



**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: July 13, 2021 @ 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 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/99347455268>

Meeting ID: 993 4745 5268

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, 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.

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.

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 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Clerk George Gillmore, Commissioners Abodeely, Morin and Pete Sampou.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Ed Hoopes.

3:00 PM AGENDA

*Vice Chair Louise R. Foster joined meeting.

I. REVISED PLANS

Project type:

Revisions:

A. Gary Markowitz SE3-5331

Extend pier, kayak rack,

To approve a different

Tabled from 6/15

Mr. Gary Markowitz represented himself.

- It was clarified by the Chair the 12” rule is not an interpretation by the Administrator it is defined by Commission.
- There was a discussion on what is the true depth measurements at the pier could it actually be changed in the order of conditions.
- Could the request for a vessel change be considered as an actual waiver request.
- Concern raised regarding vessels traveling with engines down in shallow water. It does stir sediments up, nitrogen especially. Rich zone of nutrients.
- If the Commission did adopt a variance/waiver in this case, how could they be reassured that others would follow the idea of tilting engine.
- If the Commission adopts a waiver in this case and then doesn’t apply it in other cases then they could be considered arbitrary and capricious.
- The 12” rule was based on studies, with a desire to have a rule that was a standard, objective, and enforceable.
- Commissioners stressed the 12” rule must be applied.
- Mr. Markowitz stated he currently owns the vessel is currently berthed at the pier. Waiting for delivery of dingy.
- Administrator stated the vessel was not to be berthed at pier. This was discussed with Mr. Markowitz prior to hearing.

Motion to deny the revised plan request to change vessel. Also recognize depth on plan and place in order of conditions.

Additional discussion took place on request for depth measurement change.

Motion was not voted on.

Motion was made to deny the revised plan.

Motion was seconded.

Roll call

Abodeely, Foster, Gillmore, Lee, Morin., Sampou – Aye

Voted unanimously

II. EXTENSION REQUESTS

Project type:

Time Requested:

A. Diane L. Currier, Trustee **SE3-5584**
1071 Old Post Rd., Cotuit

Accessory structure, pool,
patios, landscape walls

3 yrs. (1st request)

Representative was John O’Dea, P.E. of Sullivan Engineering and Consulting.

- No issues discussed.

Motion was made to approve the extension permit.

Motion was seconded.

Roll call.

Abodeely, Foster, Gillmore, Lee, Morin., Sampou – Aye

Voted unanimously.

III. ENFORCEMENT ORDERS

Lisa M. Cleary TR & 3 Hayward Road Realty Trust - 3 Hayward Rd., Centerville – Map 186 Parcel 064.001.

Alteration of the 50' buffer to a wetland resource area - salt marsh - by cutting and removing vegetation. **Tabled from 6/15/2021.**

Exhibits

- A ARC Reader image of 3 Hayward Rd., Centerville
- B Before and After Photos

Mr. & Mrs. Cleary represented themselves.

Issues discussed:

- This item was tabled from June 15, 2021.
- The Cleary's were asked what landscape company performed the work. Ms. Cleary chose not to reveal the name as she felt the landscaper was only doing what was asked.
- The Commission wanted to stress that the Cleary's should let the landscaper know that work within the resource area or 100' buffer needs prior authorization from Conservation. Ms. Cleary stated she had already informed the landscaper of that fact.

A motion was made to approve the Enforcement Order as written.

Seconded and voted by roll call:

Aye – Lee, Foster, Gillmore, Abodeely, Sampou

Nay – none

Abstain - Morin

IV. WARNING LETTERS

James N. White & Patricia A. O'Brien, Trs AND White Revocable Trust – 50 Fox Island Rd., Marstons Mills – Map 096 Parcel 001. Alteration of wetland resource area – salt marsh – by mooring boat on salt marsh.

- There was no discussion on this matter.

A motion was made to approve the violation warning letter as written.

Seconded and voted by roll call:

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

Nay – none

V. CERTIFICATES OF COMPLIANCE (* = on-going conditions) (ez = no deviations, staff recommends approval)

A. LEGRAW SE3- 5433 (coc, ez) driveway reconfiguration; deck stairs; landscaping *

 48 Harrison Road, Centerville - Long Pond

Motion was made to approve the Certificate of Compliance

Motion was seconded.

Rollcall

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

Voted unanimously

4:30 PM AGENDA

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.

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 4:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Morin and Pete Sampou.

Conservation Administrator, Darcy Karle was present.

VI. REQUESTS FOR DETERMINATION

- A. Michael Schulz, Trustee – 242 Washington Realty Trust.** Proposed driveway, landscaping, utilities to include septic and all appurtenances at 242 Washington Avenue, Osterville as shown on Assessor's Map 138 Parcel 030. **DA-21039**

Representative – John O'Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- Commission jurisdiction is flood zone only and that only extends into the area of the proposed driveway.
- COMMENT letters- submitted by abutters Kathleen Capo and Melissa and Joseph Tavilla
- No wetland on site.
- Additional spot grades should be provided on the plan.

Motion to approve this as a negative determination subject to receipt of a revised plan indicating additional spot grades for driveway. Motion was seconded.

Roll call.

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

Voted unanimously.

VII. NOTICES OF INTENT

- A. Stephen P. Ahern, Trustee – Alta Vista 2020 Realty Trust.** Proposed replacement of existing float with new 8' x 25' float and proposed land management to eradicate phragmites within an area of 3,500 +/- square feet at 421 Main Street, Osterville as shown on Assessor's Map 164 Parcel 004. **SE3-5897**

Motion was made to approve a continuance to August 3, 2021 without testimony.

Motion was seconded.

Roll call.

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

Voted unanimously.

VIII. MINUTES

- A. June 22, 2021

Motion to approve the minutes as submitted.

Motion was seconded.

Roll call.

Abodeely, Foster, Gillmore, Lee, Morin– Aye

Sampou – abstain

Motion carries.

Motion to adjourn .

Motion was seconded.

Roll call.

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

Voted unanimously.

Adjourn at 4:41pm.

