



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: January 23, 2024 @ 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 live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <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/85634499381>

Meeting ID: 856 3449 9381

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.

### REMINDER TO APPLICANTS:

**FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230 SOUTH 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 Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Sampou and Tangney.

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

## I. OLD AND NEW BUSINESS

- A. Assent to Town of Barnstable's acceptance of Local Acquisitions for Natural Diversity (LAND) Grant Project Agreement with the Commonwealth of Massachusetts for the approximately 5.5 acres of land at 150 Wheeler Road on which a Conservation Restriction will be placed. The Commission previously voted on October 31, 2023 to accept and recommend that Town Council approve said CR and sent a letter of recommendation dated November 3, 2023, to Town Council recommending approval.

A motion was made that the Conservation Commission assent to Town of Barnstable's acceptance of Local Acquisitions for Natural Diversity (LAND) Grant Project Agreement with the Commonwealth of Massachusetts for the approximately 5.5 acres of land at 150 Wheeler Road on which a Conservation Restriction will be placed. The Commission previously voted on October 31, 2023 to accept and recommend that Town Council approve said CR and sent a letter of recommendation dated November 3, 2023, to Town Council recommending approval. Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

## **II. REQUESTS FOR DETERMINATION**

- A. Lawrence Hurwitz.** To replace existing walkway and deck with a proposed 2' cantilevered deck extension in area of former additional walkway at 95 Short Beach Road, Centerville as shown on Assessor's Map 206 Parcel 125. **DA-24002**

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

There were no questions from Commissioners.

Public comment: None

A motion was made to approve the project as a negative determination.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

## **III. NOTICES OF INTENT**

- A. Elizabeth Gould, Trustee.** To construct a proposed porch at 267 Scudder Road, Osterville as shown on Assessor's Map 139 Parcel 013.

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

Issues discussed:

- There was discussion on the waiver request.
- Section 704 states the granting of waiver states should be considered only under exceptional limited circumstances.
- There is room to improve the 0-50' buffer.
- There was discussion on the location of the mitigation area.
- Representative will look into offering more mitigation.
- The mitigation area is approximately 4' wide at the narrowest and 8-10 wide at the end.
- There was discussion on relocating the porch to get it out of the 50' buffer.
- The project meets the regulation requirements.
- There is a lot of mitigation being offered.
- The representative feels the mitigation being spread across the front of the existing vegetation is the best location.,
- A continuance is needed for issuance of the DEP number.
- A revised plan is needed to show the width of the mitigation area.
- A three-gallon sweet fern does not occupy a 4' area. Some additional plants should be considered.
- There does not seem to be an exceptional limited circumstance.
- The Commission guidelines require porches and three season rooms to be on sonotubes.
- The NHESP letter came in on 1/16/24.
- The NHESP Letter was reviewed.
- The representative offered to bump up the mitigation area to 5' wide and could add some additional woody vegetation.
- A continuance was requested to February 6<sup>th</sup> for issuance of the DEP number only.

Public comment: None

A motion was made to approve the project subject to receipt of a revised showing the additional mitigation area 5' in width and ten feet from the wall with woody plants and showing the cross sections of the porch, and continued to 2/6 for issuance of the DEP # only.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Sampou, Tangney

Nay – none

Commissioner Hearn was not available to vote.

- B. James Hempstead.** To demolish and rebuild a single-family dwelling on existing foundation, proposed pool and patio to south of the home at 11 Freezer Road, Barnstable as shown on Assessor's Map 300 Parcel 013.

The applicant was represented by Daniel Ojala, P.E. of Down Cape Engineering and Lauren Taylor from Crawford Land Management.

