



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

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AGENDA – CONSERVATION COMMISSION HEARING

DATE: July 20, 2021 @ 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 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/91538425847>

Meeting ID: 915 3842 5847

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.

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REMINDER TO APPLICANTS:

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

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

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

I. OLD AND NEW BUSINESS

A. Welcome new Commissioner Bill Hearn.

II. NOTICES OF INTENT

- A. John M. and Allyn M. McManmon.** To re-permit the demolition of the existing one car garage and construct new two car garage with pool cabana and living space above at 134 Prince Avenue, Marstons Mills as shown on Assessor's Map 076 Parcel 005. **SE3-5899**

A continuance was requested to August 3, 2021 without testimony.

A motion was made to approve a continuance to August 3, 2021.

Seconded and voted by roll call;

Aye – Foster, Hearn, Lee, Morin, Sampou

Nay –

- B. Laura Beth Trust, Trustee, 464 Wianno Ave Realty Trust.** To demolish existing residential structures and construct a new dwelling, cottage, garage, and barn with all associated appurtenances including driveway, utilities, and landscaping with garden, green house and coop sheds at 271 East Bay Road, Osterville as shown on Assessor's Map 163 Parcel 005. **SE3-5900**

The applicant was represented by John O'Dea, P.E. from Sullivan Engineering and Consulting. DEP Comment Letter dated 7/19/2021 was read into record.

Issues discussed:

- DEP Comments.
- A question was raised if any major trees are coming down. There are some ornamental trees in the 50 to 100' buffer and one native tree (cedar) behind the garage. It will be replaced.
- The access off Wianno that extends off to East Bay Road will remain where it is. It will serve as the driveway through an around the property.
- There will not be any full basements. There may be a crawl space under some buildings.
- A question was raised about keeping nutrients out of east bay. Could the chicken coop be moved out of the 50' buffer? They will look for a place to move it.
- Garden and shed waiver – Would be for the sheds to be located within the 50' buffer, but if the chicken coop is moved it would not require a waiver.
- A question was raised about what is being stored in the shed/green house. No gas, oil, herbicide, etc. It could be added as a Special Condition.
- The wetland flagging was not confirmed and the date on the plan. It will be added to the revised plan.
- The NOI had the data sheets and should be on the revised plan.

PUBLIC COMMENT

Arunas Vaitiekaitis 255 East Bay Road asked if the barn is for storage or for animals. It will be for storage. No Animals.

Kris Clark – Has a concern about the Chicken Coop and appreciates the nitrogen being a concern.

A motion was made to approve the project subject to receipt of a revised plan showing the revised location of the chicken coop outside of the 50' buffer, showing the wetland flagging information, and placement of the replacement trees on the plan.

Seconded and voted by roll call:

Aye – Foster, Hearn, Lee, Morin, Sampou

Nay –

III. CONTINUANCES

- A. **Thomas O’Keeffe.** Install 98 linear feet of vinyl sheet pile retaining wall at 22 Clamshell Cove Road, Cotuit as shown on Assessor’s Map 006 Parcel 009. **SE3-5890 Continued from 6/15**

A continuance was requested without testimony.

A motion was made to continue the project to August 17, 2021 without testimony

Seconded and voted by roll call:
Aye –Hearn, Lee, Morin, Sampou
Nay –

- B. **Theresa H. Hills.** Construction of a 254 SF single-story addition to the rear of a single-family residence at 69 Watergate Lane, West Barnstable as shown on Assessor’s Map 217 Parcel 037. **DA-21038 Continued from 7/6/20**

The applicant was represented by Mike Ball from Marsh Matters Environmental.

Issues discussed:

- This hearing is only looking at the expansion of the house. Not the enforcement order at this time.
- A question was raised about roof runoff. It would run towards the back away from the resource area. They could condition a drywell at the corner.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing addition of a drywell.

Seconded and voted by roll call.
Aye – Foster, Lee, Morin, Sampou,
Nay –

- C. **John W. Callahan.** Construction of in-ground pool with patio and spa, mitigation plantings at 222 Clamshell Cove Road, Cotuit as shown on Assessor’s Map 005 Parcel 007. **SE3-5898 Continued from 7/6 for DEP# and comments.**

Louise Foster recused herself as she is an abutter.
The DEP number and comment was received.
DEP raised a question if there is any impact on the Coastal Bank.
Arlene Wilson believes there is no impact.

A motion was made to close the public hearing and authorize the staff to issue the order of conditions.

Seconded and voted by roll call.
Aye – Lee, Morin, Sampou,
Nay –

Seconded and voted by roll call.

