



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: September 15, 2020 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.

In accordance with the Governor's Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the June 23, 2020 meeting of the Conservation Commission shall be physically closed to the public to avoid group congregation.

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://zoom.us/j/94442005773>

Meeting ID: 944 4200 5773

888 475 4499 US Toll-free

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.

### REMINDER TO APPLICANTS:

**FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN 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 Dennis Houle, Commissioners Larry Morin, John Abodeely, George Gillmore and Pete Sampou.

Conservation Administrator, Darcy Karle assisted.

## I NOTICES OF INTENT

- A. **Brian Vona, KVC Builders.** To confirm location of resource area boundaries and associated buffer zones at 979 Sea View Avenue, Osterville as shown on Assessor's Map 090 Parcel 008. **SE3-5815**

The applicant was represented by Sean Riley of Coastal Engineering and Jack Vaccaro of Epsilon Associates.

**Issues discussed:**

- The function of the primary dune and the function of the secondary dune.
- There was discussion about soil, glacially deposited sand, and areas of storm related sand.

**Commissioner Larry Morin joined the quorum at this point in the hearing.**

- A question was raised if on a south east fetch the secondary dune provides storm or flood management. The secondary dune or DEP defined coastal bank may be important for flood control. The secondary dune has a very low elevation. The primary dune is the most significant for flood control.
- If the secondary dune is determined to be significant the 50' buffer would go off the secondary dune, not the primary dune. If the dune was developed from storms rather than glacial deposits, it should be considered significant.
- A question was raised on what the Commission is being asked to decide at this hearing. There was discussion on whether they are being asked to determine boundaries for 100' and 50' buffer zones, or confirmation of locations of primary dunes, secondary dunes and the coastal bank.
- There was discussion on if they are being asked to define the significance of the secondary dune an outside consultant may be considered for this delineation.
- A discussion ensued if this is a significant resource area, it should be protected.
- At the site review they looked at the test pits and location of the flagging. Staff is comfortable with the location of the primary dune and start of the secondary dune.
- There was discussion on wildlife and when/if a wildlife study should be requested by the Commission.
- The representative clarified they are only asking for approval of the locations of the primary, secondary dune, and the State coastal bank. Not if the secondary dune is significant for determining the 50' buffer.
- When the applicant comes back for the location of the 50' buffer they could then request the wildlife study.

There was no public comment.

A motion was made for a finding that the Commission confirms the location of the primary, and the secondary dunes and the presence of the coastal bank as shown by the applicant on the plan but does not make a decision on the significance on the secondary dune.

Seconded

Roll call

Voted unanimously.

Based on the finding a motion was made to approve the confirmation as submitted subject to receipt of a revised plan removing the designated buffer zone lines from the plan.

Seconded

Roll call

Approved unanimously.

**II CONTINUANCES**

- A. **Charles J. Murphy, Trustee.** Construction of a stone retaining wall at 122 Point of Pines Avenue, Centerville as shown on Assessor's Map 230 Parcel 063. **SE3-5791 Continued from 8/18. Continuance requested to 9/29/20.**

**Taken before NOVA/KVC Builders as there were technical difficulties.**

**Commissioner Gillmore joined the quorum under the Mullin rule.**

**A continuance was requested until 9/29/20 without testimony.**

This is the third continuance. It was opened on August 18, 2020.

The abutters do not need to be re-notified.

A motion was made to continue to August 29, 2020.

Seconded

Roll call.

Voted unanimously.

- B. **Olga Shemanyuk.** Landscape improvements to include replace rotting railroad tie steps, old concrete patio, brick walks and timber terraced walls with modular block wall and steps, new brick walk, paver or stone patio under deck with added drainage structures to mitigate run-off, boulders to be added in place of timbers at edge of pond to stem erosion at 30 Lauren Drive, Marstons Mills as shown on Assessor's Map 101 Parcel 062. **SE3-5814 Continued from 9/1 for DEP# and NHESP only.**

Both letters have arrived with comments and conditions.

Letter from NHESP dated 9/14/2020 was read into record.

- Additional information is required and needs be submitted to NHESP.

Letter dated 9/08/20 from DEP was read into record.

- Provisions and additional requirements need to be added to the Order of Conditions.
- Staff spoke with Anrdew Poyant at DEP. The Commission will need to wait until the issue is cleared up with DEP before there can be a decision on approval.

A continuance was requested until September 29, 2020.

A motion was made to continue to 9/29/2020.

Seconded.

Roll call.

Voted unanimously.

**III CERTIFICATES OF COMPLIANCE**      (ez = no deviations, staff recommends approval)  
(\* = on-going conditions)

- A.      Pye                      SE3-5714              (coc, ez)      construct addition to single family dwelling \*

47 Acorn Drive, West Barnstable              -      Mystic Lake

A motion was made to approve A.

Seconded

Roll call

Voted unanimously.

A motion was made to adjourn.

Seconded

Roll call

Voted unanimously.

The time was 7:40 PM.