



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

Amended agenda originally
posted 06/30/2021 at 10:14 am.
To add Certificates of
Compliance.

Office: 508-862-4093E-mail: conservation @ town.barnstable.ma.us

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION HEARING

DATE: July 6, 2021 @ 6:30 PM

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Remote Participation Instructions

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://zoom.us/j/9568603323>

Meeting ID: 956 8603 3323

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, 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 George Gillmore, Commissioners Abodeley, Morin and Sampou.

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

I. REQUESTS FOR DETERMINATION

- A. Theresa H. Hills.** Construction of a 254 SF single-story addition to the rear of a single-family residence at 69 Watergate Lane, West Barnstable as shown on Assessor's Map 217 Parcel 037.
DA-21038

Continuance requested to July 20, 2021 without testimony.

A motion was made to approve a continuance to July 20, 2021 without testimony.
Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Lee, Morin, Sampou
Nay –

II. NOTICES OF INTENT

- A. **Richard P. Morse, Jr., and Betsy Newell.** Proposed stairway for beach access and relocate patio at 65 Sunset Lane, Barnstable as shown on Assessors Map 301 Parcel 022. **SE3-5896**
Withdrawn

Noted

- B. **John W. Callahan.** Construction of in-ground pool with patio and spa, mitigation plantings at 222 Clamshell Cove Road, Cotuit as shown on Assessor’s Map 005 Parcel 007.

Vice Chair Louise Foster recused herself.

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

Issues discussed:

- No DEP number has been issued.
- Revised planting plan is dated July 2nd.
- The mechanicals for the pool are on the north side of the house. Needs to be added to the plan.
- The mitigation planting list indicates medium to small shrubs. There should be something marked on the plan with the plant sizes. If smaller plants are chosen they will need to put in more plants.
- A special condition needs to be added for the pool draw down, because there is no draw down pit and the water needs to be trucked off site.
- The revised planting plan shows 8 new trees. On tree listing there is only 5. The plan should indicate which trees are being put in.
- A final planting list and plan will be submitted prior to the start of work. This should be the last project approved without a final planting list and plan on the date of the hearing.
- There should be a variety of trees selected.
- Dimensions on the patios need to be added to the plan.
- Pool fence location needs to be updated on the plan.
- The height of the retaining walls needs to be added to the plan.

There was no public comment.

Finding – The site is tight because of the septic tank location and would minimize the location for a proper draw down pit to be constructed so they are going to find the site is constrained for this aspect.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Gilmore, Lee, Morin, Sampou

Nay –

A motion was made to approve the project subject to receipt of the SE3 number, a revised plan showing the pool fence location, the retaining walls, dimensions of the patios, annual monitoring reports for three years, add special condition for pool draw down- if the water needs to be drawn down from the pool it will be trucked away, annual monitoring reports for three years, and provide a final planting plan to staff before construction, continue the project to 7/20 for the sole purpose of receipt of the DEP SE3# and comments.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Gilmore, Lee, Morin, Sampou

Nay –

III. CONTINUANCES

- A. Dan and Karen Baird.** Extension of the original Town-owned culvert. The original culvert is approximately 15' long and has been extended approximately 28' with 30" HDPE corrugated pipe at 27 Falcon Road, West Barnstable as shown on Assessor's Map 196 Parcel 032. **SE3-5860**
Continued from 3/30. Continuance requested to 7/20/2021.

This is the second continuance requested.

John Abodeely was absent when the application opened and is not able to vote.

A motion was made to approve a continuance to July 20, 2021.

Seconded and voted unanimously by roll call;

Aye – Foster, Gilmore, Lee, Morin, Sampou

Nay –

- B. Commonwealth of Massachusetts Coastal Railroad.** To renew the previously approved wetland delineation along the Massachusetts Coastal Railroad right-of-way in Barnstable. **DA-21033**
Continued from 6/22.

The applicant was represented by Thomas Lewis of TEC Associates.

Issues discussed:

- Staff reviewed the on-site visit.
- Staff explained a positive and negative determination on WPA Form 2.
- Received the Railroad 2021 operational plan. The revised plan will be added.
- MACC memo expressed concerns about adequate treatment in various areas. The plans that are submitted show whether it is a 1 year or 2 year spray zone.

There was no public comment.

A motion was made to approve the application to include a positive determination for box 2 and negative determination for box 3 and box 5.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Lee, Morin, Sampou

Nay –

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

A.	O'Neil	SE3-4785	(coc, ez)	construct garage, deck, etc. (not done)
	34 Mount Vernon Avenue, Hyannisport		-	bordering vegetated wetland
B.	Morris	SE3-5557	(coc, ez)	hardscaping & landscaping changes *
	140 Bay Road, Cotuit		-	Shoestring Bay
C.	Picariello	SE3-5796	(coc, ez)	construct patio & walkway *
	30 Point Isabella Road, Cotuit		-	near North Bay

A motion was made to approve A-C.

Seconded and voted unanimously by roll call;

Aye – Abodeely, Foster, Gilmore, Lee, Morin, Sampou

Nay –

V. OLD AND NEW BUSINESS

- A. **Conservation Commission Vote.** To authorize Administrator to sign Orders and Determinations for the Commission during the duration of remote meetings.

Issues discussed:

- A question was raised if the authorization should be extended as long as there are remote meetings or only until April of 2022.
- Chair will add the vote to the authorization and have it notarized.
- A copy is attached to every determination and order of conditions issued.

A motion was made to approve the authorization by vote.
Seconded and voted unanimously by roll call;
Aye – Abodeely, Foster, Gilmore, Lee, Morin, Sampou
Nay –

VI. MINUTES

- A. June 15, 2020

A motion was made to approve the minutes as written.
Seconded and voted by roll call;
Aye – Abodeely, Foster, Gilmore, Lee, Morin
Nay –
Abstain - Sampou

A motion was made to adjourn.
Seconded and voted unanimously by roll call;
Aye – Abodeely, Foster, Gilmore, Lee, Morin, Sampou
Nay –

The time was 7:14 pm.