Issues discussed:

- Some dimensions need to be added to the plan for the pool.
- Only Phase 1 of the mitigation planting plan is part of this project.
- There was discussion on moving the pool 8' towards the road to get it a little further away.
- It aligns nicely with the house, to move it the 8' would put it very close to the driveway.
- This project as proposed is exceptional.
- The pool fits nicely within the geometry of the house.
- The abutter letter does not include any vista pruning or restoration.
- Crawford should stay the consultant for the restoration work and annual monitoring reports should be submitted for three years.
- The owner should be consulted to consider moving the pool.
- A suggestion was made to approve the project with the condition the owner could move the pool 8' if he desires.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan providing additional dimensions for the pool from the resource area, and allowing the owner to take a second look at the location of the pool. The Consultant will remain Crawford Land Management unless approved by staff and annual reports will be submitted for three years.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

- C. Gordon and Jane Slaney.** Replace existing inground pool, mechanicals, and wood patio with new inground pool and masonry or stone patio in existing footprint; maintenance of paths, entry stairs and decks at 878 Main Street, Cotuit as shown on Assessor's Map 035 Parcel 078.

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

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

#### IV. CONTINUANCES

- A. **Antonia Nedder.** Proposed extension of existing pier at 30 Oxford Drive, Cotuit as shown on Assessor's Map 021 Parcel 062. **SE3-6151 Continued from 01/16/24**

The applicant was represented by Hannah Raddatz of BSC Group.

The SE3# has been received.

Issues discussed:

- The date on the revised plan is January 22, 2024.
- The beginning of the structure is permanent and the rest of it is a seasonal fixed pier with a ladder on the side.
- The walkway going out is 4' wide.
- The end section will be 6'x10' and T shaped.
- The difference between the approved plan from 2014 and this plan is the first 12' section of this plan will be permanent, and the rest will be seasonal. It will be the same footprint, and same length.
- A partial COC was issued on the first 12' with the stipulation they could add the rest if desired.
- The other piers are between 16' and 34'. This pier is 35'.
- They want the length to get past the heavy vegetation, for a little extra depth for kayaking and swimming, and it was previously approved.
- This plan is an improvement as it is going from permanent to seasonal.
- The materials being used were reviewed.
- One of the issues brought up by an abutter was the trees missing. There was a follow up letter that there are not any trees missing.
- All issues from the last meeting have been answered.

Public comment:

Jim Redden – Sent in a comment letter. He is a professional engineer. Wants to make sure his comments were read and understood and that the rules are followed. The documents in the public file clearly show there was no pier extension in 2014. This should be considered a new application. The engineering firm sent in another revision late so there was no time to review it. The impact area of 148 sq. ft. being put in and out every year should be considered. He has lived on the pond for 10 years and water quality is deteriorating, they have formed a committee to try to reduce the problem. This project does not have any buffer zone mitigation.

Eric Kaiser – Would like the pier kept as small as possible.

Commissioner discussion continued

- Helical piles will be installed by handheld equipment.
- Seasonal deployment and extraction will also be done by hand.
- The posts are sitting on pads not jetted into the bottom.
- A note should be added to the plan that the aluminum legs will be sitting on a pad.
- In addressing the water quality issue brought up in public comment, the benefit of a dock is it makes it possible to use the water resource without disturbing the plants and the bottom sediment.
- There should be seasonal time of putting it in and out included in the OOC.
- Jim Redden was thanked for his comments.

A motion was made to approve the project subject to receipt of a revised plan showing the bottom of the aluminum leg is sitting on a pad, it will be a seasonal dock with installation between April and November and will be non-motorized.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

**V. CERTIFICATES OF COMPLIANCE**

(ez = no deviations, staff recommends approval) (\* = on-going conditions)

- |                        |                        |                                   |   |
|------------------------|------------------------|-----------------------------------|---|
| <b>A. SE3-5685</b>     | <b>Paul Roiff</b>      | (COC, ez*)                        | Construct Pool, Tennis Court, Driveway, and   |
| Landscape Improvements |                        | 160 Peppercorn Lane, Cotuit       | Salt Marsh / Coastal Bank                     |
| <b>B. SE3-6043</b>     | <b>William LeBlanc</b> | (COC, ez*)                        | Manage Invasive Plants / Plant buffer Strip / |
| One Time Vista Prune   |                        | 276 Holly Point Road, Centerville | Lake Wequaquet                                |

A motion was made to approve A. and B.

Seconded

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

**VI. MINUTES**

- A. 01/09/24

A motion was made to accept the minutes as submitted.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

A motion was made to adjourn the meeting.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

The time was 8:04 pm