



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: May 7, 2024 @ 3:00 PM

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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.

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

Conservation Administrator, Darcy Karle was present along with Conservation Agent, Ed Hoopes, Conservation Assistant Katie Pawlak, and Administrative Assistant, Kim Cavanaugh.

I. OLD AND NEW BUSINESS

A. Introduction – Conservation Assistant Katherine (Katie) Pawlak.

- Welcome Katie!

II. REVISED PLANS

Project Type

Revisions

A. Peri Wentworth SE3-5990
16 Walley Court, Hyannis

Additions, deck, pool,
pool house, driveway
landscape, view corridor

Pool house, pool, add retaining
wall, raised patio, deck
extension, stairs

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

Issues discussed:

- There are a lot of plantings on the south and east sides away from the wetlands. The majority of the mitigation plantings on the north and west sides are in, but there are some empty spaces. They will be filled before completion.
- There is an increase in the 0-50' and the 50-100' buffer.
- A question was raised why the revised plan was not requested before the work was done.
- There was a lot of difficulty with the timing of the contractor with this job.
- The mitigation is still good, but the Commission would have liked the ability to give input before the work was done.
- There are woody plantings that have been added.
- The new plan does not show mitigation. The mitigation is shown on a separate sheet. There is no change in the original mitigation plan.

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay – none

B. Sunset Point, LLC SE3-5842 51 Sunset Point, Osterville	Partial reconstruction, garage addition, patios, walkways	To adjust patio and walkway areas
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- The width of the walkway was trimmed back a little to allow for the additional hardscape in the 0-50' buffer.
- Commission requested the firepit be moved out of the 50 ft. buffer.
- The square box shown on the plan in front of the firepit is a trellis.

A motion was made to approve the revised plan subject to receipt of a revised plan showing the firepit outside of the 50' buffer.

Seconded.

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

Nay – none

C. Mark & Amy Lund SE3-5583 48 Starboard Lane, Osterville	Construct SFD, pool, cabana vista pruning	To revise the approved footprints
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- There were no questions from Commissioners.

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay – none

III. EXTENSION REQUESTS

Project Type

Time Requested

A. Karen & Daniel Baird SE3-5360 27 Falcon Road, Osterville	SFD, garage, driveway, deck, pool, landscaping	3 years (1 st request)
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The applicant was represented by David Anthony, Director of TOB Asset Management and Attorney Brian Wall representing the Baird's.

- There have been several delays of the agreement with the Town regarding restricting access to the property.
- There is a fence in place now and they are ready to get a license in place and bring it to a close within a week or two.
- Attorney Wall stated there has been a license in the works.
- There has been no regulatory change that would affect the permit.
- They are hoping to start work in the fall.

Issues discussed:

- A one-year extension would be better for this application.

A motion was made to approve the extension request for one year on this project.

Seconded.

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

Nay – none

B. Gregory & Julieanne Pinto SE3-5870 63 Ocean Avenue, Centerville	New foundation, additions renovate garage, landscape	3 years (1 st request)
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The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- There were no questions from Commissioners.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

C. Thomas Carvalho SE3-5869 158 Swift Avenue, Osterville	Foundation repair, tree removal, stone paths, pier	3 years (1 st request)
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The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- There were no questions from Commissioners.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

D. Christian Camp Meeting Assoc. SE3-5763 932 Craigville Beach Road & 39 Prospect Avenue, Centerville	Vegetation Management	3 years (1 st request)
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The applicant was represented by Patricia Deyton, President of the Red Lily Pond Association, and Bill McKinney, President of Christian Camp Meeting Association.

Issues discussed:

- A question was raised if an on-going condition in the Certificate of Compliance could be added rather than extending the permit.
- Because the work is being done by volunteers it would be better to continue to have the ability to monitor it.
- At the end of this extension, they can come back to ask for the COC with ongoing conditions.
- A Commissioner asked if herbicides could be used for this project. Because it is near a herring run and they are using volunteers they thought this would be a better way to do it.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

- E. Red Lily Pond Project Assoc. SE3-5762 Vegetation Mgt./Vista Pruning 3 years (1st request)
 160 Lake Elizabeth Drive, Centerville native plantings

The applicant was represented by Patricia Deyton, President of Red Lily Pond Project Association.

Issues discussed:

- No monitoring report was submitted for 2022-2023 but it will be submitted soon.
- If an ongoing condition for vegetation management is not included in the NOI, it is not guaranteed to be allowed after the COC is issued.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

- F. Claudio & Maria DiLetizia SE3-5882 Raze & replace SFD with 3 years (1st request)
 81 Hawes Avenue, Hyannis garage

The applicants represented themselves.

Issues discussed:

- They are the new property owners and have not started the project yet.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

- G. Joshua Garvey SE3-5704 Raze & replace SFD 3 years (1st request)
 111 George Street, Barnstable

The applicant was represented by Paul Mancuso of BSC Group.

Issues discussed:

- There were no questions from Commissioners.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

IV. REQUESTS FOR DETERMINATION

- A. AAR Legacy, LLC.** Proposed vista corridors at 671 Old Post Road, Cotuit as shown on Assessors Map 054 Parcel 013-001 DA-24023

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

Issues discussed:

- It appears the percentage of the lot frontage being asked for the vista corridor is more than 50-60 percent.
- The current view is very good.
- There is no need for additional view corridor.
- They are asking for permission to maintain what is currently there.
- The impact in the future will be a detriment if the current corridors are approved.
- This is not an application for work today, it is for future pruning.
- It is not a permitted vista corridor at this time.
- The corridors should shrink, and the shrubs could be cut to a 6-8’ height.
- This is an RDA they cannot continue it for a revised plan or approve it with modifications.
- The consultant withdrew the application.

