



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

MINUTES – CONSERVATION COMMISSION HEARING

DATE: March 5, 2024 @ 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 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/81080658508>

Meeting ID: 810 8065 8508

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.

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice-Chair Louise Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, and Sampou. Commissioner Tangney was absent.

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

I. REQUESTS FOR DETERMINATION

- A. Catherine Paquette.** Installation of a low retaining wall, move chain link fence, remove non-native/invasive plant species, plant native plants and repair lawn areas at 292 Grand Island Drive, Osterville as shown on Assessor's Map 052 Parcel 015-002. **DA-24010**

The applicant requested to withdraw the application without prejudice.

- B. Shoestring Properties, LLC.** Construction of a transformer, retaining wall, landscape and cable utilities within the 100' buffer to a coastal bank at 115 School Street, Hyannis as shown on Assessor's Map 326 Parcel 125. **DA-24011**

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

Issues discussed:

- The 50' buffer zone on the other property will be completely restored.

- This is a small transformer, well above the flood plain on a pad which has a solid concrete base.
- Consultant explained the storm water infiltration system.
- There is only clean roof run-off at the site.
- Road run-off basins were installed by the Town.
- It all meets storm water standards.
- There will be a non-hazardous industrial wastewater holding tank via a floor drain for the parking garage under the building.

Public comment: None

A motion was made to approve the project as a negative determination.

Seconded.

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

Nay – none

II. NOTICES OF INTENT

- A. Sandcastle Family Holdings, LLC.** To replace existing vertical mortared stone seawall with a vinyl bulkhead and to repair and raise existing lawn 18” at 749 Main Street, Centerville as shown on Assessor’s Map 185 Parcel 012-001. **SE3-6160**

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

Issues discussed:

- The Waterways Committee has approved the project.
- The wall will be approximately one foot higher than the existing wall.
- The yard will be raised up to the wall.
- A question was raised if a special condition should be added regarding the type of fertilizer used.
- The lawn is being re-seeded.
- They are adding a planting bed between the grass and the wall to help filtration.
- The types of plants in the planting bed were reviewed.
- Some more diversity of plants in the planting bed was requested.
- They could mix in some other species that are on the planting list.
- The revised planting plan can be approved by staff.

Public comment: None

A motion was made to approve the project subject to a construction protocol submitted to staff at least four weeks prior to a preconstruction meeting with staff and submit a revised plan showing the revised planting plan.

Seconded.

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

Nay – none

- B. Town of Barnstable DPW.** Treatment of 77 acres of Land Under Water with aluminum compounds to inactivate phosphorus in surficial sediment and reduce cyanobacterial bloom potential in Mystic Lake, off Race Lane, Barnstable as shown on Assessor’s Maps 062 and 083.

The applicant was represented by Amber Unruh, Town of Barnstable, and Ken Wagner of Water Resource Services.

NHESP letter dated March 1, 2024 was reviewed.

DMF letter dated March 5, 2024 was reviewed.

Issues discussed:

- The dosage amounts were reviewed. The dosage will be 25 g/sq. meter.
- Core sampling was conducted.
- The loading from the watershed varies.
- There are more problems during dry years vs. wet years.
- Commissioners are in support of the project.
- There are contradictory requirements from NHESP vs DMF.
- An October 15th or November 1st start date could be added to the special conditions.
- NHESP expected this to be a September treatment.
- The time frame of moving the muscles was discussed.
- In the past, DMF comments have been considered but NHESP conditions have always been imposed.
- The consultant was asked what date would be best in his opinion. October 15th would be very reasonable.
- Other treatment options were discussed.
- There is technology being developed now that involves pulling water out, oxygenate it, and put it back.
- This method does not work for large bodies of water.
- The cheapest solution is aluminum treatment.
- A proposal of an October 15 start date was recommended.

Public comment:

Emory Anderson - Past President of Indian Ponds Association and an abutter at 22 Indian Pond Point. He is in support of the project. He has worked with Ken Wagner in the past. He is optimistic that this treatment will make things much better.

