



# Town of Barnstable Conservation Commission

230 South Street  
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: October 29, 2024 @ 6:30 PM**

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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.

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<https://townofbarnstable-us.zoom.us/j/86101249542>

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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.

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 Angela Tangney, Commissioners Abodeely, Hearn, and Sampou.

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

## I. REQUESTS FOR DETERMINATION

- A. Boston Gas Company.** Segment of gas main will be installed within the existing roadway and along the adjacent shoulder. The proposed activities involve excavation of a three foot wide by four foot deep trench which will be backfilled upon completion at portions of Lakeview Drive and Pleasant Pine Avenue. **DA-24052**

The applicant was represented by Nate Goshgarian of LEC Environmental.

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, Hearn, Lee, Tangney, Sampou

Nay – none

- B. Town of Barnstable DPW** – Proposed soil borings located within the water sheet of Hyannis Inner Harbor adjacent to 180 Ocean Street, 135 South Street, and 190 Pleasant Street as shown on Assessor’s Map 326 Parcels 068, 061, and 146. **DA-24053**

The applicant was represented by Jeramy Packard and Muraad Washington of Foth Infrastructure.

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, Hearn, Lee, Tangney, Sampou

Nay – none

- C. Jo-Ann Wilson.** Replace existing failing metal 550 gallon tight tank with 1,000 gallon plastic tight tank in same location as existing at 12 Pond Street, Centerville as shown on Assessor’s Map 230 Parcel 088. **DA-24054**

The applicant represented herself.

Issues discussed:

- JoAnn is a Title 5 inspector. She did the sketch plan.
- The engineering stamp can be waived for this RDA.
- This is a winning situation.

Public comment: None

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

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

Nay – none

- D. Eleanor Frechette.** To replace landscape wall along lower driveway at 492 Elliot Road, Centerville as shown on Assessor’s Map 227 Parcel 122. **DA-24055**

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

Issues discussed:

- This is a replace in kind project. There will not be a larger footprint.

Public comment: None

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

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

Nay – none

## **II. NOTICES OF INTENT**

- A. Jason Stone.** Proposed coastal dredging at 183 Bayshore Road, Hyannis as shown on Assessor’s Map 325 Parcel 180. **SE3-6223**

The applicant was represented by Roy Okurowski of WRS Engineering.

DMF Letter dated 10/28/2024 was read into record.  
NHESP Letter dated 10/28/2024 was read into record.  
Town Shellfish Biologist letter dated 10/29/2024 was read into record.

Issues discussed:

- There was a cover page that includes replacement of lift. That is not part of this project.
- Improvement dredging is not easily or often permitted.
- The boat is the same boat that is permitted.
- The area has filled in from 3.2 to 2.4 feet under the boat lift.
- This is not new dredging this is a case where the area has filled in. They are asking for it to be restored to the depth it was when it was permitted.
- There is enough draft to get out to the channel from the proposed dredge area.
- The dredging on the east side should be taken out of the project.
- There will be five years minimum before it will need to be re-permitted.
- The dredge footprint should be reduced.
- Similar dredging projects have been approved in the past.
- The one on Centerville River was questionable because it had filled in so fast. The Commissioners didn't understand why it filled in so fast.
- The boat lift was installed a couple of years ago, and the dock was in 2005.
- This is an easy approval of the project because the information and images of drift is obvious, it is a very minimal dredge, and the shellfish biologist is ok with the project.
- It is the source of the sediment. The purpose of the dredging and location. These are looked at on a case by case basis.
- This should not be considered improvement dredging.
- The consultant advised they will cut the footprint of the dredging in half.
- A revised plan is needed.
- There should there be a finding on the type of dredging.

Public comment: None

Finding: The Commission finds that this is not for maintenance dredging, it is simply returning it to the previous approved dredging depth for the boat used at the boat lift.

Aye –Abodeely, Foster, Hearn, Lee, Tangney, Sampou  
Nay – none

A motion was made to approve the project subject to receipt of a revised plan showing the 50 percent reduction of the dredging area, subject to staff review and time of year restrictions from DMF from January 15<sup>th</sup> to July 31st.  
Seconded.

