



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: April 16, 2024 @ 3:00 PM

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Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice-Chair Louise Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, and Tangney. Commissioner Sampou was absent.

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

I. OLD/NEW BUSINESS

A. Final discussion on restoration of pipe between two wetlands at 3009 Main Street, Barnstable.

Agent Ed Hoopes gave an update on the project and asked the Commission to accept an as built plan to close out the file.

Mosquito Control has no issues with the current location of the pipe.
Water is flowing between the wetlands.

Compliments were given to the new homeowner for working with the Commission.

A motion was made to accept the current elevations and request for the as built drawings showing the benchmark, the pipe invert, 2" water surface, and a couple of spot grades on the flow rate submitted by May 1, 2024.

Seconded.

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

Nay – none

II. REVISED PLANS

Project Type

Revisions

A. Adam Hostetter SE3-6012
401 Ocean Street, Hyannis

Raze and replace SFD

Modifications to rear patio

The applicant was represented by Kieran Healy, PLS of BSC Group.

Issues discussed:

- There is a 2' difference between the bottom of the leaching pit and ground water level.

A motion was made to approve the revised plan as submitted.

Seconded.

Aye – Abodeely, Foster, Gilmore, Lee, Hearn

Nay – None

Abstain - Tangney

B. Christina & Alger Corsiglia SE3-5950
65 Waterman Farm Rd., Centerville

Raze and replace SFD

Renovations to existing dwelling, addition and porch

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

Issues discussed:

- The most substantial change is that they are not demolishing the structure.
- The plantings will be the same as the original approved project.
- Hardscape comparison differences in the 0-50’ and 50-100’ buffers was reviewed.
- The mitigation was recalculated and is on the revised plan.
- They needed 150 sq. ft. of additional mitigation. They have met the minimum requirements for mitigation.

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay – none

C. Craig & Maria Cornwall SE3-4882
40 Waterman Farm Road, Centerville

SFD

Add swim spa

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

Issues discussed:

- The draw-down for the swim spa will be the rinse station around the corner.
- The rinse station is not labeled on the plan.
- A revised plan should be submitted.
- A drywell should be required.

A motion was made to approve the project subject to receipt of a revised plan with the addition of a plastic dry well.

Seconded.

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

Nay – none

- D. Joshua Garvey SE3-5704 Raze and replace SFD Add drainage/leaching area
111 George Street, Barnstable

The applicant was represented by Chris Childs from Patriot Builders.

There were no questions from Commissioners.

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay – none

III. WARNING LETTERS

- A. Allen & Jone Dalezman - 355 Baxters Neck Road, Marstons Mills – Map 075 Parcel 007.002.
Unpermitted tree cutting within 50’ of wetland resource area – coastal bank (State and Town defined).
- Noted

IV. NON-CRIMINAL CITATIONS

- A. Jane Ellis Alteration of a Buffer to a Wetland Resource Area – Coastal Bank
(State & Town defined) – by unpermitted tree cutting at 355 Baxters
Neck Road, Marstons Mills \$200
- Noted

V. REQUESTS FOR DETERMINATION

- A. **Linda and Kenneth Polivy.** Remove two Beech Trees that have Beech Leaf Disease located on the south property line at 312 Holly Point Road, Centerville as shown on Assessor’s Map 232 Parcel 028. **DA-24018**

The applicant represented himself.

Issues discussed:

- There is Commission support for removing the trees.
- There was discussion of where and how the trees will be disposed.
- Bartlett Tree Company is very aware of the diseased tree problem and should have protocols for the disposal.
- The applicant was asked to submit an explanation from Bartlett Tree stating the disposal procedure.

Public comment: None

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

Seconded.

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

Nay – none

- B. **Paul B. Thompson.** Construct an 8’ x 16’ pergola (sunshade) in the rear of house at 36 Clamshell Cove Road, Cotuit as shown on Assessor’s Map 006 Parcel 008. **DA-24019**

The applicant represented himself.

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, Tangney

Nay – none

C. Leonard Zon and Lynda Schneider. Proposed vista pruning at 360 North Bay Road, Osterville as shown on Assessor’s Map 072 Parcel 003. **DA-24020**

The applicant was represented by Sean Riley, P.E. from Tighe and Bond.

