



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: DECEMBER 11, 2018 @ 6:30 PM**

**LOCATION: Hearing Room, 367 Main Street 2<sup>nd</sup> Fl., Hyannis, MA**

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, additional resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://town.barnstable.ma.us)), and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, Commissioners, Pete Sampou, Larry Morin, George Gillmore, and John Abodeely.

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

Chairman advised they will start the hearing out of order, with the Executive Session first.

### **I OLD AND NEW BUSINESS**

A. Land Subject to Coastal Storm Flowage (LSCSF) continuance of workshop.

**Exhibit 1** Draft 4.1 Chapter 712: Barnstable Conservation Commission Regulation, Land subject to Coastal Storm flowage.

**Exhibit 2** Copy of email from John O'Dea with review, comments, and suggested changes to draft 4.1.

#### **Public comments:**

Dan Ojala – Down Cape Engineering

The Town of Dennis adopted regulations, however have not enforced them.

Felt it was a zoning rule based on FEMA guidelines.

Afraid regulations are going to be too strictly enforced.

Request to delay the regulation and wait for State.

Arlene Wilson

Arlene wrote in comments on Draft 4.1.

No opposition to her corrections.

Every storm is different depends on direction of storm. She agrees with Dan we should wait for State regulations.

#### **Issues discussed:**

- Include a clear definition of land subject to coastal storm flowage.
- MA DEP is not concerned with fill, they are concerned with new buildings. Small amount of fill would not have a significant impact on neighbors.
- Very repetitive to building and zoning codes.
- Eight other towns have already adopted new regulation.
- Predicted sea level rise rate is double what was estimated. We are experiencing more frequent 100 year storms.
- Building code should add a foot to the flood zone first floor elevation.

- Coastal A zone, add 2 feet. Most are 2 foot elevations now. Consensus that is a good idea.
- Could issue general guidelines instead of regulations now.
- Should look at upcoming applications using new guidelines.
- We do not want to over regulate.
- Guideline document to be presented 1/8/19 hearing.

## II EXECUTIVE SESSION

The Barnstable Conservation Commission may vote to go into Executive Session under G.L. c.30A§21(a)(3) to discuss pending litigation in Barnstable Superior Court regarding the following matter: Kenneth & Melissa Fish Crane vs. Barnstable Conservation Commission, 1772CV00609, if the Chair declares that an open meeting may have detrimental effect on the litigation position of the Town.

### Executive Session

CHAIR: Next on the agenda is an Executive Session to discuss pending litigation in Barnstable Superior Court in the matter of Crane v. Barnstable Conservation Commission, Superior Court Docket #1772CV00609.

DECLARATION OF THE CHAIR: I declare that the discussion of litigation strategy in open session with respect to the case of Crane v. Barnstable Conservation Commission, Barnstable Superior Court Docket #1772CV00609 may have a detrimental effect on the litigating position of the Commission.

Following the Executive Session, the Commission will reconvene in Open Session. I recognize the Clerk to make the motion.

CLERK: I move to go into Executive Session under G.L. c. 30A§21(a)(3) to discuss pending litigation with respect to the case of Crane v. Barnstable Conservation Commission, Barnstable Superior Court Docket #1772CV00609 based on the Chair's declaration that an open meeting may have a detrimental effect on the litigating position of the Commission and will reconvene in Open Session following the conclusion of the Executive Session.

CHAIR: I second the motion.

### ROLL CALL VOTE:

|          |      |
|----------|------|
| Sampou   | -aye |
| Morin    | -aye |
| Abodeely | -aye |
| Gillmore | -aye |
| Houle    | -aye |
| Foster   | -aye |
| Lee      | -aye |

**6:33pm**

**Return to public session 7:14 p.m.**

## III NOTICES OF INTENT

**Max & Shelly Woolf.** Construct addition to existing house and a swimming pool at 50 Gosnold St., Hyannis as shown on Assessor's Map 324 Parcel 026. **SE3- \_\_\_\_ \$32.88**

**Request for Continuance to 1/8/19**

A motion was made to approve a continuance to 1/8/19 without testimony.

Seconded and approved unanimously.

**Robert & Dorothy Boyle.** Construct in-ground pool with new deck, patio, and necessary grading; buffer zone mitigation planting at 292 Grand Island Dr., Osterville as shown on Assessor's Map 052 Parcel 015-002. **SE3- \_\_\_\_ \$43.84**

Mike Ball of Baxter Nye Engineering represented the applicants.

**Issues discussed:**

The house has not been occupied for a long time.  
Project location is to the northwest of the current structure.  
The project includes an infinity pool.  
They will be revegetating pathways.  
A lot of dumping of leaves and debris was noted on site visit that should be removed by hand.

**Exhibit A** – Revised plan dated 12/10/18 to add wetland flagging and distance from resource to project.

A motion was made to approve project based on revised plan dated 12/10/18 with a special condition to remove leaves and shrub clippings by hand from the area near the wetland flagging (flag #2 and #8) by May 15, 2019.

Seconded and approved unanimously.

**IV CONTINUANCES**

**George Haseotes.** Permit existing/proposed pier modifications; proposed 28' gangway in place of most landward float and existing permitted ramp; permit current length of pier (seasonal floats); permit two sets of existing pilings at 773 South Main St., Centerville as shown on Assessor's Map 185 Parcel 013. **SE3-5617**

**Request for Continuance to 2/5/19**

A motion was made to approve a continuance to 2/5/19 with no testimony.

Seconded and approved unanimously.

**George Haseotes.** Amend Order of Conditions **SE3-4963** to permit rock veneer retaining wall at 773 South Main St., Centerville as shown on Assessor's Map 185 Parcel 013.

**Request for Continuance to 2/5/19**

- All commissioners present, except John Abodeely was not on original quorum.

A motion was made to approve a continuance to 2/5/19 with no testimony.

Seconded and approved unanimously

**John Wilson.** Expansion of previously-permitted patios and walkways; construction of fire pit; placement of non-permanent seasonal decorative light houses lining path to coastal beach, and hot tub at 151 Irving Ave., Hyannis Port as shown on Assessor's Map 287 Parcel 068. **SE3-5628 Request for continuance to 12/18/18.**

A motion was made to approve a continuance to 12/18/19 with no testimony.

Seconded and approved unanimously.

**V MINUTES**

- A. 11/27/2018 - tabled to 12/18/18 meeting.

**A motion was made to adjourn:**

Seconded and approved unanimously.

**The time was 8:00 PM**