



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: October 5, 2021 @ 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.

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/94240268653>

Meeting ID: 942 4026 8653

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.

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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 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise Foster, Clerk George Gillmore, Commissioners Abodeely, Morin, and Hearn. Commissioner Sampou was absent.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Ed Hoopes and Conservation Assistant Fred Stepanis.

3:00 PM AGENDA

I. CERTIFICATES OF COMPLIANCE

A.	BROWN	SE3- 5103	(for discussion only)	issues with pier
	250 Smoke Valley Road,	Marstons Mills	-	Warren's Cove

1. There are twelve **piles**, not eight piles as shown on the most recent plan approved on March 15, 2016.
2. The approved plan cited in the Order of Conditions (6/10/13 rev: 7/1/13) showed a **float stop**. Staff was not able to determine that there was one.
3. The **lighting** did not receive prior approval of the Conservation Commission (Special condition # 12). At least one was mounted 28” above the walking surface rather than the maximum of two feet (Ch. 703-4.D.)
4. There is an **unapproved boat** berthed at the float array (see Special condition # 18).
5. Staff could not verify a **sign** displayed at the end of the pier (see Special condition # 20).

The applicant was represented by John O’Dea of Sullivan Engineering.

The Conservation Commission recommended that the applicant file a Request for Determination of Applicability (RDA) to seek approval of an as-built plan. Since no float stop will be shown, this would address items 1. and 2.

A request for pier lighting would be included in the RDA and their non-compliant height would be noted.

A request to approve specific boats would be included in the RDA. The approved boats would then be shown on the sign and the sign attached to the pier.

II. REVISED PLANS

	<u>Project type:</u>	<u>Revisions:</u>
A. Perry & Sheila Vieth SE3-5779 97 Harbor Bluffs Rd, Hyannis	Raze and re-build SFD with appurtenances	Reconfiguration of landscape, construct rinse station

Lynn Hamlyn of Hamlyn Consulting represented the client.

A motion was made to approve the revised plan dated October 4, 2021.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

B. James & Nancy Montgomery SE3-5876 142 Pond Street, Osterville	2 retaining walls, maintain path to water, landscaping	Landscape addition outside 50’ buffer
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Wayne Tavares of Wet Tech Land Design represented the client.

Issued discussed

- Would there be any concern with drainage issues associated with the patio.

A motion was made to approve the revised plan dated September 30, 2021.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

C. North Bay Realty Trust SE3-5864 72 North Bay Road, Osterville	Demolish existing dwelling, construct new dwelling, pool cabana, patios	Update pool cabana, driveway, and wall
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John O’Dea of Sullivan Engineering represented the applicant.

Issued discussed

- Staff advised prior to hearing that this request should be submitted as an amended order.
- John O’Dea withdrew application.

III. EXTENSION REQUESTS

Project type:

Time Requested:

- | | | |
|--|--|-----------------------------------|
| A. Craig & Maria Cornwall SE3-4882
40 Waterman Farm Road, Centerville | SFD, driveway, septic,
walkways, retaining walls
deck, landscape | 3 years (2 nd request) |
|--|--|-----------------------------------|

John O'Dea of Sullivan Engineering represented the applicant.

Issues discussed

- 2nd request
- New owner
- When requested, wrong SE3# was requested, but correct lot.
- Unique circumstances noted.

A motion was made to approve the extension request.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

- | | | |
|---|---|-----------------------------------|
| B. John & Marissa Lazor SE3-5611
60 Great Bay Road, Osterville | Construct timber coastal
bulkhead, detached garage | 3 years (1 st request) |
|---|---|-----------------------------------|

John O'Dea of Sullivan Engineering represented the applicant.

A motion was made to approve the extension request.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

- | | | |
|--|--|-----------------------------------|
| C. Thomas J. Swan III, SE3-5619
215 Sea View Ave., Osterville | SFD & carriage house, replace
beach access stairs | 3 years (1 st request) |
|--|--|-----------------------------------|

John O'Dea of Sullivan Engineering represented the applicant.

A motion was made to approve the extension request.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

IV. ENFORCEMENT ORDERS

- A. Alex P. McKee & Olivia T. Snyder – 59 Seventh Ave., Hyannis – Map 246 Parcel 153. Alteration of a wetland resource area - Coastal Bank (Town) - by installing unpermitted retaining walls and shell driveway and alteration of the 50' buffer to a wetland resource area - Bordering Vegetated Wetland - by installing an unpermitted retaining wall.

Exhibits

- A ARC Reader image of 59 Seventh Ave.
- B Before and After Photos
- C Plan of Record for DA-20037 & DA-19041

Ms. Lynne Hamlyn, Hamlyn Consulting, represented Mr. McKee and Ms. Snyder. Mr. McKee and Ms. Snyder were present.