Issues discussed:

- The bank does not have any understory other than grass. It is in very good shape but there is worry about long term stability.
- Wilkinson Ecological has been retained and has a full restoration plan for the bank and on the rock revetment which will be submitted when this project is completed.
- Staff should be contacted prior to any vista pruning.
- The revised plan is dated April 14, 2024.

Public comment: None

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

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

Nay – none

VI. NOTICES OF INTENT

Items taken out of order. Item F. Mary Dunn Road DPW project was taken first.

A. Town of Barnstable – DPW Construction of a parking area to provide access to the proposed Phase III of the Cape Cod Rail Trail Shared Use Path consisting of new 13 space paved parking area with associated access paths, gates, granite curbing, wooden railings and new stormwater management features at 0 Mary Dunn Road, Barnstable as shown on Assessor’s Map 247 Parcel 002-001. **SE3-6169**

The applicant was represented by Paul Graves of Town of Barnstable – DPW, Steve Rhoads and Dan Cannata of VHB.

Issues discussed:

- The stormwater report needs to be reviewed by the Chair.
- The 16” water main on Mary Dunn Road is part of this project.
- The description of the project did not include the water main portion of the project.
- These water mains are new and not under existing pavement.
- This part of the project is in the 50’ – 100’ buffer.
- Staff is ok with the filing as submitted.
- The project could start late fall of this year.

Public comment: None

A motion was made to approve the project as submitted subject to review of the storm water report by the Chair.
Seconded.

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

Nay – none

- B. Hyannis Harbor Tours, Inc.** To permit emergency dredging and future maintenance dredging at 220 Ocean Street, Hyannis, MA as shown on Assessor’s Map 326 Parcels 069, 070, and 071-001. **SE3-6176**

A continuance was requested to April 30, 2024.

A motion was made to approve the continuance request without testimony to April 30, 2024.

Seconded.

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

Nay – none

- C. Susan S. McPherson, Trustee – McPherson Investment Trust.** Proposed management of invasive, non-native aggressive species and restoration with native plant communities at 41 Hawthorne Avenue, Hyannis as shown on Assessor’s Map 286 Parcel 002. **SE3-6174**

The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting and Ian Peach from Wilkinson Ecological Design.

Issues discussed:

- The invasive species work that goes up to and into the salt marsh needs to be done by a CERP. A change in contractor needs to be approved by staff.
- This area will be hand work only.
- Clarification was requested on the Management Plan and if they would like to include management as an ongoing condition.
- Annual reports for ongoing conditions should also be required after the COC is issued.
- Commissioners feel this is a good project.
- There are some red cedar trees being removed and replaced in kind with other species. A question was raised if the cedars should stay.
- Consultant feels there are better options than the cedar trees for the wildlife community, pollinators, and to add some diversity.
- The 4’ path is for safe egress for the family, and will minimize disturbance across the resource area.
- There should be a condition on how the path will be maintained.

Public comment: None

A motion was made to approve the project subject to Wilkinson Ecological will be the CERP, if there is any change written notification will be given to and approved by staff, annual reports for three years, on-going invasive species control in the 50,000 sq. ft. area to be performed by the CERP with reports submitted when they do maintenance, and maintain the 4’ path by mowing for access.

Seconded.

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

Nay – none

Commissioner John Abodeely left the meeting at 4:35 The commission took a 5 mintue break

- D. Robin Reisman 1999 Revocable Trust and Town of Barnstable Conservation.** To remove approximately 20,000 s.f. of invasive Phragmites at 21 and 23 Waterman Farm Road, Centerville as shown on Assessor’s Map 206 Parcel’s 077 and 075. **SE3-6178**

The applicant was represented by Steven Lee of Wilkinson Ecological Design.

Issues discussed:

- Commissioners feel this is a great project.
- There should be a special condition that the work should be done by a CERP and annual reports submitted for three years. An ongoing condition for maintenance after the COC is issued is requested.

Public comment: None

A motion was made to approve the project subject to Wilkinson Ecological will be the CERP, if there is any change written notification will be given to and approved by staff, annual reports to be submitted for three years, on-going invasive species control to be performed by the CERP with reports submitted when they do maintenance.

Seconded.

