



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

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**MINUTES- CONSERVATION COMMISSION HEARING**

**DATE: March 10, 2020 @ 3:00 PM**

**LOCATION: James H. Crocker, Jr. Hearing Room – 367 Main St., 2<sup>nd</sup> Floor, Hyannis, MA 02601**

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.

The meeting was called to order by Chair F. P. (Tom) Lee at 3:00 p.m... Also attending were Vice Chair Louise R. Foster, Clerk Dennis Houle and Commissioners, George Gillmore, Larry Morin. Pete Sampou arrived at 3:41 p.m. Commissioner John Abodeely was not in attendance.

Conservation Administrator Darcy Karle was present along with Conservation Agents, Edwin Hoopes and Fred Stepanis. Town Council Liaison Paula Schnepf was in attendance for the hearing from 4:30 p.m. to 5:30 p.m.

**3:00 PM AGENDA**

**I OLD AND NEW BUSINESS**

- A. Wildland Firefighter training at Bridge Creek Conservation Area
- West Barnstable Fire District would like to use the field behind the West Barnstable Fire Station as a controlled burn training area. The field is a part of the Bridge Creek Conservation Area. This would benefit both the fire department (training for wildland fire training) and Conservation as the training will result in a complete controlled burn for the field.

A motion was made to approve the wildland training.  
The motion was seconded and voted unanimously.

**II CERTIFICATES OF COMPLIANCE** (d = deviations, staff recommends denial) (\* = on-going conditions)

- A. Camillieri SE3-0630 (coc, d) construct pier, ramp, & float \*

50 Bay Shore Road, Hyannis - Hyannis Inner Harbor

- In 1980 Mr. Camillieri applied to construct a pier, ramp, and float at his residence on Hyannis Harbor. The Conservation Commission recently found that this project was never closed out with a Certificate of Compliance. Mr. Camillieri retained Cape Cod Docks to bring the dock into compliance. He then had Baxter Nye Engineering & Surveying request a Certificate of Compliance.

- The following compliance deviation was noted:

The existing pier lighting was never approved and does not meet some of the current standards.

John Camillieri represented himself.

- John Camillieri prepared an as-built sketch of his lighting dated 3/5/2020 to seek its approval.

A motion was made to deny the Certificate of Compliance.

The applicant is allowed to keep the four 9.5 watt lights that are mounted 36 inches above the walking surface. However, these are to be brought into compliance with the dock and pier regulations at the time of next maintenance.

Any timers are to be removed and the lights used only when the dock is in use. On/off switches should be used so that the lights will not remain on once boats have departed the dock.

The two 9 watt LED spotlights shall be removed immediately.

The motion was seconded and voted unanimously.

### **III REVISED PLANS**

#### **Project type:**

#### **Revisions:**

**A.** Diana and David Gerbereux SE3-5705  
96 Water's Edge, Marstons Mills

Construct SFD with  
appurtenances.

Add approved vista  
corridor location to plan.

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

There were no issues discussed.

There was a motion to approve the revised plan as submitted.

The motion was seconded and voted unanimously.

**B.** Talanian Realty Co. Inc. SE3-5647  
132 South Bay Rd., Osterville

Demolish portion of existing  
dwelling, construct outdoor pool  
with deck, patio, pier lighting.

Move pool area landward.

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

Issues Discussed:

- There will be grading involved in the 50 foot buffer.
- The proposed location of the pool drawdown was discussed and the relocation to be closer to new proposed pool layout.

There was a motion to approve the revised plan subject to further revision showing the relocation of the pool drawdown.  
The motion was seconded and voted unanimously.

**C.** Ocean View Realty Trust SE3-5517  
968 Main Street, Cotuit

Construct pool and patio

Relocate patio areas, replace  
wood decking along bulkhead

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

Issues discussed:

- There was a question raised on what may not be completed under the revised plan.

There was a motion made to approve the revised plan as submitted.  
The motion was seconded and voted unanimously.

**IV EXTENSION REQUESTS**

**Project type:**

**Time Requested:**

George R. Valentgas    BCC-0196  
434 Eel River Road, Osterville

Construct 3 dormers& front porch    3 Years  
landscaping & retaining wall

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

There were no issues discussed.

There was a motion to approve the extension request.

The motion was seconded and voted unanimously.