Aye –Abodeely, Foster, Hearn, Lee, Tangney, Sampou  
Nay – none

- B. Charles E. Crowley.** To demolish existing single-family dwelling and detached garage and construct new single-family dwelling, detached garage/cabana, pool, and all associated appurtenances at 104 Great Bay Road, Osterville as shown on Assessor's Map 093 Parcel 011. **SE3-6224**

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

Issues discussed:

- The septic system is being replaced. It is strongly recommended to put in an AI system.
- The plan allows for something to be put in at a later date.
- The far end of the seawall already has a lot of vegetation. More mitigation should be put in the front.
- This is an opportunity to do more effective plantings.

- The existing plantings along the top are rosa rugosa. They have added approximately 5 ft additional band. They have mixed up the sizing and type of plants.
- The mitigation will not be mulched and will be allowed to naturally revegetate.
- James Bowes represents the owner. He is fine with moving some of the vegetation to the middle.

Public comment: None

A motion was made to approve the project revised plan showing the modified mitigation area in front of the coastal bank.

Seconded.

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

Nay – none

### **III. CONTINUANCES**

- A. U.S. Coast Guard.** To remove riprap to a minimum depth below MLLW to reduce the navigational hazard at Collier Ledge, a naturally shoaled area of Nantucket Sound in Barnstable, and to remove the toppled spindle tower, foundation, and riprap at Southwest Rock Daybeacon to a minimum depth below MLLW to reduce the navigational hazard near the south coast of Barnstable in Nantucket Sound. **SE3-6216 Continued from 10/01/24. Continuance requested to 11/12/24. WC Form received.**

A motion was made to approve the continuance request to November 12, 2024 without testimony.

Seconded.

Aye –Abodeely, Hearn, Lee, Tangney, Sampou

Nay – none

Foster not part of the quorum for this project.

- B. Marc Casper – CB Enterprises LLC.** Enhancement of Coastal Bank by the removal of invasives, select pruning of lower and fallen branches, and planting of native species. Also, repair and maintenance of existing brick retaining wall and steps at 315 Main Street, Osterville as shown on Assessor’s Map 164 Parcel 003-001. **SE3-6207 Continued from 10/1 and 10/15. Withdrawn.**
- C. Town of Barnstable DPW – Engineering Division.** Removal and replacement in kind of the existing damaged raised boardwalk at Kalmus Beach Park, 670 Ocean Street, Hyannis as shown on Assessor’s Map 324 Parcel 041. **SE3-6222 Continued from 10/15/24**

The applicant was represented by Matt Wrobel from Barnstable DPW.

The NHESP letter dated October 29, 2024 was read into record.

Issues discussed:

- Will ongoing maintenance be needed. It would be to maintain any sand that blows on top of the walkway.
- There could be an edge added so sand doesn’t encroach.
- There is a dune close to the end of the boardwalk that has a good amount of vegetation. A suggestion was made to extend the length coming from the tarmac another five feet and then angle it toward the water to give some space between the boardwalk and the developing dune.
- It could be done, the only issue would be that it will not be the same exact footprint that currently exists, and the encroachment on the other dune would be more significant.
- The plan would need to be revised and re-sent to NHESP.
- There was discussion if relocating the boardwalk would do more damage than good.
- The on-going maintenance for could ask for 6” on either side of the boardwalk be done by hand shovel.

- They will have to cut into vegetation to install the boardwalk.
- The boardwalk is being relocated more away from the dune.
- They will be doing minor cutting. Future maintenance will be running along the edge of the boardwalk with a shovel or broom swept so they are not causing coastal dune impacts in the future.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing new location of the boardwalk and allow for ongoing maintenance of removing sand from the boardwalk.

Seconded.

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

Nay – none

#### **IV. CERTIFICATES OF COMPLIANCE**

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

<b>A. SE3-5356</b>	<b>Joan M. Legraw</b> <b>110 Allyn Lane, Barnstable</b>	(COC, ez)	Invasive species & phragmites management.
<b>B. SE3-5947</b>	<b>Patrick K. &amp; Kimberly Picullel Coughlin</b> <b>186 Lake Elizabeth Drive, Centerville</b>	(COC, ez*)	Replace existing foundation with raised dwelling, second floor addition, dormers, replace & enlarge deck, patio & walls, parking.
<b>C. SE3-6155</b>	<b>Elizabeth Gould</b> <b>267 Scudder Road, Osterville</b>	(COC, ez*)	Construct a porch.
<b>D. SE3-6093</b>	<b>Christopher Sanford</b> <b>528 Craigville Beach Road, Centerville</b>	(COC, ez*)	Elevated deck expansion.

A motion was made to approve A. – D.

Seconded.

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

Nay – none

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

The time was 7:55 p.m.

