



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

Office: 508-862-4093E-mail: conservation @ town.barnstable.ma.us

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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: February 8, 2022 @ 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**

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/97570275276>

**Meeting ID: 975 7027 5276**

**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](mailto: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](mailto: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**

**3:00 PM AGENDA**

The meeting was called to order at 3:00 pm by Char F.P (Tom )Lee. Also in attendance were Vice Chair Louise Foster, Clerk George Gillmore, and Commissioners Abodeely, Morin, Hearn and Sampou. Administrator Darcy Karle and Agent Ed Hoopes assisted.

**I. OLD AND NEW BUSINESS**

A. Donna Lawson to present the Long Pond Community Garden annual report to Conservation Commission.

Issues discussed:

- There were 2 negative issues that arose at the Community Gardens this year.
  - The sign for the Long Pond Conservation Area was stolen and then returned within 2 days.
  - There were several rabbits that were found dead in various garden plots. The deaths stopped after the gardeners were told Animal Control would be investigating any further deaths.
- There are 70 plots in the community garden.
- Applications are being accepted for 2022, there are 10 plots still available.
- The old compost area was graded and seeded in wildflowers; a new compost area was developed.
- At this time, there are no plans to expand the number of garden plots.

B. Discussion of the proposed spring round of beach nourishment for Squaw Island.

- Arlene Wilson of A.M. Wilson Associates gave an over view of work permitted, amended and completed under SE3-5760.
- Under an amendment a second round of beach nourishment took place in 2020 and allowed the placement of sand fencing.
- The fencing was removed prior to plover nesting.
- The fence was reinstalled but recent storms in fall 2021 and winter storms have moved deposited sand over the salt marsh.
- Preparing to do annual spring nourishment and pulling sand off saltmarsh for reuse. Finish by 3/3/22.
- Commissioners expressed concern that the placement of sand was a doomed project due to wind, waves and increased storms.
- Question was raised was a coastal Geomorphologist contacted?
- Concern raised on sand covering salt marsh after storms, is it killing the salt marsh?
- Question raised on timing for dredging project. Still under permitting review MEPA. Could be 2-3 years.
- Question raised on survey frequency.
- Could cobble be used?
- Request made for photos to document grass survivability after sand shift for next update with the Commission.

**II. REVISED PLANS**

**Project type:**

**Revisions:**

A. Elisa Cunningham SE3-5821  
547 Main Street, Osterville

Landscaping and driveway  
extension

Proposed hardscape eliminated  
and mitigation reduced

Philip Cheney represented the applicant.

- Revised plan is dated 11/23/21.
- Reduced patio work and a reduction of proposed mitigation.

Motion to approve the revised plan.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

B. Yuriy & Yelena Matskevich SE3-5908  
24 Flume Avenue, Marstons Mills

Replace deck, add patio, spa  
porch, beach stairs, landscaping

Raze and replace the  
superstructure.

Issues discussed:

- The original foundation is remaining in place, no changes to that footprint.
- The pond side patio is being reduced from 20'x30' to 25'x16', there is a small porch being added on the front of the house in the 50-100' and the spa is being moved from the west side of the house to the east side of the house.

- for a total reduction of hardscape of 13 sq.ft.
- Regardless of the small reduction in hardscape, the mitigation planting area is going to remain the same size as originally proposed.

A motion was made to approve the revised plan.

Seconded and voted by roll call:

Aye – Lee, Foster, Gillmore, Abodeely, Morin, Hearn, Sampou

Nay – none

### III. EXTENSION REQUESTS

#### Project type:

#### Time Requested:

- |  |   |                                   |
|--|---|-----------------------------------|
| A. Edwardo Franco & Nathalie Badan<br>46 Lumber Lane, Centerville SE3-5624 | Patio, koi pond, shed, replace<br>boardwalk & pier, vista pruning | 3 years (1 <sup>st</sup> request) |
|--|---|-----------------------------------|

Chuck Rowland of Sullivan Engineering and Consulting represented the applicant.  
There were no issues discussed.

Motion to approve the extension request.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

### 4:30 PM AGENDA

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**REMINDER TO APPLICANTS:  
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MAIN STREET, HYANNIS, 02601**

The meeting was called to order at 4:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin and Sampou.

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

### IV. NOTICES OF INTENT

- A. **John N., Jr. & Erin S. Spinney.** Proposed renovation and improvements to existing dwelling to include a 130 sf addition, a porch on existing patio, and new entry's, and a proposed pool, cabana, and all associated appurtenances at 46 Little Island Drive, Osterville as shown on Assessors' Map 093 Parcel 058-008. **SE3-5949**

The applicant was represented by Chuck Rowland of Sullivan Engineering and Consulting.

