



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

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AGENDA – CONSERVATION COMMISSION HEARING

DATE: September 8, 2020 @ 3:00 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

In accordance with the Governor's Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the July 14th public meeting of the Conservation Commission shall be physically closed to the public to avoid group congregation.

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/95087848434>

Meeting ID: 950 8784 8434

888 475 4499 US Toll-free

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 R. Foster, Clerk Dennis Houle, Commissioners Larry Morin, John Abodeely, and George Gillmore. Commissioner Pete Sampou was absent.

Conservation Administrator, Darcy Karle assisted, along with Conservation Agent Edwin Hoopes.

3:00 PM AGENDA

I CERTIFICATES OF COMPLIANCE

(d = deviations, staff recommends denial) (* = on-going conditions)

- | | | | | | | |
|----|---|----------|-------------------|---|--|------------------------------------|
| A. | Kariotis
67 Pirates Cove, Oyster Harbors | SE3-4366 | (coc, d) | - | Construct single family dwelling (Guest House) *
Cotuit Bay | Tabled from 8/11/20 hearing |
| B. | Kariotis
65 Pirates Cove, Oyster Harbors | SE3-4365 | (discussion only) | - | Raze & Construct single family dwelling (Main House)
Cotuit Bay | Tabled from 8/11/20 hearing |

A and B were tabled until 10/6 to allow the applicant time to work with an attorney on language for the pier restriction.

II REVISED PLANS

Project type:

Revisions

- | | | |
|--|--------------------------------------|------------------------------------|
| A. Barbara & Randolph Noelle SE3-5677
35 Short Beach Rd., Centerville | Construct pier, ladder
kayak rack | Condition #15 &
17 size of boat |
|--|--------------------------------------|------------------------------------|

Mr. Noelle represented himself.

Issues discussed:

- Applicant is seeking approval for a vessel that would have a wider beam than the approved width 6’10”. The applicant is requesting an additional 17”.
- Request is for handicap purposes. The applicant is seeking a vessel that is more stable.
- The approved “width” condition came from the Waterways Committee.
- With motor down the draft is 23”.
- Depth isn’t the issue it is the beam of the vessel.
- Three Waterways members expressed concern by way of emails
- Commission is not bound by Waterways findings, however the Commission recommends the applicant to go back to Waterways Committee and make a presentation.
- It was recommended the applicant perhaps provide additional information on the handicap issue and stabilization comparison.

Correspondence read into the record emails from:
Ted Komenda (9/4), Robert H. Hazelton (9/5), Paul Everson (9/4)

The matter was tabled until 10/6/20.

- | | | |
|---|---|------------------------------------|
| B. Benjamin & Linda Butcher SE3-5776
105 Eel River Rd., Osterville | Raze/rebuild SFD;
pool, patio, cabana, | Rotate pool and
carriage house. |
|---|---|------------------------------------|

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

Issues discussed:

- A question was raised on construction impact on the 50’ buffer.
- 50’ buffer may have a little impact, but will be restored.
- Plan being reviewed is revised 9/8 which just shows redline comparison.

A motion was made to approve the plan revision dated 9/8 with two hard copies to be submitted to the office.
Seconded
Roll call
Voted unanimously.

- | | | |
|---|--|---|
| C. Carlo von Schroeter SE3-5455
0 & 8 Windrush Lane, Osterville | Modify existing pier,
ramp, & float | To identify dewatering
methodology and location. |
| D. Desmond Heathwood & Kevin McCafferty
40 & 50 Windrush Lane, Osterville SE3-5442 | Maintenance dredging | To identify dewatering
methodology and location. |

The applicant was represented by Arlene Wilson of AM Wilson & Associates.

C and D were opened together.

Issues discussed:

- Dewatering will be occur on a scow.
- Material will be removed by way of West Bay bulkhead.
- License agreement will be reached with the Town prior to start of work.
- A question was raised on the positioning of hay bales during dewatering.

A motion was made to approve revised plan request C subject to receipt of a license agreement with the Town of Barnstable for the use of West Bay bulkhead.

Seconded

Roll call

Voted unanimously.

A motion was made to approve revised plan request D subject to receipt of a license agreement with the Town of Barnstable for the use of West Bay bulkhead.

Seconded

Roll call

Voted unanimously.