Commissioner discussion continued:

- No DEP number has been issued, so a continuance is needed.
- With a continuance, there will be time to contact DMF and NHESP to come up with a start date.
- Special conditions can be voted on at the March 12th meeting.

A motion was made to continue the project to March 12, 2024.

Seconded.

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

Nay – none

C. Adam Koppel & Brenda Haynes. Proposed management of invasive, non-native aggressive species and planting of native shrubs at 70 Caillouet Lane, Osterville as shown on Assessor's Map 141 Parcel 113. **SE3-6161**

The applicant was represented by John O'Dea P.E. of Sullivan Engineering and Consulting, and Caitrin Higgins of Wilkinson Ecological Design.

Issues discussed:

- Almost all the work will be done by hand.
- There is concern about removing all the vegetation and replacing it with shorter vegetation. Would like to see some red junipers included.
- A lot of native canopy that is staying, so the junipers are not needed.
- There is a wide view from the lawn to the water which looks wider than the vista corridor on the drawing.
- There needs to be some more vertical diversity outside the vista corridor.
- The vista corridor is 75' out of 300'.
- There is an opportunity to put in a tupelo or cedar.
- The area near the pool has plenty of trees but is lacking shrub layer.
- Comparing what is there now to what is being proposed is a significant improvement.

Public comment:

Arthur Barrett – abutter at 52 Caillouet. He is in support of the project. They have done a beautiful job with the property. It is stunning.

Commission discussion continued:

- No construction protocol is needed.
- On-going maintenance for invasive removal will be allowed.
- Monitoring reports should be included for three years in the special conditions.
- Wilkinson Ecological is to stay the consultant unless approved by staff.
- There should be a preconstruction meeting with Wilkinson Ecological.
- Recommendation of a red cedar or two be put in.

A motion was made to approve the project subject to Wilkinson is the contractor for this project, written notification to staff if there is a change in contractor, conduct a pre-construction meeting with Conservation staff, on-going conditions for the invasive species removal, and annual reports for three years.

Amended motion - Recommendation to add a red cedar or two.

Seconded.

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

Nay – none

D. Shoestring Properties. To raze an existing restaurant and replace it with two new multifamily residential condominium structures at 110 School Street, Hyannis as shown on Assessor’s Map 326 Parcel 121. **SE3-6162**

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

Issues discussed:

- The storm water report was reviewed.
- There is a concern that there are three test pits all along South Street. Some test pits should be added at the other end of the property before construction.
- In-land protection for catch basins. Silt sacks should be put on the catch basins to avoid drainage from the construction site.

Public comment: None

A motion was made to approve the project subject to additional test pit on the southern portion of the property to confirm the leaching rate, to provide inland protection to existing catch basin on the School Street side, and annual reports for three years.

Seconded.

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

Nay – none

III. OLD AND NEW BUSINESS

A. Emergency Certification – Hy-Line Cruises – Request for Maintenance dredging of south slip due to a sand hump.

220 Ocean Street map 326 parcels 069, 070, and 071-001

The applicant was represented by Murray Scudder President of Hy-Line Cruises

Issues discussed:

- Staff supports the project.
- This has been reviewed by Water Ways Committee.
- They will be filing a new NOI.
- Name of contractor and start date of work should be submitted.
- Emergency certificate will state the special conditions of SE3-5809 will apply.
- They can start as soon as tomorrow.

A motion was made to approve the Emergency Certificate request.

Seconded.

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

Nay – none

IV. MINUTES

A. February 13, 2024

B. February 20, 2024

C. April 25, 2023 Revised

A motion was made to accept the February 13 and February 20, 2024 minutes as submitted.

Seconded.

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

Nay – none

The only change to the April 25, 2023 minutes is to JMS Holdings hearing.

A motion was made to accept the revised minutes of the April 25, 2023 minutes as submitted.

Seconded.

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

Nay – none

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

The time was 8:05 p.m.