

Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

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

MINUTES – CONSERVATION COMMISSION HEARING

DATE: September 6, 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://townofbarnstable-us.zoom.us/j/84498625253>

Meeting ID: 844 9862 5253

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 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Morin. Commissioner Sampou was absent.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Ed Hoopes and Administrative Assistant, Kim Cavanaugh.

3:00 PM AGENDA

I. REVISED PLANS

A. **John & Erin Spinney SE3-5949**
45 Little Island Drive, Osterville

Project type:

Renovation/addition, pool
cabana

Revisions:

Increase size of pool and
driveway and driveway circle

- Flagstone stepping stones have been approved in the past.
- The new wall west side will slope from 3' down to 18" exposure. It won't look bad when it is finished.
- There should be an ongoing condition if the trees do not survive they must be replanted. If replanted in an upland area the wall should be removed.

A motion was made to approve the revised plan subject to a receipt of a second revised plan showing some plantings in front of the retaining wall (section surrounding the two trees) and adding the dimensions of the retaining wall. If the existing oak trees (surrounded by the wall) die, they shall be replanted on the upland area and the section of retaining wall (around the two trees) shall be removed. Make sure the restoration planting for the site is going to be completed in the fall, because it is critical to protect the site from erosion. The tree, in the beach area (shown on prior last approved plan) shall be replaced.

Seconded and voted unanimously by roll call.

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

Nay Hearn

II. EXTENSION REQUESTS

- A. Windmill Cove Associates, LLC SE3-5678 Maintenance dredging 3 years (1st request)
Windmill Cove (south of Bridge
Street

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

- The work has not been performed yet.
- It may start this winter.
- It is taking a long time in to permit the project.

A motion was made to approve the extension request.

Seconded and voted unanimously by roll call.

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

Nay

III. ENFORCEMENT ORDERS

- A. Bone Hill LLC – 215 Harbor Point Rd., Barnstable – Map 352 Parcel 068. Alteration of the 50' buffer to a wetland resource area – vegetated wetland – by cutting vegetation and failure to comply with on-going conditions of a Certificate of Compliance (SE3-4358) by failing to maintain split-rail fence along the work-limit line.

Exhibits

- A ARC Reader Image of 215 Harbor Point Rd., Barnstable
- B Current Site Photos
- C Certificate of Compliance On-going Conditions (SE3-4358)

Mr. William McDonald represented himself.

Issues discussed:

- The homeowner stated the split-rail fence that was installed at the work-limit line rotted several years ago and he just hadn't replaced it.
- Homeowner also stated he had contracted with a landscaping company to cut back 10' of vegetation while he was away; when he returned, the landscapers had cut much more.

A motion was made to approve the Enforcement Order as written.

Seconded.
Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Morin
Nay – none

- B. Lisa R. & Michael D. Falkson – 128 Lakeview Dr., Centerville – Map 214 Parcel 044.T00. Alteration of the 50’ buffer to a wetland resource area(s) – Lake Wequaquet and Inland Bank – by installing an unpermitted chain-link fence.

Exhibits

- A ARC Reader Image of 128 Lakeview Drive., Centerville
B Site Photos

Mr. Michael Falkson represented himself .

Issues discussed:

- The homeowner believed the fence installation was done more than 50’ from the waterline. It was explained to him the water level (and hence the boundary of the resource area – Lake Wequaquet) is established by elevation (32.963 ft).
- Once the as-built plan is completed, the distance of the fence and any other hardscape will be able to be determined. Those distances will determine the type of filing that will have to be submitted.

A motion was made to approve the Enforcement Order as written.
Seconded.
Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Morin
Nay – none

- C. Eva Maria T. Janerus – 3009 Main St./Rte 6A, Barnstable – Map 279 Parcel 050.001. Failure to comply with an Enforcement Order. **Continued from July 12, 2022.**

Tabled to October 4, 2022.

