



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: February 11, 2025 @ 3:00 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/84772494118>

Meeting ID: 847 7249 4118

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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 3:00 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were: Vice-Chair Louise Foster, Clerk Angela Tangney, Commissioners Abodeely, Hearn, and Kaschuluk. Commissioner Sampou arrived at 3:17 p.m.

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

I. OLD & NEW BUSINESS

- A. Donna Lawson to present the Long Pond Community Garden Committee --Annual Report & Review for 2024.

Issues discussed:

- Three small trees will be cut down at the edge of the garden to allow for additional sunlight.
- Donna was thanked for the photographs she submitted.
- There were 58 gardeners last year.
- The compost pile is turned and the plots are rototilled at the beginning of the season.

II. EXTENSION REQUESTS

Project Type

Time Requested

- | | | |
|--|--------------------|-----------------------------------|
| A. Christina Corsiglia & Sarah Alger SE3-5950
65 Waterman Farm Rd., Centerville | Raze & replace SFD | 3 years (1 st request) |
|--|--------------------|-----------------------------------|

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

Issues discussed:

- None

A motion was made to approve the extension request for three years.

Seconded.

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

Nay – none

III. REVISED PLANS

Project Type

Revisions

A. Terry Simpson, Trustee SE3-5932 531 South Main Street, Centerville	Additions, Garage pool, cabana, driveway	To show re-grading around south wing of house
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting and Arlene Wilson of AM Wilson & Associates.

Issues discussed:

- A comment letter dated February 5, 2025 from Stuart Woodring was received and acknowledged stating that this project is within a right of way.
- The alteration is within Conservation jurisdiction.
- The alteration did not have any negative impact on any resources.
- In the original plan a cedar was to be replaced, they did native shrubs instead of the cedar tree.
- That could be approved by staff when the COC is requested.
- There were pictures of something in bloom that looks like white roses. White roses are not on the native plant list. There was no mitigation required for this project.
- The consultant will speak with the landscaper to determine the type of plants that were planted.
- There is a COC request, it will be looked into at the COC inspection.
- There are types of roses that are considered native.

Public comment:

Arlene Wilson – A.M. Wilson and Associates stated there are many varieties of rosa rugosa.

Stuart Woodring – 39 Hornbeam Lane, Centerville – He has a right of way along the southwest property line. The hill that was built was not in the initial approved plan and makes his right of way impassable. He feels the right of way was basically ignored. He could not get a vehicle on his right of way. The original plan had no grade change, the revised plan has significant changes. He feels the revised plan should have been approved before they just made the change.

- The jurisdiction to address the concern of the right of way is with the Civil Court, not a Town Department. It is not clear if there is a Town Department that would address the issue. It is not a Conservation issue.

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay – none

Commissioner Sampou joined at 3:17 p.m.

- | | | |
|---|---|---------------------------|
| B. New Rushy Marsh Realty LLC SE3-6134
1500 Main Street, Cotuit | Construct patio, seat wall,
landscape improvements | Add sculptural steel wall |
|---|---|---------------------------|

The applicant was represented by Sean Reardon, P.E. of Tetra Tech.

Issues discussed:

- The purpose of the wall is aesthetics. It is artwork.
- At the beginning of the driveway they are putting ivy. They are replacing lawn with ivy. That is in the 50' buffer.
- The majority of the wall is completely outside the 50' buffer.
- Ivy is considered an invasive species.
- 4' wide by 4' deep concrete footings will be installed to support the wall.
- The footings will be underground.
- There will be weepholes in the wall to address water flow.
- The consultant advised the ivy can be eliminated if the Commission would like.
- Staff will approve the replacement of the ivy with a selection from the approved plant list.
- The wall is along the 50' buffer. The 4' wide footing may go into the 50' buffer in places but it would be temporary only.
- There are no non-curved sections of the wall. There is a lot of geometry involved in making the wall.
- The patio project had access mitigation.
- The width of the concrete is 4' wide, the wall will be in the center, the concrete will be 12" below grade.
- There will be passageways under the wall to accommodate small animals, but they will be below grade.

Public comment: None

A motion was made to approve the revised plan subject to submittal of a revised plan subject to staff review and approval of native plantings instead of ivy and provide a small passage under the wall for animal passage. Seconded.

Aye –Abodeely, Foster, Lee, Hearn, Kaschuluk, Tangney, Sampou
Nay – none

- | | | |
|---|-------------------------|---|
| C. Christopher Bushing SE3-5888
39 Hilliards Hayway, Barnstable | Raze and replace garage | Add generator, propane tanks,
landing and stairs |
|---|-------------------------|---|

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

The consultant was not available at the time the hearing was called. Items were taken out of order . D. and E. were taken next.

