will begin.

Seconded.

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

Nay – none

- B. Housing Assistance Corporation of Cape Cod.** Construction of a three story, 50-unit affordable housing residential building within the 200’ riverfront area at 268 Stevens Street, Hyannis as shown on Assessor’s Map 308 Parcel 017.

The applicant was represented by Brandon Carr of DiPrete Engineering, Inc. and David Quinn of Housing Assistance Corporation.

Issues discussed:

- The storm water report was reviewed by the Chair.
- A condition should be added that they work with DPW on the drainage.
- The impacts are stormwater related.
- What pre-existed in the lot was much worse than what is being proposed.
- This is a great improvement.
- It appears to be a great project.
- The need for housing is critical to the Town.
- David Quinn was thanked for the project.
- The sewage will be connected to Town sewer.
- There was site plan approval a few weeks ago.

Public comment:

Lisa Deluse Pleasant Hill Lane, Hyannis. She is not in favor of the project. She is concerned about the water run-off. If there is no grass and trees to absorb the water, it will lead to higher water levels. Traffic is an issue in the area. She went on the website earlier to get the plans and it was not working. The plans were emailed to her.

The Chair advised Lisa, the management of storm water will be improved with the project as proposed.

Conservation has no jurisdiction over traffic.

The project goes through site plan review which includes all other departments. The traffic plan would be reviewed by DPW. DPW did a traffic assessment which was found to be acceptable. She can review it through Planning and DPW.

Charlie Bloom offered to help Lisa go through the process. They will meet Saturday at 1:00 p.m.

Charlie was thanked.

A continuance is needed to July 9th for receipt of the DEP number.

A motion was made to approve the project as submitted and continued to July 9th for receipt of the DEP number.
Seconded.

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

Nay – none

- C. **Saga Property Holdings, LLC.** To demolish the existing dwelling, construct a new dwelling and pool and patio, with all associated appurtenances at 130 Holly Point Road, Centerville as shown on Assessor’s Map 232 Parcel 039. **SE3-6200**

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

Issues discussed:

- This is a complete tear down and re-build. A question was raised if the pool should be allowed in the 50’ buffer.
- The patio area will be lowered.
- There is some retainage towards the property line.
- The pool elevation will not be changed.
- It is a very small lot.
- This project is an improvement on what is currently there.
- They are offering mitigation even though it is not required.
- The mitigation area will be naturalized. Not covered by mulch.
- The fill being removed will go off site.
- The fence will be pulled up to the mitigation area for demarcation.
- The plan should be revised to show the removal of the old fence.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the existing fence removed and the proposed mitigation area to be naturalized.

Seconded.

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

Nay – none

IV. CONTINUANCES

- A. **Town of Barnstable Department of Public Works.** Construct sidewalks and shared use paths, a raised crosswalk, drainage improvements, new/additional streetlights, new driveway to Kalmus Beach, guardrails, watermain extension, repave parts of Ocean Street, install signs and pavement markings, other associated work on Town right-of-way from 480 to 670 Ocean Street and on Town Properties at 480 and 670 Ocean Street, Hyannis as shown on Assessor’s Map 324 Parcels 038 and 041. **Continued from 6/11 for DEP# and NHESP letter only. SE3-6201**

NHESP letter was received at 4:30 p.m.

The quorum is everyone except Bill and Louise.

The NHESP Letter was read into record by Administrator Darcy Karle.

They did not add any additional conditions.

There is no “take” for either parcel.

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

Seconded.

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

Nay – none

- B. Town of Mashpee.** Proposed maintenance dredging at the existing approach, inner, and 1916 channels within Popponesset Bay that extends into Barnstable. **SE3-6191 Continued from 5/14/24, 5/28/24, 6/4 and 6/11. WC Form received. Continued from 6/11 for NHESP letter only.**

The NHESP letter has not been received.

A continuance was requested to July 9, 2024.

The quorum is everyone except George, Bill, and Louise.

A motion was made to continue the project to July 9, 2024 for receipt of the NHESP letter.

Seconded.

Aye – Abodeely, Lee, Tangney, Sampou

Nay – none

V. CERTIFICATES OF COMPLIANCE

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

- | | | |
|--------------------|--|---|
| A. SE3-5540 | Diane Zack Seigal (COC, ez*)
Beyond the Beach, LLC
45 Southwinds Circle, Centerville | Landscape/hardscape work in previously disturbed area, add mitigation plantings/restoration |
| B. SE3-5941 | Corey A. Griffin, Trustee (COC, ez*)
Glen lane Nominee Trust
49 Main Street, Osterville | Modify Existing Pier |

A motion was made to approve A. and B.

Seconded.

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

Nay – none

VI. MINUTES

A. May 28, 2024

B. June 4, 2024

A motion was made to accept the minutes as submitted.

Seconded.

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

Nay – none

This will be George Gillmore's last meeting. He was thanked.

A request was made to the public for applicants to fill the vacant Conservation Commissioner seat.

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

Abstain - Hearn

The time was 8:07 p.m.

