



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: January 16, 2024 @ 3:00 PM

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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.

Join Zoom Meeting

<https://townofbarnstable-us.zoom.us/j/82169974152>

Meeting ID: 821 6997 4152

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:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230 SOUTH STREET, HYANNIS, 02601

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 George Gillmore, Commissioners Hearn, Sampou and Tangney. Commissioner Abodeely was absent.

Conservation Administrator, Darcy Karle was present along with Conservation Agent, Ed Hoopes, and Administrative Assistant, Kim Cavanaugh.

I. REVISED PLANS

Project Type

Revisions

A. Thomas & Denise Kraz SE3-5997
205 Stoney Point Rd., Barnstable

Raze and replace SFD

Replace and enlarge
existing garage

The applicant was represented by Lynne Hamlyn of Hamlyn Consulting.

There were no questions from Commissioners.

A motion was made to approve the revised plan.

Seconded.

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

Nay – none

II. EXTENSION REQUESTS

Project Type

Time Requested

- | | | |
|--|--|------------------------------------|
| A. Ropes Farm, LLC SE3-5835
135 Putnam Avenue, Cotuit | Tree removal, invasive species removal, install native plantings | 3 years, (1 st request) |
|--|--|------------------------------------|

The applicant was represented by Lauren Taylor of Crawford Land Management.

There were no questions from Commissioners.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

- | | | |
|--|--|------------------------------------|
| B. Ropes Farm, LLC SE3-5875
135 Putnam Avenue, Cotuit | Remove and reconstruct SFD and site improvements | 3 years, (1 st request) |
|--|--|------------------------------------|

The applicant was represented by Lauren Taylor of Crawford Land Management.

Issues discussed:

- These are the same owners as in March of 2021.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

- | | | |
|--|----------------|------------------------------------|
| C. Frank Raspante SE3-5771
109 Brittany Drive, Cotuit | Cranberry Farm | 3 years, (1 st request) |
|--|----------------|------------------------------------|

There was no representative at the meeting for this project.

There were no questions from Commissioners.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

III. ENFORCEMENT ORDERS

- A. Elizabeth B. Donohue, Tr. & Elizabeth B. Donohue Trust – 112 Scudder’s Lane, Barnstable – Map 259 Parcel 013. Alteration of a wetland resource area – Coastal Bank (Town) and alteration of the buffer to a wetland resource area Salt Marsh – by cutting vegetation and placing fill (wood chips)

Exhibits

- A ARC Reader image of 112 Scudder’s Lane, Barnstable with Resource Areas and Approximate Top of Bank located
- B Before and After Photos
- C Current Site Photos

Ryan Jones, Earthday Landscaping represented Ms. Donohue.

Issues discussed:

- The Commission stressed the importance of maintaining a vegetated bank and buffer for maintaining higher water quality upon which Barnstable Harbor, shellfish, and fisheries resources depend.
- The Commission approved the applicant's request to extend the deadline date by which the restoration planting sketch plan must be submitted to February 15, 2024.

A motion was made to approve the Enforcement Order as amended above.

Seconded.

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

Nay – none

IV. NOTICES OF INTENT

- A. **15 Hyannis Avenue LLC.** Raze and replace existing family dwelling, connection to Town sewer at 15 Hyannis Avenue, Hyannis as shown on Assessor's Map 287 Parcel 118. **SE3-6150**

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

Issues discussed:

- The man-made pond was approved in 1993. The DEP number for that project should be put on the plan.
- There was discussion regarding the drainpipes on the property.
- The area where there is a spring will be looked at by the representative.
- They are planting a meadow on a bordering vegetated wetland. A question was raised if they should plant more wetland tolerant plants instead. They will change them to the New England Retention Basin mix. The change will be reviewed and approved by Darcy.

Public comment: None

A motion was made to approve the project subject to receipt a revised plan showing breakdown of the mitigation area, the existing pipe, the DEP number for the man-made pond, the types of the wetland plantings subject to staff review and demarcation on the wetland buffer line.

Seconded.

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

Nay – none

- B. **Antonia Nedder.** Proposed extension of existing pier at 30 Oxford Drive, Cotuit as shown on Assessor's Map 021 Parcel 062.

No DEP number has been issued for this project. A continuance will be needed.

The applicant was represented by Hannah Raddatz of BSC Group, Inc.

The revised plan is dated January 16, 2024.

Issues discussed:

- The beginning 12' portion of the pier will be permanent. The rest of it will be seasonal.
- The reason for the extension is to get it out beyond the dense vegetation and provide better water depths for launching kayaks, fishing, and swimming.

Public comment:

Eric Kaiser – 25 Queen Anne Lane. The pond is shared by approximately seven homes. A longer pier is not necessary. Mr. Kaiser read a comment letter into record.

Jim Redden 172 Ralyn Road. Project description is confusing. There is an existing pier with a float which was approved in 2013. The drawing shows a float next door which does not exist. This will be the first time anything is going into the bottom of the pond. The piling detail is very poor. The extended pier will cause a sunlight impact, and more area will be covered than it is currently.