**V ENFORCEMENT ORDERS**

- A. David Thornton - 280 Willow St., West Barnstable – Map 131 Parcel 057. Alteration of the 50' buffer to a resource area - wooded swamp - by cutting vegetation and expanding driveway.

Exhibits:

- A. Photographs of the site conditions
- B. Aeronautical Reconnaissance Coverage Geographic Information System map showing wetland resource areas.

The applicant, David Thornton, represented himself.

Issues discussed:

- The driveway expansion within the buffer was discussed.
- The drain pipe under the driveway was replaced within the same footprint as the old pipe. It was not new construction.
- The gravel generator pad within the 50 foot buffer, but it is on the edge of a pre-existing lawn.

A motion was made to approve the Enforcement Order.

The motion was seconded and voted unanimously.

- B. Juan M. & Ashley R. Macleod -24 Prince Ave., Marstons Mills – Map 077 Parcel 041. Alteration of the 100' Riverfront Area by cutting and clearing vegetation.

Exhibits:

- A. Photographs of site conditions

The applicants, Juan and Ashley Macleod, represented themselves.

Issues discussed:

- The homeowner was given bad advice on what can and cannot be done within the riverfront.
- The areas of clearing and hardscape along the river bank and inner riparian zone were discussed.
- An existing patio and landscape timbered river bank pre-existed the former owner. It will be allowed to stay in place, no expansion.
- Enforcement order is amended to add-“After restoration planting plan is approved by the Conservation Commission, all of the restoration panting will be completed by May 31, 2020”.

There was a motion to approve the Amended Enforcement Order.

The motion was seconded and voted unanimously.

- B. Dimitry S. & Stacey S. Herman – 10 Nyes Neck Road East – Map 233 Parcel 023. Unpermitted work beyond the scope of an Order of Conditions and failure to request a Certificate of Compliance.

Exhibits:

- A. Photographs of the site conditions.

- B. Aeronautical Reconnaissance Coverage Geographic Information System map showing wetland resource areas.
- C. Photograph of silt fence installed for erosion control (provided by Dmitry Herman)

The applicant Daniel Ojala of Down Cape Engineering and Mr. Herman was present.

Issues discussed:

- There was an Order of Conditions issues for SE3- 5349, but it expired in February of 2019. Most of the work was not completed.
- A deck was constructed off the house and garage with a 3 foot bumpout was constructed on the side of the garage – both under the expired Order and therefore unpermitted.
- The homeowner was in the midst of converting a crawl space foundation to a full foundation which also was not permitted.
- Enforcement Order Amendment- “Project engineer has asked for an extension for the Certificate of Compliance Request and After-the-fact Notice of Intent filing to April 30<sup>th</sup>, 2020”.

There was a motion made to approve the Amended Enforcement Order.  
The motion was seconded and voted unanimously.

- C. Wendy L. Garthwaite – 11 Maywood Ave., Hyannis – Map 287 Parcel 130. Alteration of wetland resource area(s) – Land Subject to Coastal Storm Flowage, Isolated Land Subject to Flooding (shrub swamp) and 50' buffer to coastal dune - by placing stone fill.

Exhibits:

- A. Photographs of site conditions

The applicant was represented by Peter Hansen of Peter Hansen Design.

Issues discussed:

- Steep banks were cleared of vegetation and left without erosion control.
- Gravel was used to firm up substrate so the weight of backhoe and bobcats would be supported without sinking into wetland. The gravel extended almost the whole length of the boardwalk footprint. There was a pile of stones within the buffer on the edge of wetland.
- Wetland delineation flags were also removed from the site.

There was a motion made to approve the Enforcement Order.  
The motion was seconded and voted unanimously.

## **VI WARNING LETTERS**

- A. Tomasian Homes Corporation – 23 Hill St., Hyannis – Map 289 Parcel 120. Dirt pile without erosion control within buffer.

Noted.

There was a motion to approve the warning letter.

The motion was seconded and voted unanimously.

## **VII Non-criminal Citations**

- A. Stephen Lynch, S.M. Lynch Corp. – Unauthorized activity beyond scope of Order of Conditions \$300.00

Noted.

- B. Peter Hansen of Peter Hansen Design – Alteration of a wetland by filling with stone \$200.00

Noted.