IV. WARNING LETTERS

- A. Wayne Nablo – 130 Nyes Neck Rd., Centerville – Map 233 Parcel 022.001. Cutting trees within the 50’ buffer to a vegetated wetland without permit.
- Noted
- B. Kevin Mc Shea – 116 Bay Rd., Cotuit – Map 007 Parcel 021. Alteration of the 50’ buffer to a wetland resource area – Coastal Bank (Town) by failing to comply with an Order of Conditions (SE3-5805) – work-limit line in incorrect location.

- Noted

V. NON CRIMINAL CITATIONS

- A. Wayne Nablo Alt. 50’ buffer to a wetland res. Area – by cutting trees without permit \$200.00
130 Nyes Neck Rd.,
Centerville

- Noted

VI. CERTIFICATES OF COMPLIANCE –

(ez = no deviations, staff recommends approval)

(* = on-going conditions)

- A. **Todd Forman** SE3-5757 (COC, ez) PATIO/SHOREFRONT
RETAINAGE/STAIRS/DRAINAGE/VEG. MITIGATION/GARAGE ADDITION/DRIVEWAY
MODIFICATION. 326 Holly Point Rd, Centerville Lake Waquaquet
- B. **Barnstable Lands Trust** SE3-5703 (COC, ez) Viewing Platform & Boardwalks
1540 Main St, West Barnstable Pond / BVW
- C. **Mystic Lake Hills Civic Association** SE3-0825 (COC, ez) Beach Nourishment &
Drainage Improvements 30 Sawmill Rd, Marstons Mills Mystic Lake
- D. **Andree Phillips Tr.** SE3-5812 (COC, ez) REPAIR AND REBUILD EXISTING STONE
REVETMENT 12 Bay Shore Road, Hyannis Salt Marsh / Beach / Coastal Bank
- E. **EBB TIDE LLC.** SE3-5961 (COC, ez) Construct and Maintain Stone Revetment
28 Bay Shore Road, Hyannis Salt Marsh / Beach / Coastal Bank

A motion was made to approve A.- E.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Morin
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. Commissioner Sampou was absent.

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

VII. NOTICES OF INTENT

- A. **Mark A. & Scott E. Crosby, Trustees – 30 Crosby Circle Realty Trust.** To demolish and rebuild the existing single family dwelling with all associated appurtenances at 30 Crosby Circle, Osterville as shown on Assessor's Map 116 Parcel 022. SE3-6027

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

- Once the project is complete it will be outside Conservation jurisdiction.
- An innovative alternative septic system is not required but should be considered by the applicant.
- The representative will let the applicant know of the possible alternatives.

There was no public comment.

A motion was made to approve the project as submitted.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Gillmore, Hearn, Lee, Morin
Nay

Foster was unavailable to vote.

VIII. AMENDED ORDERS

- A. **Mark Landry.** Request to amend Order of Conditions SE3-5927 to include a boardwalk with kayak racks and non-motorized pier at 494 Elliott Road, Centerville as shown on Map 226 Parcel 192. **SE3-5927**

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

Comment letter from DMF dated August 30, 2022 was acknowledged and read into record.

Comment letter from Water Ways Committee dated August 25, 2022 was acknowledged. They were in approval of the project.

There were no comments from Marine and Environmental Affairs.

- The representative was commended on the design of the stairs at the end of the pier.
- There is a water service that comes down to the path. A plan revision will be submitted.
- Approximately 80 percent of the project is complete.
- They have decided not to do the fire pit and patio.
- The kayak racks are not in the marsh.
- The distance from the edge of water to the kayak rack looks like it may be very long. The racks could be built off the platform itself. It is very shallow in that location. Army Corp approval would be needed.
- The entire boardwalk is over saltmarsh.
- A question was raised if it could be made a little longer
- Construction protocol was reviewed.
- A written construction protocol should be submitted.
- There was discussion on if a time of year restriction should be included. It is not necessary.

A motion was made to approve the project subject to receipt of a revised plan showing the tree replanting locations and a written construction protocol to be prepared by the contractor. Seconded and voted unanimously by roll call.

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

IX. MINUTES

- A. August 16, 2022

A motion was made to approve the minutes as submitted.

Seconded and voted unanimously by roll call.

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

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

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

The time was 5:00 p.m.