



**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: April 13, 2021 @ 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 as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

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.

Join Zoom Meeting

<https://zoom.us/j/94556486213>

Meeting ID: 945 5648 6213

888 475 4499 US Toll-free

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, and Clerk George Gillmore. Also present were Commissioners Dennis Houle, Larry Morin and Pete Sampou. Commissioner John Abodeely was absent.

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

Chairman Lee made an announcement that NOI submitted for Shell Lane Pond, Steve Mojo will be scheduled for a later date.

I. REQUESTS FOR DETERMINATION

- A. **Barbara Brooksbank.** Installation of new septic tank, distribution box and associated piping at 56 Harrison Road, Centerville as shown on Assessor's Map 229 Parcel 075. DA-21019

The applicant was represented by Asa Mintz of AJM Site Design.

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.

- B. **Stein Barnstable Realty Trust.** Remove and replace existing deck with 550 SF deck with 12 sonatubes at 246 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 032. DA-21020

The applicant Michael Stein represented himself.

Issues discussed:

- They are replacing the exact same size deck.
- The vegetation will remain in place.

There was no public comment.

A motion was made to approve the application as a negative determination.
Seconded and voted unanimously by roll call.

- C. **Christopher Brunco.** Septic system upgrade at 280 Main Street, West Barnstable as shown on Assessor's Map 134 Parcel 009-001. DA-21021

The applicant was represented by Peter McEntee, P.E. of Engineering Works, Inc.

They are on the agenda for the Board of Health on 4/27/2021.

There were no questions from Commissioners.
There was no public comment.

A motion was made to approve the project as a negative determination.
Seconded and voted unanimously by roll call.

II. NOTICES OF INTENT

- A. **979 Old Post Road, LLC.** Proposed pool area modifications including outdoor kitchen and firepit; additions at northeast and south of existing dwelling; landscape mitigation at 979 Old Post Road, Cotuit as shown on Assessor's Map 074 Parcel 003-005.

The applicant was represented by Arlene Wilson of A.M. Wilson Associates and Mike Coutu of Sudbury Design.

No DEP number has been issued.

Issues discussed:

- A revised plan needs to show the erosion control.
- The 1,500' sqft of mitigation from the previous project is not noted on the plan. Should be put on revised plan.
- The demarcation of the mitigation should be on the plan.
- A question was raised if the existing lawn is being removed from prior mitigation.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing erosion control, the demarcation locations, and submission of annual monitoring reports for 3 years. Continued to 4/27 solely for the issuance of the DEP number and comments.

Seconded and voted unanimously by roll call.

- B. Ropes Farm, LLC.** Proposed removal and reconstruction of a single-family dwelling and associated site improvements at 135 Putnam Avenue, Cotuit as shown on Assessor's Map 036 Parcel 040-001.

The applicant was represented by Sean Riley of Coastal Engineering and Jennifer Crawford of Crawford Land Management.

Issues discussed:

- There should be 3 year monitoring reports.
- The only trees being removed are close to where the spa and firepit are going.
- The trees that are marked on the bank have been previously approved.
- No DEP number has been issued.
- A continuance will be requested for 4/27/2021 for issuance of the SE3 number.

There was no public comment.

A motion was made to approve the project subject to receipt of annual monitoring reports for 3 years and continued to 4/27/21 for the sole purpose of issuance of a DEP number and comments.

Seconded and voted unanimously by roll call.

- C. Anthony J. & Mary E. Balsamo.** Proposed construction of a pool at 1204 Craigville Beach Road, Centerville as shown on Assessor's Map 206 Parcel 085-001. **SE3-5868**

The applicant was represented by Mike Ball, P.E. of Baxter Nye Engineering.

Issues discussed:

- A question was raised if the entire tennis court be taken out. A credit could be given for mitigation toward future projects
- Representative stated he could agree to 1,500 sq feet of removal but he can't commit to the entire removal without consulting the applicants.
- There was continued discussion regarding removal of the tennis court.

A continuance was requested to 4/27/2021 to talk with the applicants and the contractor.

There was no public comment.

A motion was made to continue the matter to 4/27/2021.
Seconded and voted unanimously by roll call.

III. CONTINUANCES

- A. **Red Lily Pond Project Association, Inc.** Cutting and removing nuisance aquatic weeds using a mechanical harvester (Eco-Cutter), to improve the water quality and habitat from Red Lily Pond and Lake Elizabeth as shown on Assessor's Maps 226 and 227. **SE3-5862 Continued from 3/30/21.**

Chairman Lee recused himself. Vice Chair, Louise Foster took over the hearing.

The applicant was represented by Neil Price of Horsley Witten. Also in attendance were Kathleen Brady, Jim Lane and Thomas Kirk of Red Lily Pond Association.

A comment letter from Karen Malkus, Town of Barnstable Coastal Health Resource Coordinator dated April 9, 2021 was read into record.

A follow-up email from Karen Malkus dated 4/13/2021 was read into record.

Issues discussed:

- There have been many projects at this location over the years. There were questions about previously approved projects that have not helped with the problem.
- There is concern that this may not help either.
- Would like to see an analysis of the sediment.
- Commission would like a list of their priorities, and a time frame.
- The mowing is the only issue in front of the Commission.
- Horsley Witten made plans to improve the fish ladder but was over \$200,000.
- They are trying to salvage some area of the pond for recreational use.
- The culverts were approved but have not been done.
- Lily pads would not prevent fishing or canoeing in the pond. Some vegetation comes back more intense if cut back.
- The culverts are on private property which has become the biggest issue because of the cost.
- It is a state pond but the roadways and fish ladder are on private properties.
- The Town has not addressed the issue of accepting the area as Town property.
- There is a depth of at least 2' where they are proposing to mow. Removing some of the plant material may remove some of the phosphorus load.
- There was discussion on Brewster's use of the Eco-Cutter and depth of water.
- The machine is owned by Brewster County. The Town of Barnstable would need to rent it from Brewster and provide an operator. It would not be the Conservation office to rent it and operate it. It would need to go through David Anthony.
- There was discussion on the time of year the cutting should be done. Specific time recommendations should be submitted.
- Phosphorus monitoring reports should be included as part of the project. There were no phosphorus improvements when they did the Brewster project. There was a clarity improvement. There is a question of whether this project will do harm.
- The Herring Warden should be contacted prior to any work.
- Determining the depth of the water in the pond was discussed.
- The cleanup of debris and restoration of the access points after mowing was discussed.

- The Commission is responsible for protecting resources. There needs to be more proof that there will not be adverse effects from the mowing.

There was no public comment.

A continuance was requested to May 25, 2021.

A motion was made to continue the matter to 5/25/21.
Seconded and voted unanimously by roll call.

A motion was made to adjourn.
Seconded and voted unanimously by roll call.
The time was 8:44 pm.