



**Town of Barnstable  
Conservation Commission**  
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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: February 1, 2022 @ 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.

**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/92587090683>

**Meeting ID: 925 8709 0683**

**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](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.

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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 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin and Sampou.

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

**I. NOTICES OF INTENT**

- A. James P. Donahue and Jennifer A. Belesi Donahue.** To construct a 3.5' x 5' addition, landscape and hardscape improvements to include patio areas, walkways, driveway improvements, vista pruning, and buffer restoration at 56 Harrison Road, Centerville as shown on Assessor's Map 229 Parcel 075. **SE3-5946**

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

Letter of support from Sandra Bartlett dated January 23, 2022 was acknowledged.

Issues discussed:

- There are two 20’ right of ways on the property. The restoration work is not located within these areas.
- A question was raised about downspouts. They will go into drywells.
- The plot plan shows steps and a path going down to the water. Only one way to the water is preferred. These are existing not proposed.
- 839 sq. ft. of new hardscape is proposed in the 0-50’ buffer. The function of the buffer is in-tact regardless of the fact that there are invasive species. Invasive species management should be considered but should not be replaced with hardscape in the buffer.
- A question was raised if two patios are necessary.
- Adding sand to the beach area was discussed.
- The mitigation calculations were discussed.
- The additional photographs of the site showing the beach and historical photos have been submitted. More information about the beach area is needed to determine if this beach has been abandoned. The 2008 photo shows a beach.
- The ordinance says new hardscape in the 0-50 should be considered only under exceptional, limited circumstances. The proposed new hardscape in the 0-50 is not necessary.
- The English Ivy is sucking up nutrients but is holding the slope from eroding reasonably well. Diversity of habitat could be gained with the new proposed plantings.
- There was further discussion on the second patio.
- The dimensions of the paths are not on the plan.
- Permeability of stepping stones and how they are to be constructed were discussed. Going down the slope they will be set in a gravel base.
- The entire house is in the 50’ buffer. The mitigation planting plan is far better than what is currently there.
- The center patio is off the living room with steps going down to the beach. The other patio comes off the master bedroom and the kitchen. The walkways could connect. The value of the other path is for the kayak racks. The question of it being abandoned was discussed.
- Relocating the paths and making the middle path smaller was suggested.
- A question was raised about the existing beach. Pictures were shown of the area.
- The 2020 plant survey report was reviewed. There may be endangered plant species in the area.
- The NHESP letter has not been received.
- There is concern on the planting plan area near the semi-circle. Sand and beach grass is not the best choice for the area.

There was no public comment.

A continuance was requested to February 15, 2022.

A motion was made to approve the continuance request to February 15, 2020.

Seconded and voted unanimously by roll call.

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

Nay

Commissioner Gillmore was not able to vote due to internet connection, however is still part of the quorum.

- B. Patrick K. Coughlin & Kimberly Piculles Coughlin.** Proposed improvements to include replacing existing failing foundation with dwelling raised 18', partial second floor addition and dormers, replace and enlarge deck by 2', proposed patio areas and walls, and parking at 186 Lake Elizabeth Drive, Centerville as shown on Assessors' Map 226 Parcel 184. **SE3-5947**

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

Comment letters, all in support of the project, were acknowledged from:

Jim and Valerie Lane dated January 27, 2022

Alan Shoemaker dated January 27, 2022

Steve, Alice, Amelia and Lisa Brown dated January 20, 2022.

Issues discussed:

- Mitigation calculations were discussed. 835 sq. ft. of mitigation needs to be made up.
- This is a very small site near Red Lily Pond. Increasing hardscape so close to a pond with a stressed aquatic system is not favorable.
- The foundation replacement and a partial second floor are acceptable. Additional hardscape within 15' of the wetland is not.
- The patio dimensions of the existing raised patio need to be put on the plan.
- The wall could be brought closer to the house.
- Questions were raised about the dimensions of the patios.

**Commissioner Gillmore re-joined the meeting at 7:48 p.m.**

- A question was raised about the dimensions of the parking area to the west. It will be a gravel driveway. Elevations should be put on the plan.
- The possibility of cantilevering the deck to the left was discussed (the patio closest to the water). It would not be considered additional hardscape and would not require additional mitigation.
- John O'Dea will re-do the mitigation numbers, look for additional planting areas on the south side, and reduce the increase in hardscape.
- There was concern raised about work limit lines in the area of the retaining walls being so close to the pond edge.
- A construction protocol with monitoring reports should be done.

There was no public comment.

