



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

Office: 508-862-4093E-mail: [conservation@town.barnstable.ma.us](mailto:conservation@town.barnstable.ma.us)

FAX: 508-778-2412

**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: April 12, 2022 @ 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/93751087262>

**Meeting ID: 937 5108 7262**

**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**

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, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin and Sampou.

Conservation Administrator, Darcy Karle was also present.

All Requests for Determination and Notices of Intent were continued to April 26, 2022 for proper legal ad notification.

**I. REQUESTS FOR DETERMINATION**

**A. Elizabeth LePage.** Installation of a post and rail fence at 174 Tanglewood Drive, Osterville as shown on Assessor's Map 121 Parcel 063. DA-22009

A motion was made to continue the matter without testimony until April 26, 2022 because of the legal ad issue.

Seconded and voted unanimously by roll call.

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

Nay

## **II. NOTICES OF INTENT**

- A. **Vahan & Rosemary Martirosian, Trustees, Martirosian Realty Trust.** To replace existing stairs down the bank at 15 & 25 Sea View Avenue, Osterville as shown on Assessor’s Map 162, Parcel’s 026 001 and 002. **SE3-5979.**

A motion was made to continue the matter without testimony until April 26, 2022 because of the legal ad issue.

Seconded and voted unanimously by roll call.

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

Nay

- B. **David & Jan Singer.** To demolish the existing dwelling and garage, and construct a new dwelling and guesthouse with all associated appurtenances at 68 Little River Road, Cotuit as shown on Assessor’s Map 053 Parcel 006. **SE3-5980**

A motion was made to continue the matter without testimony until April 26, 2022 because of the legal ad issue.

Seconded and voted unanimously by roll call.

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

Nay

- C. **Tobias Welo.** Modifications to existing pier by extending its total length 41’, relocating it 3’ north and substituting piles for supports at 25 Cove Lane, Osterville as shown on Assessor’s Map 052 Parcel 009.

A motion was made to continue the matter without testimony until April 26, 2022 because of the legal ad issue.

Seconded and voted unanimously by roll call.

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

Nay

- D. **Nancy Place.** Landscaping and construction of a pool, pergola, and retaining wall in the 100 foot buffer zone, and replanting of the coastal bank and buffer zone at 58 Eel River Road, Osterville as shown on Assessor’s Map 116 Parcel 091. **SE3-5978.**

A motion was made to continue the matter without testimony until April 26, 2022 because of the legal ad issue.

Seconded and voted unanimously by roll call.

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

Nay

## **III. CONTINUANCES**

- A. **Christopher D. Heckscher.** Proposed pruning and limbing of trees to establish a vista corridor, create footpath, and install seasonal beach access stairs at 144 Peppercorn Lane, Cotuit as shown on Assessor’s Map 004 Parcel 010. **SE3-5973 (Continued from 3/29/22)**

The applicant was represented by Sean Riley, P.E of Coastal Engineering.

Issues discussed:

- A waiver from the vista pruning regulations was requested to manage the sassafras in the vista corridor.
- Two small trees and one dead tree will be removed.
- Undulated cutting of the understory will be done just in the vista corridor. A note should be added to the revised plan and it should be a special condition.
- The beach access stairs were reviewed.
- The sassafras will be left at a 4' height and will be pruned on an annual basis.
- There was a request for mulch on the foot path which will be put on a revised plan.
- A side view of the beach access stairs will be put on a revised plan.

There was no public comment.

A motion was made to approve the project as submitted with additional allowance for maintenance of the understory within 3' to 5' with undulating fashion within the view corridor only, add mulch to the foot path, and receipt of a revised plan showing the detail of the access path, the mulch area, a note of the undulating cut of the sassafras and a side view of the stairs.

Seconded and voted unanimously by roll call.

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

Nay

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

<b>A.</b>	<b>John Schultz</b>	<b>SE3-1600</b>	(COC, ez)	Construction of SFD and Septic System BVW to Pond
	12 Fulling Mill Ln, Marstons Mills			
<b>B.</b>	<b>Steven Mojo</b>	<b>SE3-5014</b>	(COC, ez)	Snailseed Pondweed Treatment Shell Pond
	Shell Pond at 1179 Main Street, Cotuit			
<b>C.</b>	<b>Sean Moloney</b>	<b>SE3-4843</b>	(COC, ez)	Proposed Garage (Never Constructed) State Coastal Bank
	118 Bay Lane, Centerville			
<b>D.</b>	<b>Sean Moloney</b>	<b>SE3-5536</b>	(COC, ez)	Mitigation per Enforcement Order State Coastal Bank
	118 Bay Lane, Centerville			

A motion was made to approve A.-D.

Seconded and voted unanimously by roll call.

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

Nay

**V. AMENDED ORDERS**

**A. James Montgomery. SE3-5876.** To erect a seasonal aluminum dock that extends within his property line(s) extended, into Sam’s Pond. The dock is refabricated aluminum and comes with adjustable legs. The dock shall be installed 20’ into the water where the depth is proper for small craft. The dock shall be removed and stored in a previously approved kayak area upland from the pond at 142 Pond Street, Osterville as shown on Assessor’s Map 118 Parcel 100.

A motion was made to continue the matter without testimony until April 26, 2022 because of the legal ad issue.

Seconded and voted unanimously by roll call.

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

Nay

A request for a future agenda item was made to discuss and authorize a letter be sent to Mark Ells, and Darcy's direct supervisor regarding her hard work. A suggestion was made to add Ed Hoopes to the letter.

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

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

Nay

The time was 6:51 p.m.