Issues discussed:

- Mr. McKee & Ms. Snyder were not responsible for any of the violations on site.
- The shell driveway and retaining walls were installed sometime between 1/20/2021 and 6/1/2021; Mr. McKee and Ms. Snyder purchased the home on 6/9/2021.
- Unpermitted hardscape will need to be mitigated for.

- Ms. Hamlyn asked that the mitigation and permitting for the unpermitted hardscape be permitted through the enforcement track rather than a new Notice of Intent. The usual process for permitting the work would be through a NOI. The Commission will ask Town Attorney if this would be an acceptable means of permitting.
- This item was tabled to the November 2, 2021 meeting pending a discussion with the Town Attorney. Commission is seeking advice on how to proceed with permitting the hardscape violations (i.e., via enforcement order, NOI, or RDA)

V. WARNING LETTERS

- A. Dana K. Hamilton, Tr & Dana K. Hamilton 2015 Living Trust - 85 Salten Point Rd., Barnstable – Map 280 Parcel 013. Alteration of Resource Area – saltmarsh – by placing a picnic table on the marsh.

A motion was made to approve the Warning letter as written.

Seconded and voted by roll call:

Aye – Lee, Foster, Gillmore, Abodeely, Morin, Hearn

Nay – none

VI. OLD & NEW BUSINESS

- A. Mark Manganello, LEC Environmental, presentation of Draft Management Plan for Long Beach Conservation Area to the Commission - Commission discussion only.

- The draft management plan was presented to the Commissioners for their comment and suggestions for the final draft.
- The type of sign and whether the signs would be connected by rope was discussed especially with reference to the western property line.
- The Commission looked favorably on the draft
- Conservation Staff will consult with Town Surveyor to add a surveyed plan of the property to the management plan.

4:30 PM AGENDA

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**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 4:58 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise Foster, Clerk George Gillmore, and Commissioners Abodeely, Morin, Hearn. Commissioner Sampou was absent. Conservation Administrator, Darcy Karle assisted.

VII. REQUESTS FOR DETERMINATION

- A. **John & Marjorie McGraw.** To stabilize existing boathouse foundation by installing 4 Helical Pier Screws at 157 Eel River Road, Osterville as shown on Assessor’s Map 115 Parcel 007. **DA-21053**

John O’Dea of Sullivan Engineering represented the client.

Issues discussed:

- This will be hand work only inside the building when placing the piles.
- Is what is being requested sufficient for holding the foundation together?
- Commission would be amenable to additional helix piles if needed.

There was no public comment.

Motion to approve a negative determination with a special condition stating if it is determined that additional helix piles are needed, the request can be reviewed and approved under administrative review in consultation with staff.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

VIII. NOTICES OF INTENT

- A. **Dean R. & Andrea B. McWilliams.** To construct an addition, pool and repair or replace the existing house foundation at 153 Sea View Avenue, Osterville as shown on Assessor's Map 162 Parcel 023. **SE3-5923**

Chuck Rowland of Sullivan Engineering represented the client.

Issues discussed:

- Was there any anticipation of additional foundation work or repair that may be needed?
- Pool mechanicals missing on plan.
- The project was not staked on time.
- Demarcation of mitigation requested by staff.
- Annual monitoring reports for plantings for 3 years requested by staff.
- Staff requested the existing flag pole be identified on the site plan.

There was no public comment.

Motion to approve project as submitted with the receipt of a revised plan showing pool mechanicals, demarcation of mitigation area, and location of existing flag pole, with a special condition requiring annual planting reports for 3 years.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

- B. **Nicholas Samra, Erica Pearson Trustees, Whileaway Realty Trust.** Proposed removal and re-construction of a single family home with associated site improvements at 205 Seapuit Road, Osterville as shown on Assessor's Map 095 Parcel 013-002 **SE3-5924**

Sean Riley of Coastal Engineering represented the applicant.

Issues discussed:

- Jurisdiction is limited to land subject to coastal storm flowage.
- Large oak tree will remain.
- Dimensions of buildings were requested to be added to a revised plan.

There was no public comment.

Motion to approve project as submitted with the receipt of a revised plan showing dimensions of the proposed buildings on the plan.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

IX. AMENDED ORDERS

- A. Jane Ward and Steve Waller.** Replace the existing driveway with permeable pavers and replace the existing septic tank with an innovative/alternative septic tank (FujiClean™) as part of a pilot program at 125 Blantyre Avenue, Centerville as shown on Assessor's Map 229 Parcel 108. SE3-5622
Continuance requested to 10/26/2021.

Issues discussed

- Applicant requested a continuance to October 26th.
- Chair Lee recused himself from the vote.

Motion to approve the continuance request to October 26, 2021 without testimony.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Morin

Abstain – Lee

X. MINUTES

A. September 7, 2021

Motion to approve the minutes as submitted.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

Motion to adjourn the hearing.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin

Nay –

The hearing was adjourned at 5:24 p.m.