## **4:30 PM AGENDA**

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## **VIII REQUESTS FOR DETERMINATION**

**Fabio Nunes.** Proposed 12' X 16' shed on sonotube foundation at 28 Stoney Cliff Road, Centerville as shown on Assessor's Map 189 Parcel 017. DA-20008

The applicant, Fabio Nunes, represented by himself.

Issues discussed:

- A question was raised about if the applicant could locate the shed outside of the 50 foot buffer.
- The administrator stated that if the shed was relocated outside of the 50 foot, it could be approved under an Administrative Review. No extra fee would be associated. The applicant can work with staff.
- If the proposed shed location remained in the 50 foot buffer than the Conservation Commission could ask what would be stored in the shed.
- Nunes agreed to withdraw the application.
- An email is required to document the request to withdraw the application.

**Daniel O'Donnell.** Proposed repair on existing retaining wall as well as to remove and replace planting in front of wall. The work is to be done within the 50' line to 100' buffer zone at 217 Bay Shore Road, Hyannis as shown on Assessor's Map 325 Parcel 089. DA-20009

The applicant was represented by Carl Mueller of Paramount Designs.

Issues discussed:

- A question was raised regarding tall fence on top of the wall.

A motion was made to approve a negative determination.  
The motion was seconded and voted unanimously.

**Joseph F. and Susan G. Fallon.** Proposed patio and pool fence modifications at 33 Maywood Avenue, Hyannis Port as shown on Assessor's Map 287 Parcel 129. DA-20010

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

Issues discussed:

- Existing tree should be properly located.
- There was a missing measurement from the resource on the plan.

A motion was made to approve a negative determination.  
The motion was seconded and voted unanimously.

## **IX NOTICES OF INTENT**

**Bernadette T. Rehnert.** Proposed construction of a boardwalk at 398 East Bay Road, Osterville as shown on Assessor's Map 163 Parcel 014.

Correspondence was received and read into the record:

- 1.) The Department of Environmental Protection notification of file number with comments – March 10, 2020
- 2.) Correspondence from the Massachusetts Division of Marine Fisheries – March 10, 2020
- 3.) A Letter from Shellfish Biologist Tom Marcotti – March 8, 2020

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

Issues discussed:

- Noted by the Chair: If an SE3- number is not issued by the Department of Environmental Protection prior to a hearing, there will be a requirement that the hearing will need to be continued.
- A question was raised about the need for the T at the end of the structure.
- This structure is a boardwalk not a pier.
- There was discussion about the access ladder.
- A question was raised about the desire for a kayak rack.
- A construction protocol will be needed.
- There was a comment about the grading and  $\frac{3}{4}$  spacing even if it is phragmites.

There was a motion made to approve the project subject to receipt of a revised plan indicating provisions for an access ladder, kayak rack, light penetrating decking over the phragmites with a special condition establishing a construction protocol with staff prior to start of work.

The motion was seconded and voted unanimously.

**Frank Raspante, Cotuit Cranberry Farm.** Continuation of Cranberry farming in a wetland resource area on a farm that dates back pre 1870 at 131, 0, and 129 Brittany Drive, Cotuit as shown on Assessor's Map 026 Parcels 017, 004, and 006.

The applicant was represented by himself, Frank Raspante along with Attorney Christopher Senie of Senie and Associates PC with associate Chad Yates of Seine and Associates PC and Robert Gray, Wetland Specialist, of Sabatia, Inc.

**Correspondence received and read into record:**

March 10, 2020 – Letter from Massachusetts Division of Marine Fisheries

**Correspondence received and noted for the record:**

March 10, 2020 – Letter from abutter Paul Rhude

**Presentations:**

- Legal representation presented a history on the property.
- The applicant, Raspante, proposed using the 4.6 acres as a crop area. In 2005, the Town [of Barnstable] became owners of this property (109 Brittany Lane, Cotuit) through a tax foreclosure.
- From 2005 to 2018, Raspante was an informal steward of the property when it was owned by the Town of Barnstable.
- Raspante cranberries from this property both before and after he was the owner in 2018.
- In 2019, Raspante came before the Barnstable Conservation Commission with a Request for Determination of Applicability. The Conservation Commission issued a positive determination which meant that the applicant needed to file a Notice of Intent. Raspante gave up his rights from under the previous position to appeal the positive determination and to submit a Notice of Intent.

