



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: August 3, 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.

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/92826964362>

Meeting ID: 928 2696 4362

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.

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REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

BY ROLL CALL 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, Clerk George Gillmore, Commissioners Abodeely, Morin, Sampou and Hearn.

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

I. REQUESTS FOR DETERMINATION

- A. **G. Richard Kramer.** Septic system upgrade and proposed well at 342 Nyes Neck Road, Centerville as shown on Assessor's Map 232 Parcel 013. DA-21040

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

Issues discussed:

- The Board of Health has approved the project.
- The cesspool will be pumped and filled in.
- The property is only used seasonally.
- It will be on Town sewer in the next 10 years.

There was no public comment.

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

Seconded and voted unanimously by roll call.

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

Nay –

- B. **James T. & Carol Ann Harris.** Raze existing concrete structure to construct proposed pool, garage, stairs, retaining walls, and paved driveway with rain garden for storm water management at 214 Tern Lane as shown on Assessor’s Map 192 Parcel 029. DA-21041

The applicant was represented by Brendan Kling of Grady Consulting, LLC.

Issues discussed:

- Most of the project is outside Conservation jurisdiction.
- The raingarden is just for storm water run-off.
- There is no pool draw down pit on the plan. A drywell should be put in for the draw down. A revised plan should be submitted.
- A revised plan was submitted which included the elevations of the retaining walls.

There was no public comment.

A motion was made to approve the project as a negative determination subject to receipt of a revised plan showing drawdown pit.

Seconded and voted unanimously by roll call.

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

Nay –

II. NOTICES OF INTENT

- A. **James C. & Kathleen C. Henry.** Proposed installation of a new “T” shape residential seasonal dock located at 15 Piney Point Drive, Centerville as shown on Assessor’s Map 228 Parcel 155. **SE3-5902**

The applicant was represented by Brian Wallace of JC Engineering Inc.

Issues discussed:

- The NHESP comment letter has not come in.
- There are rare plant species that triggered the NHESP filing.
- There have been projects approved in the area prior to this filing.
- The kayak rack should be put on the plan. Boats and kayaks should be stored in the rack.

There was no public comment.

A continuance was requested to August 17th for receipt of the NHESP comment letter.

A motion was made to approve the project subject to receipt of a revised plan showing the kayak rack and continued solely for receipt of the NHESP letter and comments.

Seconded and voted unanimously by roll call.

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

Nay –

- B. **Anne Seminara.** Construct a single family dwelling, Title 5 septic system, landscaping and in-ground pool at 52 Meadow Farm Road, Centerville as shown on Assessor's Map 188 Parcel 175. **SE3-5901**

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

Issues discussed:

- Revised plan date is 7/26/21. Wetland flagging information is still needed and the data sheets. The name and date should be added to the plan.
- The location of the mechanical equipment will be outside Conservation jurisdiction.
- The slope at the bottom of the property will be used to create a swale at the bottom. Erosion control netting and hydro-seed will be used.
- The drywell to the west will be utilized for the backwash pit.
- There should be demarcation of the work limit line. Large stones could be put along the work limit line.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the wetlands flagging information and demarcation of the work limit line.

Seconded and voted unanimously by roll call.

Aye – Abodeeley, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay –

- C. **Roger D. & Jillian Tung.** Maintain as-built 20'x 4' boardwalk and a 3'x 4' storage box platform on pier at 162 Clamshell Cove Road, Cotuit as shown on Assessor's Map 005 Parcel 009. **SE3-5903**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates Inc.

Issues discussed:

- On first maintenance reconstruction of the board walk the wooden decking would be replaced with slotted decking or grated decking.

There was no public comment.

A motion was made to approve the project subject to a special condition stating on first maintenance reconstruction of the board walk the wooden decking would be replaced with slotted decking (3/4" spacing) or grated decking.

Seconded and voted unanimously by roll call.

Aye – Abodeeley, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay –

III. CONTINUANCES

- 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 Continued from 7/13/21. Continuation requested to 9/14/21**

A continuance was requested to 9/14/2021.
A motion was made to approve the continuance.

Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay

- B. John M. and Allyn M. McManmon.** To re-permit the demolition of the existing one car garage and construct new two car garage with pool cabana and living space above at 134 Prince Avenue, Marstons Mills as shown on Assessor's Map 076 Parcel 005. **SE3-5899 Continued from 7/20/21**

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

Issues discussed:

- One tree between garage and pool will be removed and one off the back. A revised plan should show the trees being removed.
- John McManmon verified the location of the trees.

Public comment

Lynn Goldman 154 Prince Avenue - abutter. The buffer has scrub pine. She would like to see a screen. This area is not in Conservation jurisdiction.

- If vegetation is taken out a revised plan should be submitted.

A motion was made to approve the project subject to receipt of a revised plan showing where the tree removal is.

Seconded and voted unanimously by roll call.
Aye – Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay

IV. CERTIFICATES OF COMPLIANCE

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

A.	Schechter 211 Scudder's Lane, Barnstable	SE3-5788	(coc, ez) -	Shore Front Protection Barnstable Harbor
B.	Shea & Blake 19 Vine Avenue, Centerville	SE3-5428	(coc, ez) -	addition to single family dwelling Centerville River

A motion was made to approve A. and B.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou
Nay –

V. MINUTES

- A. July 13, 2021
- B. July 20, 2021

A motion was made to approve the July 13, 2021 minutes as submitted.

Seconded and voted by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou
Nay
Abstain - Hearn

A motion was made to approve the July 20, 2021 minutes as submitted.

Seconded and voted by roll call.

Aye – Abodeely, Foster, Hearn, Lee, Morin, Sampou
Nay
Abstain - Gillmore

VI. OLD AND NEW BUSINESS

- A. Review procedures when conducting site visits.

- Noted
- There is nothing on the application to let the property owners know that site visits will be conducted.
- Should there be something added to the application process to let them know.
- Under State DEP regulations it clearly states the Commissioners are allowed to go onto the property.
- An ID should be carried and Commissioners should knock at the door to notify owners they are there to view the project.
- Commissioners should not go onto properties for enforcement orders.
- Maybe something could be added to the Town of Barnstable regulations. This should be reviewed with the legal department.
- Some Commissioners need new ID's.
- The steps of Enforcement orders were reviewed.
- It should be confirmed with the legal department that there is consent because they filed the NOI or RDA.

- B. Conservation Commission re-organization.

- A motion was made to re-elect the current officers in their current positions.

Seconded and voted unanimously by roll call.

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

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

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

The time was 7:47 p.m.