



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: January 3, 2023 @ 6:30 PM**

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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://townofbarnstable-us.zoom.us/j/82420702463>

Meeting ID: 824 2070 2463

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 R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin, and Sampou.

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

## **I. REQUESTS FOR DETERMINATION**

- A. **Cape Cod Village Condominiums.** Stormwater management maintenance for an existing stormwater wetland's system at Harbor Point Road, Cummaquid as shown on Assessor's Map 352 Parcel 035. **DA-23001**

The applicant was represented by Roger Bacon, P.E. and Amy Collins, President CCVA.

Issues discussed:

- The goal is to prune vegetation, mow grass, and remove invasive species.
- The revised plan is dated 1/3/2023.

- Staff has reviewed and supports the project.
- A question was raised why they want to trim the trees. Shade cuts down on the evaporation.
- Trimming the trees may counter what they are trying to achieve. If allowed to grow larger they may transpire more water.
- Roger Bacon explained the reason for the request is to grandfather what they have already been doing.

Public comment:

Ann Canedy – Abutter supports the project. It is a very positive project and feels it is a good project.

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. **Joan Ahern.** Upgrade failed cesspool to Title 5 system at 640 Poponessett Road, Cotuit as shown on Assessor’s Map 006 Parcel 018. **DA-23002**

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

Issues discussed:

- The long term sewer project will not affect this property for 20 and 30 years.
- A question was raised if an IA system would be considered. It will be discussed with the owner.
- The tank is going near the 50’ buffer.
- The existing cesspool will be pumped and filled in.

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 -

- C. **Jay & Betsy James.** Elevate existing home and add to existing foundation. Re-set home on foundation and remodel with no change in footprint at 642 South Main Street, Centerville as shown on Assessor’s Map 186 Parcel 041. **DA-23003**

The applicant was represented by Steve Bobola of Sand Dollar Customs, LLC

Issues discussed:

- The foundation will be blocked.
- There is access from two roadways without going into the 50’ buffer with machinery.
- Machinery will be used in the 100’ buffer.
- Hand cribbing and jacking will be done. There is no heavy equipment being used. Only a truck will be used to bring in the beams.

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 -

- D. **Kevin McShea.** Vista pruning at 116 Bay Road, Cotuit as shown on Assessor's Map 007 Parcel 021. **DA-23004**

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

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

## **II. NOTICES OF INTENT**

- A. **The Trustees of Reservations.** Proposed realignment of the existing parking layout to improve access, and circulation to meet ADA compliance for accessibility, additional improvements include green stormwater infrastructure systems, buffer restoration, and new landscape design at 675 Main Street, Osterville as shown on Assessor's Map 141 Parcel 038. **SE3-6052**

The applicant was represented by Elizabeth Soule of The Trustees of Reservations and Amy Ball of Horsley Witten.

Chairman Lee recused himself from the project.  
Assistant Chair Louise Foster ran the hearing.

Issues discussed:

- The driveway and parking lot will be gravel.
- DPW needs to review the storm water report.
- A continuance will be needed to review the storm water report.
- There should be three year monitoring reports for the plantings.
- The invasive removal will be by hand only.

There was no public comment.  
A continuance was requested until January 17<sup>th</sup> 2023.

A motion was made to continue the project to January 17, 2023 for review of the storm water report.  
Seconded and voted unanimously by roll call.  
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay -

- B. **Marc A. and Tobey S. Collins.** To replace and expand the existing timber pier with a seasonal pier at 142 Willow Run Drive, Centerville as shown on Assessor's Map 210 Parcel 068. **SE3-6053**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting, Inc.

Issues discussed:

- The pier is being expanded but is consistent with the neighboring piers.
- A question was raised why three sections are needed at the end of the pier instead of two.
- Three sections will allow a longer running length and better access to the boats.
- Shading from three sections is a concern. It could be done with two sections.
- The aluminum surface is 120 sq. ft. of shading instead of 80' of shading if there were only two.

- If it were put parallel there would only be 8' across and pretty narrow with a stability issue.
- It is currently 2.7 ft. deep at the end of the pier. In a typical year it would be almost 4 ft. deep.

There was no public comment.

A motion was made to approve the project as submitted.

Seconded and voted unanimously by roll call.

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

Nay -

- C. **Marc A. and Tobey S. Collins.** To demolish single family dwelling and construct a new single family dwelling at 142 Willow Run Drive, Centerville as shown on Assessor's Map 210 Parcel 068. **SE3-6054**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting, Inc.

Issues discussed:

- A question was raised about the amount of sand on the beach that was observed during the site visit.
- Representative had no knowledge of sand being added. Staff will look into it.
- The fire pit on the plan will be removed.
- No monitoring reports will be needed.
- There should be some demarcation on a revised plan.

Public Comment:

Frank Santopietro - 40 Thread Needle Lane – abutter. Asked if the shed is being demolished. It is being moved outside Conservation jurisdiction. He thinks it is a good project.

A motion was made to approve the project subject to receipt of a revised plan showing demarcation of mitigation planting area and the removal of the fire pit label.

Seconded and voted unanimously by roll call.

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

Nay -

- D. **Alicia Fix, Trustee – 249 Seapuit Road Realty Trust.** To remove existing pool and clearing for gardens at 249 Seapuit Road, Osterville as shown on Assessor's Map 095 Parcel 015. **SE3-6055**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting Inc.

