



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation@town.barnstable.ma.us

MINUTES – CONSERVATION COMMISSION HEARING

DATE: January 31, 2023 @ 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 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/82959522074>

Meeting ID: 829 5952 2074

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.

REMINDER TO APPLICANTS:

FEEES 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, Morin and Sampou. Commissioner Hearn was absent.

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

I. REQUESTS FOR DETERMINATION

- A. **Alan A. Fuierer.** Proposed additions to an existing dwelling at 87 Marston Avenue, Hyannis as shown on Assessor's Map 288 Parcel 126. **DA-23007**

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

Issues discussed:

- There were some violations found during the site visit that were reviewed.
- They will be addressed in an enforcement order.

- The history of the patio was discussed.
- A may need to be added that the RDA is approved only if the patio was previously approved.
- It is not a major violation however as a matter of precedent a condition should be added.
- The patio was not there in 1995 but it was in 2001.

There was no public comment.

A motion was made to approve the project as a negative determination upon verification of the patio being permitted. If not permitted it will need to come back as an NOI as determined by staff.

Seconded and voted unanimously by roll call.

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

Nay -

- B. **Howard and Robin Reisman.** Proposed septic upgrade at 21 Waterman Farm Road, Centerville as shown on Assessor’s Map 206 Parcel 077. **DA-23008**

The applicant was represented by Peter McEntee of Engineering Works.

Issues discussed:

- The Board of Health has approved the application.

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, Lee, Morin, Sampou

Nay -

- C. **Capetown Plaza, LLC.** Repaving of portions of the parking lot, construction of new curbs as well as minor grading and stormwater drainage improvements at 790 Iyannough Road, Hyannis as shown on Assessor’s Map 311 Parcel 092. **DA-23009**

The applicant was represented by Amanda Houle, Victoria Maguire, and John Lorden of Tighe Bonde.

Issues discussed:

- Staff recommends approval as a negative determination.
- The drainage report was reviewed by the Chair.
- The understory clearing was already completed. They should be allowed to maintain the banks as needed.
- Maintenance should be pre-approved by staff.

There was no public comment.

A motion was made to approve the project as a negative determination with condition stating at drainage basin area understory may be maintained (cut) and trees limbed (for safety issues). Any tree removal will need consultation with Conservation Administrator. Best management practices shall be followed to avoid any impact to the resource area and buffer zone of storm water management system.

Seconded and voted unanimously by roll call.

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

Nay -

II. NOTICES OF INTENT

- A. **Sydney Horton.** Construct single-family home with amenities including septic system, gravel drive, front and rear decks and patio at 417 Scudder Avenue, Hyannis as shown on Assessor's Map 288 Parcel 222. **SE3-6057**

Abutter letter received January 19, 2023 from Luigi Taranto of 411 Scudder Avenue, Hyannis regarding ground water level in the area was acknowledged and reviewed during the hearing.

The applicant was represented by Greg Drake, R.L.A., and Jim Pavlik, of Outback Engineering.

Issues discussed:

- The existing 50' buffer has a couple of disturbed areas. One is a strip of lawn and a boardwalk to the pond.
- The boardwalk was not permitted.
- The lawn area is from the neighbor.
- A replanting plan needs to be submitted for the lawn area.
- There should be a special condition for single rail fence.
- There was discussion of if the boardwalk should be removed or allow what is there to stay until an amended order request comes in.
- The dimensions on the building, patio and deck need to be included on the plan.
- No vista pruning is allowed without a separate application.
- None of the area in the southern portion is marked to be cleared in this application.
- Any clearing should be done under a separate filing.
- The boardwalk if applied for needs to be elevated.
- Abutter letter received January 19, 2023 from Luigi Taranto of 411 Scudder Avenue regarding ground water level in the area was acknowledged and reviewed.
- There are raised leaching beds to address the situation.
- There is not an undisturbed 50' buffer.
- There is no mitigation included with this application to restore the 50' buffer.
- A planting plan needs to be submitted.
- Plan should be revised to show a single split rail fence along the work limit line.
- A revised plan should be submitted removing the boardwalk.
- Gravel trenches should be put in or drywells.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan indicating the dimensions of the house, patios and decks, along with submission of a planting plan (to reclaim area that is lawn), and demarcation of the 50' buffer with a single rail fence. (Note on plan boardwalk to be removed.) Conditions to state existing boardwalk and vista pruning are not included in this project.

