



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: March 14, 2023 @ 6:30 PM**

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/83201997045>

Meeting ID: 832 0199 7045

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.

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 Hearn, Morin and Sampou. Commissioner Abodeely was absent.

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

## I. OLD AND BUSINESS

- A. Conservation Commission vote regarding remote or in person hearings in anticipation of the extension of the Acts of 2022, Chapter 107 of the Open Meeting law which may allow for the continuation of remote hearings that may be extended to March 31, 2025.

The Governor has not signed an extension to the March 31, 2023 order.

The deadline dates for the April 4<sup>th</sup> and April 11<sup>th</sup> meetings are before the March 31<sup>st</sup> expiration date.

A motion was made to approve holding the April 4, and 11, 2023 meetings in person.

Seconded and voted unanimously by roll call.

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

Nay -

- B. Proposed Conservation restrictions – Commission's review and vote whether to approve as written or edit the following:

1. Bowles Field Historic Landscape, 2.3 acres at Commerce Road (Lot 13), Barnstable, Massachusetts, Barnstable Assessors Map 318, Parcel 025, Lot 002 (portion);

A small part of the piece will be used for agricultural purposes.

Issues discussed:

- There is a path requirement for public use. Anyone can walk the area but there is no parking available.

Public Comment:

Roberta Mauch – She is wondering if this may be a good place for a bee keeper and have a bee farm.

The Barnstable County Bee Keeper Association may be able to provide some input.

2. Bowels Field Historic Landscape, 1.2 acres at Commerce Road (Lot 14), Barnstable, Massachusetts, Barnstable Assessors Map 318, portion of Parcel 025-001 & 025-002; and
3. Bowles Field Historic Landscape, 1.4 acres at Commerce Road (Lot 15), Barnstable, Massachusetts, Barnstable Assessors Map 318, portion of Parcel 025-001 & 025-002.

Presented by Barnstable Land Trust Executive Director Janet Milkman, said restriction to be reviewed and approved by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs.

Janet Milkman reviewed the Conservation Restrictions.

A motion was made to approve the three Conservation restrictions and authorize the Chair to submit a support letter to Town Council.

Seconded and voted unanimously by roll call.

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

Nay -

## **II. REQUESTS FOR DETERMINATION**

- A. **Matthew and Danielle Scioletti.** Repair deck (after the fact) by adding five diamonds pier footings to existing deck at 429 Elliott Road Centerville as shown on Assessor's Map 227 Parcel 109. **DA-23019**

The Scioletti's represented themselves.

Issues discussed:

- This is an existing deck.
- The diamond piers are a very good product, very effective, and cause very little damage to the environment.

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

Nay -

## **III. NOTICES OF INTENT**

- A. **MA Audubon Society, Inc.** Proposed improvements to trail system for All Persons Access to include, 1,600 LF of existing trail surfacing, 245' new access trail, 48 LF timber walkway, 12'x16' timber

platform, invasives management/buffer restoration, and maintenance of existing vista at 283 and 345 Bone Hill Road, Barnstable as shown on Assessor's Map 337 Parcel's 010-001 and 010-007. **SE3-6075**

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting, also present were Liz Stetson and Ian Ives of MA Audubon Society.

Ian Ives reviewed the project for the Commissioners.  
John O'Dea reviewed the plan for the Commissioners.

Issues discussed:

- The viewing platform will be in place year round.
- There may be code standards that need to be considered for construction of the viewing platform.
- There is not currently a contractor hired to do the project.
- The frost heaving issue was discussed.
- This is for the public benefit.
- There was discussion on erosion controls being put in place before they do the regrading.
- There may be a protocol from the contractor to address the erosion controls.
- The abandoned trails will be blocked off with a split rail fence and a sign. This should be put on a revised plan.
- Erosion control protocol from the contractor should be submitted.
- Invasives will be removed mechanically only, no herbicides.
- Monitoring reports will not be needed.

A letter in support of the project from Ann Canedy, Chair of Land Acquisition and Preservation Committee, dated March 10, 2023 was received and acknowledged.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan fixing the typo on the grading, adding the fence and sign, adding the vista corridor, construction protocol for the erosion control and plant forms to be prepared by the contractor.

Seconded and voted unanimously by roll call.

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

Nay -

**B. Raymond Brooks.** To reconstruct and extend existing seasonal pier at 82 Tern Lane, Centerville as shown on Assessor's Map 212 Parcel 009. **SE3-6076**

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

Issues discussed:

- A question was raised if the pier could be designed to move with the elevation of high and low water levels.
- Arlene responded that design requires wheels. The wheels get stuck and they don't move after a short amount of time. Chapter 91 regulations do not like to license moving piers. They prefer something that will stay the same all the time.
- The pier extension will be stored behind the boathouse.
- There will not be any trees removed.
- A portion of the pier may be stored on the beach in the off season if there is not enough room behind the boathouse.

There was no public comment.

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

#### **IV. CONTINUANCES**

- A. **Stephanie J. Gaskill, Trustee – Barley Neck Trust.** Construct and maintain a garage, attached enclosed breezeway, removal of section of existing paved driveway, stone retaining wall and post and rail fence, installation of gutters, downspouts and drywells with proposed mitigation plantings, and associated clearing, grading, utilities and landscaping at 540 Old Falmouth Road, Marstons Mills as shown on Assessor’s Map 124 Parcel 005. **SE3-6067 Continued from 2/28/23. NHESP Letter Received. WC form received.**

The applicant was represented by Mark Dibb, P.E. of Cape & Islands Engineering.

Issues discussed:

- The NHESP letter was reviewed and will not result in a prohibited take.
- Staff supports approving the project.
- Monitoring reports will not be needed.
- The minor enforcement issue of the understory is taken care of in this NOI.

There was no public comment.

A motion was made to approve the project as submitted with the revised plan dated March 14, 2023.  
Seconded and voted unanimously by roll call.  
Aye –Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay -

#### **V. MINUTES**

- A. February 14, 2023

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

A motion was made to adjourn.  
Seconded and voted unanimously by roll call.  
Aye –Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay -  
The time was 7:35 p.m.