Issues discussed:

- The mitigation planting that has been done looks very sparce and a lot of mulch was used.
- No additional mitigation is being offered for the increase in hardscape.
- Staff feels the mitigation is short by 244 sq. ft. and should be provided.
- The revised plan request will be tabled until the March 11th meeting.

- | | | |
|---|---|--|
| D. Arthur and Terrie Zeikel, Tr. SE3-5723
129 Main Street, Osterville | Repair/replace three
retaining walls | Request to change material to
Segmental Blockwall |
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The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- None

Public comment: None

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay – none

E. David and Jan Singer SE3-5980 68 Little River Rd., Cotuit	Raze and replace SFD with garage and guesthouse	To request an additional 475 sf of hardscape
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- There is more patio area being requested in the 50’ buffer.
- The currently approved project has a patio. This is a larger patio going into the 50’ buffer.
- The size of the patio was discussed in the original filing.
- The patio could be turned so it does not go into the 50’ buffer.
- There was lengthy discussion on the mitigation for the project.
- The additional patio area is proposed to go into the mitigation area.
- Chapter 704 says work in the 50’ buffer should be considered only in exceptional circumstances. A patio is not exceptional circumstances.
- If the Commission feels the buffer zone is getting a greater benefit than what exists, then from an environmental point of view is a positive impact. If the environmental impact is a significant enhancement then it is something that would generally be approved.
- The impact in the 50’ buffer is forever the mitigation may not last as long.
- The approved patio is already going into the 50’ buffer.
- The consultant would like to reconfigure it with a new shape so that it stays out of the mitigation area and respects the work limit line.
- The patio should not go any further into the 50’ buffer.
- The revised plan will be tabled until the March 11th meeting.

IV. ENFORCEMENT ORDERS

- A. Kevin P. Starr AND St. Mary’s Island Trust – 251 Seapuit Road, Osterville – Map 095 Parcel 016. Alteration of a wetland resource area - Floodzone - and 0'-50' buffer to a wetland resource area - Coastal Bank & Coastal Beach - by unpermitted installation of a approximately 100 sq. ft. chess/checkerboard (on grade) and approximately 900 sq. ft. beach area (immediately landward of top of bank [top of revetment]).

Exhibits

- A ARC Reader and Aerial photo of 251 Seapuit Rd., Osterville
- B Aerial Site Photos

John O’Dea, Sullivan Engineering represented the homeowner.

Issues discussed:

- Three unpermitted items were constructed on site by the homeowner. These items included a approx. 900 sq. ft. sandy sitting area (above the stone revetment), 11’x11’ chess board in lawn, and a small, paved section of a pre-existing, approved gravel driveway.
- These items were added onto a recently filed NOI and were subsequently approved (SE3-6243).

A motion was made to approve the enforcement order as written.

Seconded.

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

Nay – none

B. New Rushy Marsh Realty LLC. – 1541 Main Street, Cotuit – Map 017 Parcel 007. Alteration of a wetland resource area – bordering vegetated wetland (BVW) and floodzone – and alteration of the buffer to a wetland resource area – BVW - by cutting vegetation, placing fill and regrading without a permit AND failure to comply with an Order of Conditions/Approved Plan of Record. **Continued from October 15, 2024 and November 26, 2024.**

Exhibits

A ARC Reader and Aerial photo of 1541 Main St., Cotuit

B Site Photos

C Timeline of Enforcement and Hearings

Attorney Mike Ford and Sean Reardon., P.E., Tetra Tech and Ian Peach Wilkinson Ecological Restoration represented New Rushy Marsh Realty, LLC

Issues discussed:

- This was continued from October 15, 2024 and November 26, 2024.
- Homeowner representatives presented conceptual, unstamped plans for 1) partial restoration of the impacted wetland and 2) replication of a wetland in the southern paddock area just off Main Street Cotuit as mitigation for the unrestored portion of the impacted wetland.
- Wilkinson Environmental Design (WED) along with TetraTech Engineering will develop a set of stamped plans to accompany a restoration order under an Enforcement Order Response Plan. Additionally, they will submit a Notice of Intent by April 15, 2025 seeking an Order of Conditions for replication of the wetlands as presented in the conceptual plan presented at this meeting.
- The Commission wanted to ensure the homeowners representatives understood the Commission was not approving any restoration-replacement at this time and further stressed that after reviewing the plans at the Notice of Intent hearing, might not prefer the proposed replication work and require full restoration of the impacted wetland under the Enforcement Order.
- The enforcement order, as written by the Commission, states:
 - Submit an Enforcement Order Response Plan (EORP) along with the \$200.00 EORP fee to Conservation by 2/25/25. Commission will hear the EORP at the March 4, 2025 meeting. The EORP shall include 2 wet-stamped originals and 7 copies of the plan and any supporting documentation. EORP will receive a separate set of EORP conditions.
 - By April 15, 2025 file a NOI for the wetland replication project in the paddock next to Main St., Cotuit.
 - The Commission reserves the right to require full restoration of the impacted wetland and buffer should the wetland replication NOI be denied.
 - The homeowner shall record this Enforcement Order and the EORP plan and conditions at the Barnstable Registry of Deeds by April 15, 2025.
- Commissioner Kaschuluk is not part of the quorum for this hearing.

A motion was made to approve the enforcement order as written.

Seconded.

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

Nay – none

V. NOTICES OF INTENT

- A. Kevin P. Starr, Trustee – St. Mary’s Island Trust.** To permit a proposed pool and landscaping to include the removal of patio areas and solid walkways, proposed patio, landings, and stepping stone walkways, and to seek after the fact approval for the paved portion of the existing parking court, creation of sand sitting area above the seawall in the lawn area and an 11’ pervious chess board at 251 Seapuit Road, Osterville as shown on Map 095 Parcel 016. **SE3-6243**

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

Issues discussed:

- The dimensions of the existing sand area need to be added to the plan.
- The area where patio and walkways were removed will not be put back on the plan.
- There is concern about hard topping a gravel driveway in the 50’ buffer.
- The chess board is pervious. They are open grates sitting on top of sand.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing dimensions of the sand area.

Seconded.

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

Nay – none

- B. Robert Hower.** Raze and replace existing single family dwelling, construction of a pool, barn, deck and other landscape features at 137 Salten Point Road, Barnstable as shown on Assessor’s Map 280 Parcel 23. **SE3-6242**

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

Three letters of support from abutters for the project were received and acknowledged.

Issues discussed:

- This house sticks out further than all the others in the area.
- Normally a raze and replace would require it be pulled out of the 50’ buffer.
- They are moving it back 6’ but another 6’ would move it out of the 50’ buffer.
- There is a lot of room to move it back.
- The proposed pool is in the 50’ buffer.
- Pools are very rarely allowed in the 50’ buffer.
- If moved back out of the 50’ they would still have a beautiful view of the sunset.
- The project has 11,078 increase in hardscape in the 0-50. It is for a deck and a pool.
- The footprint of the house is ok however the expansion of the deck and pool is a problem.
- There is a lot of mitigation being put in but expanded hardscape is forever, mitigation plantings may not last.
- The planting of 8,000 sq. ft. replacement of lawn with mitigation plantings is commendable.
- The mitigation planting plan was reviewed.
- The height diversity in the front should be addressed. Some cedars should be planted.
- The pool should not be in the 50’ buffer.
- A continuance would be needed to consult with the owner.
- It may be supported if the pool is moved out of the 50’.
- The sewer and pump chamber are in the area of the proposed pool.
- The new location of sewer and pump chamber will be outside the 100’ buffer.

- Some of the deck in the 0-50' should be reduced.
- Given there is room to move the whole project back, it should be moved.
- The aerial view shows the houses in the area are set back from this house.
- Even if moved this would still be closer to the water than the abutters houses.
- A continuance was requested to March 11th.

Public comment: None

A motion was made to continue the project until March 11· 2025

Seconded.

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

Nay – none

VI. CERTIFICATES OF COMPLIANCE

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

A. SE3-5830	Donald J. & Maureen J. Salamack 614 Poponessett Road, Cotuit	(COC, ez*)	Shorefront protection including vinyl sheet bulkhead, beach nourishment & native plantings.
B. SE3-6053	Marc A. & Tobey S. Collins 142 Willow Run Drive, Centerville	(COC, ez*)	Replace & expand existing seasonal pier.
C. SE3-6054	Marc A. & Tobey S. Collins 142 Willow Run Drive, Centerville	(COC, ez*)	Raze & replace single family dwelling.5830

A motion was made to approve A. – C.

Seconded.

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

Nay – none

VII. MINUTES

A. October 15, 2024 Revised

B. November 26, 2024 Revised

A motion was made to accept the revised minutes as submitted.

Seconded.

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

Nay – none

A motion was made to adjourn the meeting.

Seconded

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

Nay – none

The time was 5:54 pm