Issues discussed:

- There is concern about the amount of trees being taken down. A lot of natural woods are being taken out for gardens. There is concern for the impact on wildlife. Most of the pool is outside the 100' buffer.
- Within Conservation jurisdiction there are 31 trees being removed. Most are mature trees.
- It is almost like a clear cut down to the 50' buffer.
- A question was raised if there is any mitigation for the retaining wall. There is an undisturbed 50' buffer.
- The landscape plan has some grading that goes very close to the 50' buffer but it is not on the Engineering plan.
- The bio-swale is to keep any run off from going into the 50' buffer. There needs to be more information on what it will have in it.
- The gardens will not be raised beds.
- The engineering plan does not match the landscape plan.
- A question was raised if these will be organic gardens. Will any fertilizers be used?

- The area has great buffering capability and habitat value. It is unfortunate to lose it.
- The damage to the 50' to 100' buffer may be a more negative impact than a positive impact.
- Chapter 237 states evidence should be provided by the applicant that there will be no detrimental impact.
- The representative was asked if the clearing in the 50 to 100' buffer could be minimized.
- A mature tree sucks up nutrients. If the 31 trees are replaced with gardens there will be significant nutrients added to the area. This is a pretty clear negative impact.
- The engineering plan needs to include the changes in grades and all new structures including the bio-swales.
- A continuance should be requested to find out what kind of gardens are going in, if fertilizers will be used, and the amount of trees in Conservation jurisdiction being removed.

There was no public comment.

A continuance was requested to January 17, 2023.

A motion was made to approve the continuance request to January 17, 2023.

Seconded and voted unanimously by roll call.

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

Nay -

**E. John & Pamela Layton.** To construct and maintain stairs, a timber boardwalk, pier, ramp and float at 592 Poponessett Road, Cotuit as shown on Assessor's Map 007 Parcel 003. **SE3-6056**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

Comment letter dated January 3, 2023 from DMF was read into record.

Comment letter dated December 31, 2022 from Liz Lewis was read into record.

Issues discussed:

- A Chapter 704-3(L) waiver is being requested.
- This is a non-motorized pier.
- A question was raised why they need a permanent vs. seasonal pier.
- There will be a lot of disturbance to the salt marsh putting a seasonal pier in and out.
- Non-motorized piers have consistently been approved seasonally not permanent.
- This is a very tough area for seasonal piers because of the bottom conditions and there are very few contractors that will go into the area to take them in and out.
- The only way to build it is with permanent piles.
- The bottom is all muck. Only 6-8' maximum can be put in the ground and they don't hold.
- In this environment temporary piles are not a viable option.
- There have been three prior permanent piers approved previously in this area because of the condition of the bottom.
- There should be a finding for this project.

There was no public comment.

A motion was made for a finding.

Finding: Because of the location of this project in Shoestring Bay the environmental conditions do not support a seasonal pier that is why the permanent pier will be approved.

A motion was made for an amended finding: Due to the subsurface conditions in the Shoestring Bay area a seasonal pier is not appropriate and permanent piling is necessary. The L waiver request will be granted.

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

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

**F. Stephen & Beth McParland.** Construction of permanent pile supported pier for non-motorized vessels at 150 Carriage Road as shown on Assessor’s Map 071 Parcel 015 003.**SE3-6059**

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

Comment letters were acknowledged and read into record from:  
DMF dated 1/3/2023  
Natural Resources Shellfish survey dated 12/27/2022  
Shellfish Committee letter dated 12/22/22  
Waterways and Harbor Master comment letter dated 1/3/23  
Response from Arlene Wilson to Shellfish report dated 12/31/22.

A Chapter 704-3(L) waiver is being requested.

Issues discussed:

- The locations of the scientific findings submitted by Commissioner Sampou were discussed.
- Exotic species in Massachusetts were discussed.
- The issue of weather this should be a seasonal or permanent pier was discussed.
- The length of the pile vents was reviewed. If they were to be done 16’ on center it would reduce the number of piles needed.
- The length of the pier was discussed.
- There was further discussion on exotic invasive species.
- There should be a continuance to get comments from the Shellfish Committee.
- There is a preference for seasonal docks in the guidelines.
- This is significantly over built pier for a non-motorized boat dock.
- The issue of the length of the pier and using a smaller diameter pile will be looked at by the applicant.
- A letter dated 12/04/2009 from Paul Diodati, Director DMF relevant to negative effects of permanent piers was reviewed and read by Commissioner Sampou.

Public comment:

**Patricia Farinha – Member of the Shellfish Committee.** It is important to understand the purpose of the shellfish in the area and what they do for the environment. She advised that the shellfish rating has been upgraded from a 6 to a 10 in the shellfish rating. She was asked if there is winter shell fishing in the area. Patricia responded yes, there are quahogs and soft shell clams. She was asked if soft spots left by seasonal pilings vs. permanent pilings have a more negative affect on shellfish. She does not feel qualified to answer the question.

Continued discussion:

- The new shellfish ratings are not yet in effect.
- A continuance was requested to 2/14/23.
- Tom requested a written request for continuance from Arlene be submitted.

A motion was made to approve the continuance request to February 14, 2023.  
Seconded and voted unanimously by roll call.  
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay -

### **III. CONTINUANCES**

- A. Christian Camp Meeting Association.** Proposed dock and stairway reconstruction at 160 Lake Elizabeth Drive, Centerville as shown on Assessor’s Map 226 Parcel 137. SE3-6050 **Continued from 12/20/22.**

A continuance was requested to 2/14/23.

A motion was made to approve the continuance request without testimony to February 14, 2023.  
Seconded and voted unanimously by roll call.  
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay -

### **IV. MINUTES**

- A. December 6, 2022

A motion was made to accept the minutes as submitted.  
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 9:37 p.m.