III EXTENSION REQUESTS

Project type:

Time Requested:

- | | | |
|--|-----------------------------------|-----------------------------------|
| A. James F. & Susan H. Whelan SE3-5497
65 Ocean Ave., Hyannis
Rep John O'Dea | Raze/rebuild SFD;
Pool, Cabana | 3 years (1 st request) |
|--|-----------------------------------|-----------------------------------|

Issues discussed:

- A question was raised on expiration date and when the letter was submitted.

A motion was made to approve the extension request.

Seconded

Roll call

Voted unanimously.

- | | | |
|---|-------------------------------------|-----------------------------------|
| B. Christine Scanlon SE3-5514
127 Shell Lane, Cotuit | Addition, driveway
modifications | 3 years (1 st request) |
|---|-------------------------------------|-----------------------------------|

There was no representative present.

There were no issues raised.

A motion was made to approve the extension request.

Seconded

Roll call

Voted unanimously.

- | | | |
|--|---|-----------------------------------|
| C. Gregory M. & Katelyn E. Hobill SE3-5500
202 Whistleberry Dr., Marstons Mills | New SFD, driveway,
tree removal, grading | 3 years (1 st request) |
|--|---|-----------------------------------|

There was no representative present.

Issues discussed:

- Conservation Agent Ed Hoopes gave an update on prior enforcement addressing an erosion issue which has been addressed.
- There has been a retaining wall constructed between the 50' and 100' buffer not shown on the original plan.
- Staff is recommending retaining wall be shown on an as-built plan when Certificate of Compliance is requested.

A motion was made to approve the extension request.

Seconded

Rolls call

Approved unanimously.

IV ENFORCEMENT ORDERS

- A. Patrick H. Carey AND Toscafund LTD – 765 Old Post Rd., Cotuit – Map 073 Parcel 026. Alteration of a wetland resource area - coastal bank (Town) - by cutting trees, shrubs and other vegetation and alteration of a buffer to a wetland resource area - salt marsh and coastal bank (Town) - by cutting vegetation.

Exhibits

- A ARC Reader plan showing resource areas and approx. location of lawn, meadow, & cut vegetation
B Before and After Photos
C Site conditions for meadow

John O’Dea, Sullivan Engineering represented the Carey’s and Maggie Carey was present.

Issues discussed:

- Town Coastal Bank and 50’ buffer to top of bank was cleared of a significant amount of vegetation (trees and shrubs).
- A meadow area was created approximately 4 or 5 years ago. This area is also in 100’ buffer to top of bank. The meadow was created by clearing scrub shrub habitat, similar to what was cleared as part of this recent incident. Changes to the meadow area will be included in the restoration plan (i.e., mowing schedule and additional plantings).
- Homeowner admitted to doing the clearing on the bank and 50’ buffer.
- Conservation Agent and project engineer will meet to determine the number of trees cut.
- Full restoration of bank and buffer expected by October 31, 2020. If restoration plantings cannot be completed by that date, the homeowner will notify the Conservation Agent of that fact and will, by October 31, 2020, stabilize the site for winter with jute matting and appropriate erosion controls.

A motion was made to approve the enforcement order.

Seconded

Roll call

Voted unanimously.

V WARNING LETTERS

- A. 879 Craigville Beach LLC – 879 Craigville Beach Road, Craigville – Map 225 Parcel 030. Work beyond the plan of record by installing extra fence.

- Noted

- B. Anne C. Carrns & Richard S. Leahy et al. – 35 Harbor View Road, Barnstable – Map 319 Parcel 045. Clearing trees and vegetation within a flood zone.

- Noted

VI OLD AND NEW BUSINESS

- A. New England Mountain Biking Association, Cape Cod Chapter to discuss trail re-route in the vicinity of Hathaway Pond. **Tabled from 7/14.**

Issues discussed:

- The only reroute of the trail will occur around the steep eroded section of the proposed eastern re-routes. This rerouted section will be much shorter than what was originally proposed and will follow a single contour around the eroded area. The existing trail will be closed at a point immediately above and below the eroded section of trail. Conservation staff will work with NEMBA members as to the exact placement of trail closures.

A motion was made to approve the trail reroute.

Seconded

Roll call

Voted unanimously.

VIII MINUTES

A. August 4, 2020

A motion was made to approve the minutes as submitted.

Seconded

Roll call

Voted unanimously.

A motion was made to adjourn.

Seconded

Roll call

Voted unanimously.

The time was 4:10 PM

4:30 PM AGENDA

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REMINDER TO APPLICANTS:

**FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200
MAIN STREET, HYANNIS, 02601**

No Scheduled Matters