**Issues Discussed:**

- The Conservation Commission noted that the Town of Barnstable owned the property from 2005 to 2018. The applicant is asking for continued use, however, during ownership under the Town of Barnstable the property did not function as a farmed cranberry bog. Therefore, it can be viewed as not a continued use.
- The biological certification is not included to report on the condition of the boarding vegetated wetland. It is proposed that 4.6 acres which is more than 5,000 square feet of the wetland area. There is a certain amount of performance standard that the applicant has to meet in accordance to the bordering vegetated wetland.
- The Conservation Commission does not recognize the current filing as a continuation as it is viewed as a reestablishment. It was noted that the site plans are confusing.
- The largest site plan does not have any vegetation listed or its existing condition. There needs to be more detail in the drawing.
- Vegetation has succeeded and there is no longer a monoculture of just cranberry plants, there are grasses, shrubs, and trees. The Conservation Commission needs to be able to determine how many square feet of alteration of the bordering vegetated wetland since this project is a proposal to turn this property into a

cranberry bog. It was suggested that the environmental consultants pay particular attention to a couple sections of the Commonwealth Code, specifically 310 CMR 10.53 on limited projects and 310 CMR 10.55 on bordering vegetated wetlands.

- Also, specifically, for limited projects under 310 CMR 10.53(3):

*“Notwithstanding the provisions of 310 CMR 10.54 through 10.58 and 10.60, the Issuing Authority may issue an Order of Conditions and impose such conditions as will contribute to the interests identified in M.G.L. c.131, § 40 permitting ...limited projects].”*

- The applicant has an agricultural plan, but that does not exempt Raspante from the Wetlands Protection Act.

*“In determining whether to exercise its discretion to approve the limited projects listed in 310 CMR 10.53(3), the Issuing Authority shall consider the following factors: the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131 § 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.”*

- This is why the Conservation Commission needs to know about the square footage. If it is less than 500 square feet that is one thing, but if it is less than 5,000 square feet that is another thing, and if it more than 5,000 square feet that is a third thing to consider. This information is necessary to consider whether or not this Conservation Commission can issue a permit or not.
- The Commission recalled for the record the letter submitted on April 4, 2019 from the Massachusetts Division of Marine Fisheries about endangered species which eastern box turtle is in the area of the proposed project. The Conservation commission needs to know the type of activity that will be on this site. The Conservation Commission has not received comment from the Massachusetts Natural Heritage & Endangered Species Program.
- The Conservation Commission was glad to see Division of Marine Fisheries’ Brad Chase’s interest in reestablishing herring back to Lovells Pond. It is important to make sure that if alteration is done into this area. That the care that would need to be taken and outlined by the Division of Marine Fisheries, Brad Chase’s office, is something certainly to be considered.
- The Commission could mandate organic farming. It was suggested that perhaps it could be placed in the Order of Conditions.
- The Commission asked about how long ago did the cranberry farming stop on the property. It has not been called a farm for 15 plus years. The Commission further asked that prior to 2005, before the Town of Barnstable took ownership of the property, how long before that did the parcel stop being farmed. There was no certain answer brought forth.
- During a Conservation Commission site visit, it was noticed along the shore that the only sign of the parcel being a cranberry farm were the ditches that were filled with water. There were isolated spots where cranberries were spotted. The rest of the property was taken over by grasses, trees and to the extent that no one would know that it was a cranberry bog.
- There was a comment from the Commission that in order to change the property into a Cranberry Bog there would be significant changes made to the existing landscape.
- There was a concern raised by the Commission about sand filing. Sand is a part of the agricultural use to force cranberry vine vegetation; the layer is about 3 inches on the cranberry tops. There will be no ditch filling or modifications to topography or elevations. Therefore, if that type of activity is being planned for 5,000 square feet than the applicant might have to file for a water quality certification with the Department of Environmental Protection. There are multiple certifications from the Department of Environmental Protection that Raspante might have to look at.
- Another concern was raised from the Commission about the project being considered a bordering vegetated wetland under the Wetland Protection Act under the 310 CMR 10:55(4)(b):

*“Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions [which there are seven].. 7. The replacement area shall be provided in a*

*manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00 In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L.c. 131, § 40, the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. C. 131, § 40.”*