V. NOTICES OF INTENT

- B. Peter & Maria Smail, Trustees - Maria G. Smail 2022 Qualified Person Residence Trust.** To install float piles at 339 Eel River Road, Osterville as shown on Map 115 Parcel 030. **SE3-6181**

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

Issues discussed:

- This is a seasonal float.
- The footprint will be the same, just adding the piles.
- This will be a better option.
- There is a substantial number of cherry stones. They will be removed before the piles are put in.
- A special condition should be added to notify MEA to remove the quahogs.
- The Waterways Committee has approved the project.
- DMF has no comments.

Public Comment: None

A motion was made to approve the project subject to coordination with MEA to remove the quahogs prior to the piling installation.

Seconded.

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

Nay – none

Commissioner Sampou arrived at 4:00 p.m.

- C. George and Laurie Attar.** Proposed extension of existing pier, ramp and floats at 306 Long Beach Road, Centerville as shown on Assessor’s Map 185 Parcel 024. **SE3-6182**

The applicant was represented by Mark Burgess of Shorefront Consulting.

DMF letter dated 5/7 was received and read into record by the Consultant.

The project is going in front of the Shellfish Committee on 5/8
Waterways comments were received. They are not in favor of this project.

Issues discussed:

- In addition to extending the pier, they are proposing to lift it as well. There will be a 5' clearance at all times.
- The back of the boat has plenty of depth. The front of the boat is what is on the ground at low tide.
- The distance between where the dock is now and where it would be if approved will very close to the dock on the other side.
- A question was raised if the extension could be shortened.
- This is a shared use dock. There are two boats currently at the dock.
- The boat draws 22" of water plus the motor.
- There was discussion on rotating the floats.
- There is not enough water for the small boat if it is put on the inside.
- The current permit is for two floats 8 x 16'.
- The boats were not specified back when this was approved.
- There are three boats shown on the aerial photo.
- Navigation of the channel needs to be of significant concern.
- If a line is drawn from the dock on the east to the dock on the west it seems that what is there now is the same length.
- The dock, as it is now, corresponds to current regulations. Extending it would put it outside the regulations.
- A question was raised if the back of the larger boat could extend past the end of the current pier so the front is not grounded.
- The Representative stated there are no boats currently on the docks to the east and to the west. If there were a 10' wide boat at the end of each of these docks, the requested extension would be the same length.
- Only the length of the proposed dock is considered.
- With the line drawn between the docks, the proposal is 16' past the line.
- All the docks stick out about the same distance in this river.
- If they reconfigured the location and arrangement of the floats the current length could work.
- The floats on all the other docks are parallel to the shore except this one.
- More floats or larger floats could be allowed without extending the pier.
- The length of the floats can be increased because this is a shared dock without extending the pier.
- This pier does not have a number of permitted boats. If there is a substantial change the number of boats may be changed.
- If too much expansion is requested, (a substantial change) could make the pier subject to current regulations.
- The current square footage is 256 sq. ft. A slight increase may be allowed.
- A continuance was requested to June 4, 2024.

Public Comment: None

A motion was made to approve the continuance request to June 4, 2024.

Seconded.

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

Nay – none

D. Gerald A. Kashuk, Trustee – The Niki Lariviere Trust – To remove existing shorefront protection and replace with rock revetment at 188 Bay Shore Road, Hyannis as shown on Assessor's Map 325 Parcel 085. **SE3-6183**

The applicant was represented by Mark Burgess of Shorefront Consulting.

Issues discussed:

- There was discussion on the northwestern side of the revetment going below the mean high-water line.
- This project would be an improvement.
- Lateral access should be considered, and the revetment should be brought back for fisherman.
- The land on either end of the revetment should be considered. The change could cause erosion to the neighbor's property.
- Tapered returns could be made at the ends.
- Revetments absorb wave energy where bulkheads create wave energy.
- The rocks have fallen forward, the rock that is there now will be replaced.
- Construction access is from the landward side.
- There will be a preconstruction meeting with staff.
- A revised plan showing the tapering off of the ends and to minimize the intertidal area.
- The work area should be staked.
- The shellfish biologist should attend the preconstruction meeting.
- There should be a special condition that toe stones will not go out any further than the current exposed stone.
- A note should be placed on the plan about the location of the toe stone.
- The existing stone should be used if possible.
- Any added stone should be granite.
- The toe stone will be going forward but will be under the sand. Some excavation will be necessary to put in the toe stone.
- If there are any current stones that are not granite they should not be used.
- The exposed stones should not go any further seaward than the existing exposed stones.
- A special condition should be included that all stones used will be granite, using existing stone if possible.
- The construction protocol was reviewed.

Public Comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the taper on both ends, a preconstruction meeting, granite stones, and the standard boiler plate of the special conditions.

Seconded.

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

Nay – none

VI. CONTINUANCES

- A. **294 Seapuit Road Realty Trust.** To construct a driveway at 294 Seapuit Road, Osterville as shown on Assessor's Map 095 Parcel 011. **SE3-6188 Continued from 4/30/24 for issuance of DEP # only.**

The DEP # has been issued.

A motion was made to close the public hearing and authorize staff to issue the Order of Conditions.

Seconded.

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

Nay – none

VII. MINUTES

- A. April 2, 2024
B. April 16, 2024

A motion was made to accept the minutes as submitted.

Seconded.

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

Nay – none

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

The time was 5:06 p.m.