Seconded and voted unanimously by roll call.

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

Nay -

- B. **Dorina Konopka.** Proposed improvements to a residential dwelling to include the construction of second story addition and two cantilevered balconies, with deck replacement within the existing footprint and siding at 141 RR Estey Avenue, Hyannis as shown on Assessor's Map 306 Parcel 198. **SE3-6063**

The applicant was represented by Lynne Hamlyn of Hamlyn Consulting.

Issues discussed:

- Some violations were found during the site visit.
- They could be handled with an enforcement order.
- Abutter letter dated January 31, 2023 from Attorney David Reid representing Claudette Vickery of 133 Estey Avenue was acknowledged and reviewed.

Public Comment:

David Reid attorney for abutter Claudette Vickery – There are concerns about overdevelopment of the site. There are 3 units on this one piece of property with several recent expansions. He would like caution the Commission to make sure it is not getting over developed in terms of Conservation priorities and the resources being protected.

- Most of the concerns are zoning and building issues.
- There are 3 potential violations on the existing lot. The OOC should not be held up for the enforcement as they are minor violations and easily corrected.

A motion was made to approve the project as submitted.

Seconded and voted unanimously by roll call.

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

Nay -

III. CONTINUANCES

- A. Town of Barnstable – DPW.** The existing wastewater pump station at 720 Main Street will be removed and a new station will be constructed at 725 Main Street as shown on Assessor’s Map 308 Parcels 003 and 143. **Continued from 01/17/23 for the sole purpose of DEP# issuance. SE3-6062**

The DEP number has been issued with no comments.

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

Seconded and voted unanimously by roll call.

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

Nay -

- B. Home Port Investments, LLC.** Proposed replacement of existing failing timber bulkhead with a vinyl bulkhead at 9 Indian Trail, Osterville as shown on Assessor’s Map 091 Parcel 015. **Continued from 01/17/23 for the sole purpose of DEP# issuance.**

No DEP number has been issued.

A motion was made to continue the project to February 7th for the sole purpose of issuance of the DEP number.

Seconded and voted unanimously by roll call.

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

Nay -

IV. FOR RECONSIDERATION

- A. Jonathan Jacobson and Donna Mathias.** To repair or replace existing stairs and to construct and maintain a walkway and seasonal pier at 340 Hollidge Hill Lane, Marstons Mills as shown on Assessor’s Map 181 Parcel 010. **SE3-6060 For reconsideration of NHESP comments only. WC Form Received.**

A motion was made to re-open the application for consideration of any NHESP comments.

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

The NHESP letter dated January 25, 2023 was read into record.

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

V. CERTIFICATES OF COMPLIANCE –

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

- | | | | |
|-----------------------------------|-----------------|------------|---|
| A. Patricia J. McCarthy | SE3-5199 | (COC, ez*) | Attached garage / Addition / Large
Dormer, Porch, & Patios
70 Eel River Road, Osterville
Shrub Swamp |
| B. Montgomery Family Trust | SE3-5876 | (COC, ez*) | Demo Retaining Wall & Stair / Build
Two New Retaining Walls / Seasonal Pier w/ Kayak Rack & Access Path / Mitigation Planting
142 Pond Street, Osterville
Sam’s Pond |
| C. Cotuit Development LLC | SE3-5058 | (COC, ez) | Revetment Repair to Approximately
80ft of Revetment
260 Vineyard Road, Cotuit
Coastal Beach / Coastal Bank |

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

VI. MINUTES

- A.** December 13, 2022
- B.** January 17, 2023

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

A motion was made to adjourn.
Seconded and voted unanimously by roll call.
Aye –Abodeely, Foster, Hearn, Lee, Morin, Sampou
Nay –
The time was 7:41 p.m.