- As far as the 5,000 square feet, the Commission can require a Wildlife Study.
- Raspante informed the Commission that the Division of Fisheries and Wildlife’s Natural Heritage and Endangered Species Program is working on supplying the Commission with a Wildlife study.
- There was a question about who bears the burden of the Wildlife study. The burden falls on the applicant.
- The Commission highlighted the importance of a bordering vegetated wetland. The Commission should read 10.55 within the preamble:

*“Bordering vegetated wetlands are probably the commonwealth’s most important inland habitat for wildlife. The hydrologic regime, plant community composition and structure, soil composition and structure, topography, and water chemistry of bordering vegetated wetlands provide important food, shelter, migratory and overwintering areas, and breeding areas for many birds, mammals, amphibians and reptiles. A wide variety of vegetated wetland plants, the nature of which are determined in large part by the depth and duration of water, as well as soil and water composition, are utilized by varied species as important areas for mating, nesting, brood rearing, shelter and food (directly and indirectly). The diversity and interspersions of the vegetative structure is also important in determining the nature of its wildlife habitat. Different habitat characteristics are used by different species during summer, winter and migratory seasons.”*

This is important because the property would be changing from a bordering vegetated wetland to a monoculture.

A motion was made to move the Request for Determination findings, DA-19016, into the record. A positive determination was issued on April 11, 2019 under DA-19016. As well as to move the minutes for the hearing on April 9, 2019 into the record, and the Department of Environmental Protection letter of September 9, 2019 which stated that the determination of the Conservation Commission was final.

The motion was seconded and 5 voted unanimously with 1abstention.

There was discussion about whether or not the Commission could discuss items from the Request for Determination. The Commission would not be overruling the determination, but could they take it verbatim. The Commission wants to ensure they distinguish the facts, correctly. The Commission moved the previous motion into the record to demonstrate a historical record. The determination for DA-19016 stands for 3 years.

Attorney Senie response:

- The Commission is still waiting for an SE3- Number and therefore cannot move anything.
- Attorney Senie had no objection to what has already taken place; the motion for the incorporation of the Request for Determination and findings into the record. Senie requested a 1 month continuance so that he has the time to accomplish all of the items that were brought up. There were several points that Senie recognized:
  - There has been a full discussion about whether or not the Raspante file is exempt. It may not be Raspante’s team has reviewed 10.55 about new work in a bordering vegetated wetland versus 10.53 a limited project. The limited project is a tool that is used by filing a Notice of Intent and when one is not exempt than one must file a Notice of Intent, but Cranberry Bogs are treated in 10.53 and it is under the Notice of Intent so it is not really claiming to be exempt. This is a reestablishment of a bog. A reestablishment of a bog would be permissible, if you say it is. The Commission may grant one. It does not say shall, but within the discretion of the Commission. But, if the filing is under 10.53 and a limited project and aiming for a specific provision for Cranberry Bogs and reestablish. They are not really looking at was there more than 5 years of interruption where one stands to lose the exemption. 10.55 may not apply if 10.53 applies as a limited project. Senie would like to provide a legal analysis for 10.55 and 10.53.
  - There is clearly more work that the Commission would like in the material, like an improved site plan, quantity of square footage that is involved by the work that’s involved. Senie is not

sure what the importance of that would be if this is new work in a bordering vegetative wetland.

- For the organic farming, there will be more information regarding how it will be farmed as in always being dry and not wet, hand farmed and not with equipment, no pesticides or herbicides, these details will be provided. If the Commission decides to grant an Order of Conditions, one condition would be that the bog could only be operated in an organic manner with specifications. Attorney Senie believes that to be legal. The Raspante team would welcome such a condition. Water flow direction has been asked about.
- The previous determination for the Request for Determination (DA-19016) and Department of Environmental Protection letter should be a part of the record.
- The Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program study on wildlife will be completed. They understand the caution for Box turtle. It will be a wildlife study that meets the Commission's requirements.
- Access rights, there is a letter from PJ Garrity and her letter is in the file. Her lots are around the bog. In the 1970's, those lots were designated as buildable lots which would not be the case today. She owns all of that land and she has granted permission. Raspante's land has two direct points of access on Brittany Drive and, as an owner on Brittany drive, he has the right to be along that entire loop. The team will get the Commission a memo on access rights about all of the points Mr. Raspante can access.
- As for the SE3- number, Senie was unsure about how quickly the Department of Environmental Protection can supply that. They will try to get the SE3 number before Raspante goes before the Conservation Commission again.