He has not seen the revised plan. The revised plan does not include a float.

Commissioner Continued discussion:

- There are freshwater dock guidelines which state it needs to be a seasonal dock.
- With the helical piles, part of the dock will be permanent.
- It should not be pressure treated wood.
- There could be impacts to wildlife.
- This was not a completely seasonal dock. There was a section that was permanent and they were allowed to put a float on it.
- The grated section will be synthetic decking and the rest will be seasonal and will also be synthetic decking. Hannah will confirm the material for the pilings.
- The seasonal portion will be stored upland by the house.
- The Commissioners would like information on the length of this pier compared to surrounding piers on the pond.
- The existing pier is not safe and needs to be replaced.
- There is an ongoing condition that they can take the existing pier out to 33.5’
- The as built plan shows just the grated area and they can shift between the having just grated area or use the original plan that was approved and included a length of 33.5’.
- There was confusion on why this NOI was submitted if an extension to 33.5’ is already approved.
- The application could be withdrawn and put out what was originally approved.
- SE3-5062 referenced the January plan. When they asked for the COC the existing conditions plan was only the grated portion.
- If withdrawn, they could not have the helical piles.
- The repair of the grated section be done under a Maintenance Form.
- The only difference is it cannot have helical piles.
- The original approval was for a fixed permanent pier not seasonal.
- The applicant is willing to have the entire pier seasonal.
- This application will be for the beginning of the pier to be permanent and the end of it seasonal.
- This project is less invasive than the original approval.
- This is a better project.

A continuance is needed to receive the DEP number.

Public comment continued:

Jim Redden – There has not been a sufficient amount of time to review the old project vs. the proposed project. It should be looked at further before taking a vote.

Charlotte Redden questioned why they were not included in the abutter notice.

The GIS system did not include them as abutters.

Conditions have changed in the past 10 years. The additional length means more activity and impacts the birds. Any change in length will have a visual impact on their view.

Eric Kaiser – The pond is 350’ across. From a practical standpoint, if everyone put out a 40’-length pier, what would the pond look like and how much pond would be left. It will be setting a poor precedent.

A continuance was requested for January 23, 2024.

Information requested for the continuance hearing:

What materials will be used for the dock.

Length and type of existing structures adjacent to the property.

Average length of piers in the pond.

A diagram of the pond showing the length of the pier in the pond.

A motion was made to continue the project to January 23, 2024.

Seconded.

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

Nay – none

V. AMENDED ORDERS

- A. Red Lily Pond Project Association.** To place benthic barriers in portions of Red Lily Pond and Lake Elizabeth to improve the water quality and habitat by preventing regrowth of nuisance aquatic plants in areas where plants have been cut and removed as shown on Assessor’s Maps 226 and 227. SE3-5862

The applicant was represented by Doug Farquar, Vice President of the Red Lily Pond Project Association and Ken Wagner.

Issues discussed:

- Chair requested the DEP Guidance be submitted.
- The blanket settles on the bottom with the rebar being inserted and stays in place.
- Once they sink you attach an underwater line to the dock to locate it for removal.
- The sediment consistency is mostly sand. There will be low oxygen under the barrier.
- They are aiming to install this in early spring, in the areas that have already been harvested.
- The depth of the area will be 1 ½ and 2’ of water.
- The work will be done by volunteers.
- They will be pulled out appropriately every two years to be maintained and cleaned.
- They can last 10 – 20 years.
- There should be annual reports submitted.
- Water testing and turbidity reports will be included as well as Secchi Disk data.

Public comment: None

A motion was made to approve the amended order as submitted with monitoring of the barrier included as part of the annual report along with turbidity and Secchi disk data.

Seconded.

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

Nay – none

VI. CONTINUANCES

- A. Jeanne D. Barbieri, Trustee** – To permit a proposed seasonal pier, ramp and float for non-motorized use at 104 Great Bay Road, Osterville as shown on Assessor’s Map 093 Parcel 011. **Continued from 1/09/24 for DEP # only. SE3-6149**

The DEP number has been received.

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

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Sampou, Tangney
Nay – none

VII. CERTIFICATES OF COMPLIANCE

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

- A. SE3-6049 Thomas N. Hynes Tr. – Thomas N. & Joanne Hynes Trust Agreement (COC, ez*)**
Construct Pool w/ Pool Fence 22 Great Bay Road & 324 Bridge Street, Osterville Salt Marsh / Flood Zone
- B. SE3-6016 Glen Lane Nominee Trust (COC, ez*)**
Landscaping 49 Main Street, Osterville Driveway Modifications &
Coastal Bank / Salt Marsh

A motion was made to approve A. and B.
Seconded.
Aye –Foster, Gilmore, Lee, Hearn, Sampou, Tangney
Nay – none

A motion was made to adjourn the meeting.
Seconded.
Aye –Foster, Gilmore, Lee, Hearn, Sampou, Tangney
Nay – none

The time was 4:55 p.m.