- D. **Dan and Karen Baird.** Extension of the original Town-owned culvert. The original culvert is approximately 15’ long and has been extended approximately 28’ with 30” HDPE corrugated pipe

at 27 Falcon Road, West Barnstable as shown on Assessor's Map 196 Parcel 032. **SE3-5860**
Continued from 3/30 and 7/6.

The applicant was represented by Jeff Plante of Environmental Strategies and Management.

Issues discussed:

- Updated documents submitted.
- Updated narrative was reviewed.
- A question was raised about the existing concrete culvert plus the extension is about 45 feet the reinstallation will be entirely on Town owned property. The aprons and embankments will extend a little onto the Baird property. The Bairds will provide the backfill materials. There was a site meeting and Griffin Beaudoin's comments were submitted via email.
- The updated plans were reviewed.
- The email between Griffin, Jeff, and the Office will be reviewed.
- The design fits the criteria of the Town. Who physically will be putting in the culvert. The Bairds' will be removing and installing it. Dan Baird does this for a living and will be doing the work with his own equipment. He has been doing this for at least 30 years.
- There should be an assurance from the Town. The Order of Conditions could include special conditions.
- The conservation commission is not experienced in the construction portion of the project it should be approved by the Town DPW.
- The questions that were raised at the previous hearing were reviewed and answered.
- The 95% compaction needs to be confirmed. It is a private road and the Bairds' are requesting this be waived.
- The Bairds' are paying for the project. Is there a reason that additional testing could not be covered by the Town.
- This question would be better answered by the Town DPW, not the Conservation Commission.
- This project is due to an enforcement order.
- Griffin did not agree to have a Town employee at the site at all times. Some of the questions need to be answered by Griffin, and there are questions that need to be addressed by David Anthony as well.
- Is the dirt road available for travel by the public. There is a chain that goes across the entrance point. Only Town emergency vehicles have access. The Town never had an intension for large vehicles to travel on this road. The Fire department may need to travel on this road. The Bairds have improved the intermediate stream crossing for their benefit. The Town should have assurance from the Bairds that the culvert is up to standard if emergency vehicles are needed there. The cost should not be incurred by the Town.
- A question was raised if any written agreements have been made between the Bairds and the Town.
- The compaction is very important and needs to be confirmed by Griffin Beaudoin.
- This is an open ended item that still needs to be resolved.
- The FD has to confirm that they are ok with the assurances that they can turn around.

Public Comment:

Kris Clark – West Barnstable resident and Town Counselor from precinct 11, agrees that there should be verification of Mr. Bairds construction work on site. A letter from Mosquito Control, Fire Department and DPW should be on record.

A nearby property on Falcon Road was purchased by Barnstable Land Trust and is owned by the Town. There is specific language in the Conservation Restriction that the land may be used for water supply in the future. If this pipe goes in will it support the weight of

DPW trucks going over to the water supply. The area should be evaluated as to if it is public or private. The consequences of purchasing the property with a mosquito ditch should fall on the Bairds and not the Town.

Gordon Starr – Town Councilor in princinct 1. There has been no contact with David Anthony and there needs to be contact with the legal department. The commission should have made the Bairds put this back the way it was before the violation.

Karen Baird – They have been in communication with the Town for the past 5 years. The Town was originally going to pay for it to be fixed. But when they were asked the Town said they do not have the funds.

Mark Wirtanen – owned property to the east before he sold it to the Town. It was previously a cranberry bog. The culvert bridge was used by large machinery in the past. He is shocked that this has occurred. They cleared trees on his property illegally.

There are still issues that need to be addressed. The Town Asset Manager still needs to address the questions. Nathan is the Assistant Town Engineer and could answer the questions on behalf of Griffin Beaudoin. A continuance was requested to August 17 2021.

A motion was made to continue the matter to August 17, 2021.

Seconded and voted by roll call;

Aye – Foster, Lee, Morin, Sampou

Nay –

Should the Bairds request the enforcement order be closed out. They can send an email to Ed and Darcy.

IV. CERTIFICATES OF COMPLIANCE

(ez = no deviations, staff recommends approval)

(* = on-going conditions)

- | | | | | |
|----|---------------------------------|----------|-----------|---|
| A. | Morgenthau | SE3-5539 | (coc, ez) | porch modifications & landscaping & driveway modification & buffer restoration, etc. (not done) |
| | 713 Sea View Avenue, Osterville | | - | Nantucket Sound |
| B. | 979 Old Post Road, LLC | SE3-4910 | (coc, ez) | construct additions; replace pool; construct guest house * |
| | 979 Old Post Road, Cotuit | | - | North Bay |

A motion was made to approve A and B.

Seconded and voted unanimously by roll call.

Aye – Foster, Hearn, Lee, Morin, Sampou

Nay –

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

Aye – Foster, Hearn, Lee, Morin, Sampou

Nay –

The time was 8:05 pm.