



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: February 04, 2025 @ 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.

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 live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <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.

Remote Participation Instructions

<https://townofbarnstable-us.zoom.us/j/81032534456>

Meeting ID: 810 3253 4456

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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 Edwin.Hoopes@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Edwin.Hoopes@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

NEW* Conservation Commission meeting materials are available through Laserfiche. Links to application materials can be accessed [HERE](#).

The meeting was called to order at 6:300 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were: Vice-Chair Louise Foster, Clerk Angela Tangney, Commissioners Abodeely, Hearn, Kaschuluk, and Sampou.

Interim Administrator Ed Hoopes was present, along with Administrative Assistant, Kim Cavanaugh.

I. OLD & NEW BUSINESS

- A. Commission discussion on proposed changes to Special Conditions Boiler Plate and Chapter 707 – Regulation Governing Minimum Submission Requirements for a Notice of Intent Application and Chapter 710 – Guidelines for submitting a Request for Determination of Applicability (RDA) Application

Issues discussed:

- The coastal boiler page 2 change was reviewed.
- Take out the requirement to file a building permit. The Conservation Commission should not enforce requirements of another department.

A motion was made to approve the change to the Coastal Boiler.

Seconded

Aye – Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

Issues discussed:

The proposed changes to the boiler were reviewed.

Issues discussed:

- Changes on pages 3 and 4 were reviewed.
- Some additional wording on number 24 to add “as indicated on the plan”.
- To amend number 32 to use “native seed mix or allow to naturalize, and add number 33 to specify mulch is not allowed in the mitigation area except around the plant driplines and only until the plants are established.
- A question was raised about the Hamblin in lieu fee fund.
- The funds can be used for specific conservation projects.

A motion was made to accept the changes to the boiler.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

The proposed changes to the Chapter 707 – NOI Submission Checklist were reviewed.

Issues discussed:

- Change the contact information from Darcy Karle to Ed Hoopes.
- Section 5D – A landscaping plan should be submitted when doing mitigation and provide demarcation markers and the type of demarcation to be used.
- Demarcation markers have not always been required. This would change past practice.
- It can be taken out if it is not needed.
- For most projects demarcation markers are needed.
- This will help make sure it is not overlooked.

A motion was made to approve Chapter 707 as amended.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

The proposed changes to Chapter 710 - Guidelines for submitting and RDA application were reviewed.

Issues discussed:

- To change contact information from Darcy to Ed.
- There are some language clarifications.

A motion was made to approve the Chapter 710 Guidelines as amended.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

II. NOTICES OF INTENT

- A. Emily Dawn Kunze, Trustee – Emily Dawn Kunze Revocable Trust.** To demolish an existing single family dwelling and construct a new dwelling, driveway, and pool with all associated appurtenances at 200 North Bay Road, Osterville as shown on Assessor’s Map 073 Parcel 011. **SE3-6240**

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

Issues discussed:

- A question was raised why the path along the top of the bank is not more direct.
- The landscape is sloping, and it is the area of the existing stairway and following the existing path.
- They are trying to end all the access points at the existing stairway at one location rather than creating any new disturbances.
- The hardscape is reduced in the project and the mitigation is good.
- There was discussion about the size of the patio and deck. The existing patio and deck is 1879 sq. ft. The new house has patio and deck that is 2540 sq. ft.
- Proposed patio is overhanging a bank.
- The overall project is a reduction in hardscape and an overall improvement.
- Normally in a complete teardown they look at it as a brand new site. They are getting some latitude which is fair.
- Demarcation markers should be added to the plan for the top of the bulkhead.
- Annual reports should be submitted for three years.
- There should be demarcation for the path.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the demarcation line on top of the bank and the path, annual reports required to be submitted for three years.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

- B. Matthew T. & Stacey L. Ovanes.** To modify and expand existing patio at 132 Bay Shore Road, Hyannis as shown on Assessor’s Map 325 Parcel 080. **SE3-6241**

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

Issues discussed:

- There is a typo on the plan that lists the patio as 40’ and it is 31’. It will be corrected.
- There is a tremendous planting plan provided by Mainstay in terms of species diversity and height diversity and good coverage across the area.
- Applicant was thanked for coming back with a great plan.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the patio dimensions, demarcation line, and annual reports to be submitted for three years.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

- C. NSTAR Electric Company.** Construction of new electric transmission line and relocated distribution line on existing rights of way, and electric substation expansion work, at right of way #342 and existing Substation at 625 and 661 Oak Street, West Barnstable as shown on assessor’s Map 194 Parcel 021 and Assessor’s Map 195 Parcel 029. **SE3-6244**

The applicant was represented by Jack Vaccaro, P.E. of Epsilon Associates and Peter Defusco from Eversource.

The NHESP letter dated January 8, 2025 was received.

Issues discussed:

- The mitigation area calculation planting plan shown on the screen is sheet #6104. The file copy is black and white. A color copy was requested for the file.
- There are two fire access points.
- There seems to be a lot of trees being removed from the 50' buffer at the Sandy Hill site.
- A question was raised if it is necessary to cut this many trees and what the understory is.
- The Mid Cape Reliability project came through which was for a new transmission line within the existing right of way and was approved on an earlier filing.
- In order to comply with the tree height standards at the required voltage, it is necessary to remove these trees.
- The voltage of the existing line is being increased, which requires a more stringent standard.
- There are 19 trees between 0 and 50' buffer being removed.
- The understory is a mix of grass and shrubs.
- The mitigation will add some diversity and could add a benefit by allowing some light to penetrate the area.
- There is a high population of trees in the area.
- If this were a residential site it would not be allowed.
- The consultant advised the area was scrutinized to determine the least amount of tree removal necessary.
- As an electric transmission project this is afforded some certain considerations because of the nature of the project. It is not held to the same performance standards.
- This is a project which has provisions in the regulations that allow this activity to occur.
- The purpose is to avoid a fire hazard.
- There is clear evidence of the need to remove these trees for the power line.
- The size of the trees being removed was discussed.
- It is an overall benefit to be increasing the transmission lines for the primary purpose of increasing renewable energy output from the Cape.
- At the substation where they are putting new substation 92, there will be a graded area that will remain. Some of the area will be allowed to regrow but they will be lower shrub species.

Public comment: None

A motion was made to approve the project as submitted subject to receipt of a revised plan showing the mitigation area clarification.

Seconded

Aye – Abodeely, Foster, Hearn, Tangney, Sampou

Nay – Kaschuluk

Lee was unavailable to vote.

III. CERTIFICATES OF COMPLIANCE

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

A. SE3-5792	Regina Sullivan 468 Wianno Avenue, Osterville	(COC, ez*)	Lawn placement. Stormwater management structure.
B. SE3-6032	NSTAR Electric Company d/b/a Eversource Energy 625 & 661 Oak Street, West Barnstable	(COC, ez*)	New transmission line. Relocate distribution line. Substation expansion.
C. SE3-5934	Yuriy & Yelena Matskevich 24 Flume Avenue, Marston Mills	(COC, ez*)	Pier construction with stairs.

A motion was made to approve A. – C.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou
Nay –

IV. MINUTES

A. January 14, 2025

B. January 21, 2025

A motion was made to approve the minutes as submitted.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou
Nay –

Abodeely abstained for the January 14th minutes.

Sampou abstained for the January 21st minutes.

A motion was made to adjourn the meeting.

Seconded

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou
Nay –

The time was 7:42 p.m.