Issues discussed:

- The existing patio was removed from the plan so there will be a full undisturbed 50' buffer.
- The dimensions of the proposed hardscape and delineation information for the salt marsh need to be put on the plan.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the dimensions of the proposed hardscape and resource delineation on the plan.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay

- B. Christina Corsiglia & Sarah Alger, Trustees.** To demolish the existing dwelling and construct a new single-family dwelling with all associated appurtenances at 65 Waterman Farm Road, Centerville as shown on Assessors' Map 206 Parcel 072. **SE3-5950**

The applicant was represented by Chuck Rowland of Sullivan Engineering and Consulting.

Issues discussed:

- Revised date of the plan is February 7, 2022.
- Mitigation calculations were reviewed.
- The property is on a peninsula. The new dwelling is larger. The patio and a spa are in the 0-50' buffer. A question was raised if the spa could be moved out of the 50' buffer.
- The patio and spa is in an area that is already a patio. The parking area could be reduced to give relief to the 50' buffer.
- A question was raised if the house could be lifted and put it back down on the new foundation.
- It would not be cost effective and would be older construction. The owner would prefer new construction and would get exactly what they want.
- There is a desire to protect the 0-50' buffer. This is a complete raze and re-build and could be brought further out of the 50' buffer.
- There needs to be dimensions for the driveway.
- Although the patio is existing the hardscape area in the 0-50' is increasing.
- 356 sq. ft. of hardscape is being reduced already in the 0-50' and mitigation is being done.
- The Commission would prefer no mitigation to get everything out of the 50' buffer.

Attorney Mike Ford addressed the Commission.

They will discuss the option with the development team. One of the problems is much of the property is salt marsh. There are set back issues and issues with neighbors that may make it difficult to move the spa.

Comment letter from Stephen Larusso dated February 7, 2022 was acknowledged.

**Public Comment:**

Stephen Larusso – Waterman Farm Road. He is in support of the project. The proximity of his home is fairly close. He prefers the spa stay in the back of the home. Waterman Farm Road is a private way. The driveway proposed is part of the street.

A continuance was requested to March 1, 2022.

A motion was made to approve the continuance to March 1, 2022.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

- C. **JMS Holdings, LLC.** Placement of up to 100 cu. yds. of beach nourishment between MHW and base of the existing seawall at 134 South Bay Road, Osterville as shown on Assessors' Map 093 Parcel 064. **SE3-5953**

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

Issues discussed:

- A question was raised of what would happen during a moon high tide. It would wash some of the sand out.
- The wall is still in very good condition. It would be a major upheaval of the property to replace. The salt marsh in front really helps to break up the waves. This project would definitely help in saving the wall.

There was no public comment.

- A question was raised if monitoring should be done after completed.
- After nourishment is done make sure the slope is as proposed.
- The work limit line needs to be staked before bringing in the sand.
- Any damage from machinery being brought in will be repaired.

A motion was made to approve the project as submitted with the following conditions; receipt of a survey after nourishment indicating elevation of slope is as proposed, staking of the work limit line, and repair any damage from machinery being brought in.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

**V. CERTIFICATES OF COMPLIANCE**      (ez = no deviations, staff recommends approval)  
(\* = on-going conditions)

A.	William & Pamela Randon 117 Eel River Rd, Osterville	SE3-5195	(COC*, ez)	Boardwalk, pier, ramp & float beach & land under ocean
B.	James N. White & Patricia A. O'Brien AND White Revocable Trust 50 Fox Island Rd., Marstons Mills	SE3-5462	(COC*, ez)	Tree work, invasives & vista pruning, coastal bank & BVW
C.	T.O.B./M.E.A. 425 Sandy Neck Rd., West Barnstable	SE3-4129	(COC*, ez) BVW	Phragmites control at Sandy Neck
D.	T.O.B./D.P.W. Sandy Neck Rd., West Barnstable	SE3-4876	(COC, ez)	Redevelop. Sandy Neck Bch facilities, coastal dune, barrier beach

A motion was made to approve A-D.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin, Sampou  
Nay

**VI. MINUTES**

A. January 18, 2022

A motion was made to accept the minutes as submitted.

Seconded and voted unanimously by roll call.

Aye – Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay – Abodeely abstain

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

Aye – Foster, Gillmore, Hearn, Lee, Morin, Sampou

Nay – Abodeely abstain

The time was 5:16 p.m.