A continuance was requested to March 1<sup>st</sup>, 2022.

A motion was made to approve the continuance request to March 1, 2022.

Seconded and voted unanimously by roll call.

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

Nay

- C. S&D Boston Properties, LLC.** Proposed site improvements to include: pool, deck, landscaping and ecological restoration at 108 Little River Road, Cotuit as shown on Assessor's Map 054 Parcel 020.

The applicant was represented by Nick Crawford, CERP from Crawford Land Management.

A revised plan dated February 1<sup>st</sup> was submitted.

A revised plan showing the dimensions of the proposed pool area and the fire pit needs to be submitted.

Issues discussed:

- The land management plan time frame should be revised to say winter 2022.
- The annual monitoring reports should be submitted for 3 years.
- If there is a change in contractor written notification needs to be submitted to Conservation staff.
- There was discussion regarding Norway Maple, English Oak, and Black Locust providing food for animals and if there is a negative impact to native species.

There was no public comment.

No DEP number has been issued. A continuance will be needed.  
A continuance was requested to February 15, 2022.

A motion was made to approve the project subject to receipt of a revised plan showing the dimensions of the pool and fire pit, written notification of contractor, annual monitoring reports for three years and continued for the sole purpose of issuance of DEP number.

Seconded and voted unanimously by roll call.

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

- D. Karen Freeman.** Proposed construction of a single-family dwelling with an attached garage and deck, subsurface septic system and driveway at 36 Deacon Court, Barnstable as shown on Assessor's Map 300 Parcel 054.

The applicant was represented by Lynne Hamlyn of Hamlyn Consulting.

Issues discussed:

- There are three property owners on the project.
- No DEP number has been issued on this project.
- The work limit line should be a split rail fence or a demarcation and put on a revised plan.

Public Comment:

Karl Toper, Chairman of the Board of Trustees for Windswept Farms Condominiums  
There were initial concerns about the location and impact of the project that have been resolved.

A continuance was requested to February 15<sup>th</sup> for the sole purpose of receiving the SE3#.

A motion was made to approve the project subject to receipt of a revised plan showing the split rail fence at the 50' buffer and continued to February 15, 2022 for the sole purpose of receipt of the SE3#.

Seconded and voted unanimously by roll call.

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

- E. Alex McKee and Olivia Snyder.** To permit and maintain existing retaining walls and driveway at 59 Seventh Avenue, West Hyannisport as shown on Assessor's Map 246 Parcel 153.

The applicant was represented by Lynne Hamlyn of Hamlyn Consulting.

Issues discussed:

- This project is the result of an Enforcement Order.

- A question was raised about the shed shown on the plan. The shed is existing.
- The impervious driveway is being converted to crushed stone. The stones are wandering toward the bank.

There was no public comment.  
A continuance is needed for issuance of DEP #.

A motion was made to approve the project and continue to February 15, 2022 for the sole purpose of issuance of the DEP number.  
Seconded and voted unanimously by roll call.  
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

## II. CONTINUANCES

- A. Daniel Alperin & Julie A. Solomon.** To demolish a single family dwelling and construct new with all associated appurtenances at 247 Nyes Neck Road, Centerville as shown on Assessor’s Map 232 Parcel 077. **SE3-5944 Continued from 1/11/22**

Revised plan dated 2/1/22 was submitted.

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

Issues discussed:

- The planting credit was removed from the mitigation calculations.
- The mitigation calculations were reviewed.
- There was discussion on how mitigation calculations are done.
- The February 1<sup>st</sup> plan is consistent with past practices.
- Pete Sampou joined the quorum by doing the evidentiary review.

A motion was made to approve the project as submitted with the revised plan date of February 1<sup>st</sup> date.  
Seconded and voted by roll call.  
Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou  
Nay - Hearn

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

- |    |                       |          |                   |   |
|----|-----------------------|----------|-------------------|---|
| A. | Sterling Construction | SE3-1887 | (partial coc, ez) | protected lot abutting developed lot<br>131 Carlson Lane, West Barnstable - abandoned cranberry bog |
| B. | TOB/DPW               | SE3-5339 | (COC/ez)          | Improvements to ballfield, parking, etc.<br>2331 & 2377 Rt. 149, West Barnstable - BVW              |

A motion was made to approve A & B.  
Seconded and voted unanimously by roll call.  
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

## IV. MINUTES

- A. October 26, 2021
- B. November 2, 2021
- C. January 4, 2022

A motion was made to approve the minutes as written.

Seconded and voted unanimously by roll call.

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

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

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

The time was 8:52 p.m.