Commission:

- In regards to water flow, there was a question about if any water is being withdrawn and from where. Water withdrawal might trigger any other permit whether it is from the Department of Environmental Protection or not. 4.6 acres is a measurement that comes from the water management permit for the cranberry bog, if groundwater is being withdrawn, but if service water is withdrawn than that is different. These are some of the questions being raised. However, if the water demand being addressed from the in regards to permitting.

Attorney Senie

- Under section 404, it may require a federal permit. He is familiar with the question of when work is done in cranberry bogs, it may trigger the jurisdiction of the United States. Senie understands that the Commission wants to ensure that the applicant is not missing a permit. That information will be provided for the Commission.

Commission:

- 10.53 (3) was referenced and read into the record earlier:

*"In determining whether to exercise its discretion to approve the limited projects listed in 310 CMR 10.53(3), the Issuing Authority shall consider the following factors: the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131 § 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40."*

An alternative analysis is supposed to be conducted by the applicant.

Attorney Senie:

- He recognizes that the Conservation Commission may or may not grant this. It is up to the applicant to earn the confidence of the Commission that this project is good for the environment which needs to be displayed in the memorandum. The memorandum needs to address the impact, the alternatives that are being considered, and it is thought that this project is safe and good for the environment. If the Commission does not accept it than the Commission does not accept it. The applicant understands that is his burden. The applicant has heard the Commission loud and clear.

Commission:

- For the reestablishment of a bog, saplings that need to be pruned should be identified where on the map. There should be no confusion about the limited number of trees mentioned verses the impression that there are more as well as the vegetation. It is suspected that the work will all be done by hand like all of the other proposed work.

Attorney Senie:

- The applicant clarified that the Commission is looking for a real description of work that is involved to reestablish the bog.

Robert Gray, Wetland Scientist with Sabatia, Inc.

- The questions that were asked were detailed. He wanted to touch on the 10.55, the limitation to 5,000 square foot and the 10.53 which allows for the limited project to exceed the 5,000 square foot. In reference to the 5,000 square foot, it's a loss. If the proposal was to fill the wetland than a loss would be suffered in the bordering vegetated wetland to the extent of 6 acres. If removal was being proposed or excavation of the whole bog, that would be a loss. However, for the applicant's proposed project, it comes under the clause "alteration" so there will need to be vegetative control of the saplings and the shrubs that are woody that would interfere with the production of cranberries. The Commission has narrowed things down quite well. Ray suggests looking at the alteration as one would as if someone had gone into an area where illegal cutting had been done. Stem counts would be asked for to quantify what has been done. Gray asked Rapsante if any vegetation of the bog was tree sized and there was not. The Department of Environmental Protection identifies what is a tree, a sampling, and what is a shrub. In the future, there can be additional information that focuses in on the alteration of the vegetation and be able to quantify numbers that make sense for the Commission. The entire 4.6 acres, where Rapsante wants the farm, does not necessarily need to be altered. There are many saplings that need to be cut. There are many shrubs. However, not 4.6 acres of saplings and shrubs. There are a lot of cranberry vines that are active there. There will be no loss of bordering vegetated wetland. The area right now is a bordering vegetated wetland.

Public Comment:

Steve K. Terry of 143 Fox Den Bluff Road, Cotuit received the abutter notification. Terry raised a concern about the buffer zone because it crosses over access to Lovells Pond. Terry expressed that he did not know what the buffer zone means. The buffer zone is in regards to notifications.

Public Comment:

- Catherine Higgins of 32 Millstone Way, Centerville and an abutter who owns 2 parcels as well as a family member to Frank Rapsante. She looks forward to working together with that the Commission. She hopes the Commission comes to a logical agreement because she knows that her brother has the best interest for the residents, wetlands, agriculture, and native species. He has concerns about protecting residents from stagnant waters with triple Eastern Equine Encephalitis concerns with the mosquito population there as well as the stagnant water in Lovells pond with cyanobacteria. She is hoping that the Commission does all of the research. She knows her brother has done his homework tremendously and hopes the Commission does as well to see the benefits of this project. She thanked the Commission for their time.

A motion was made to continue the matter to April 14<sup>th</sup>, 2020.

The motion was seconded and voted unanimously.

A motion was made to adjourn the meeting.

The motion was seconded and voted unanimously.

**Meeting adjourned at 5:59 p.m.**