Aye – Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

- E. Lev Ludin.** Construction of a 6' x 18.3' house addition, a 5.3' x 11.9' deck addition, pond access stairs, removal of one tree and mitigation plantings at 21 Scottsdale Road, Centerville as shown on Assessor's Map 229 Parcel 064. **SE3-6177**

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

Issues discussed:

- The lawn goes all the way down to the water line. The mitigation is proposed on the side of the property.
- There is erosion around one of the stumps. The location of the mitigation plantings needs to be along the waterline.
- The Consultant stated the grading is very steep and is heavily shaded near the water line. Because the water level is so high the edge will be difficult to plant and more erosion could be caused by the planting.
- They could stop mowing the lawn up to the water edge to help with erosion.
- Around the stump the grass is not growing because of the erosion.
- The mitigation should be put in an area to help the erosion.
- There are spots that do not have much shade where mitigation could be put in.
- The materials used for the stairs should be documented.
- The representative will look into moving some of the mitigation near the waterline.
- Planting shrubs will cause more erosion in the area.
- The area on both sides of the stairs seems to be a flatter area where some mitigation could go.
- If a revised plan is needed more detail on the stairs needs to be submitted.
- Masonry stairs are not usually approved. Normally lumber stairs with gravel is approved.
- Any mitigation on a slope needs to have demarcation.

Public comment: None

A continuance was requested to show the new mitigation area, details on the in ground steps, and demarcation of the mitigation to April 30th.

A motion was made to approve the continuance request to April 30, 2024.

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

- F. Town of Barnstable – DPW.** Abandonment of the existing Mary Dunn #4 well and demolition of the well building installation of associated underground electric and communication conduit to service the new well

building across the street at 0 and 789 Mary Dunn Road, Barnstable as shown on Assessor's Map 331 Parcels 005 and 003-003. **SE3-6175**

The applicant was represented by Mike Tieu of Barnstable DPW, and Stephanie Collins and Megan Kearns with Weston and Sampon.

Issues discussed:

- The well was abandoned due to high iron. There were no PFAS in the area.
- NHESP was notified at the original filing and is still valid.
- The DEP comments were reviewed and a response was submitted dated April 9, 2024 by Weston & Sampson.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

- G. Town of Barnstable – M.E.A.** Relocate upper and lower parking lots, enhance dune, dune nourishment maintenance, relocate gate house including new travel lane and new parking spaces, emergency access path from the lower parking lot to the ORV trail, stormwater management, enhancement of ORV trail entrance, conversion of old gate house area to air up spaces, with exit and entrance lanes, compressors and parking spaces at 425 Sandy Neck Road, West Barnstable as shown on Assessor's Map 263 Parcel 001. **SE3-6179**

The applicant was represented by Nina Coleman, Town of Barnstable, Leslie Fields, Justine Rooney of the Woods Hole Group, Amber Unruh TOB, Tim Grace from Tighe and Bond and Tom O'Neil from the Sandy Neck Board.

Leslie Fields of The Woods Hole Group presented the project to the Commissioners.

Issues discussed:

- The Conservation Permit should be received by late June.
- The Commission is in support of the project.
- All questions have been answered.
- The project team has done a great job.

Public comment: None

A motion was made to approve the project subject to review of the stormwater report by the Chair, a preconstruction meeting with staff, the time of year restriction received from NHESP shall be adhered to, up to 4,000 cubic yards of dune nourishment with compatible sand will be allowed if needed with documentation submitted to staff of how much storm damage there has been to the beach area and how they will access the beach to do the nourishment, submit a copy of the Conservation Management Plan and permit when received, the CR needs to be reviewed by the Town Attorney and, Nina Coleman will be supervising the plantings, They will use Ameri-Corp, UCT students, and scouts to help with plantings. Annual reports will be submitted for three years to review what has been planted and how the plantings are doing by Nina Coleman.

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

VII. CONTINUANCES

A. Diana Gerbereux/Whistleberry Residents Association. Seeking approval of an unpermitted, existing elevated wood walkway and deck with request to repair it on property located at 96 and 100 Waters Edge, Marstons Mills as shown on Assessor's Map 061 Parcel 038 and Map 062 Parcel 046. **SE3-6170 Continued and revised from 4/2/2024. WC Form received.**

The applicant was represented by Rich Tabaczynski, Ben King and Alex Kane from of Atlantic Design Engineers, and Diana Gerbereux of Whistleberry Residents Association.

Issues discussed:

- 1/2" facing on decking will be allowed for the project.

Public comment: None

The NHESP letter dated April 1, 2024 was read into record.

A motion was made to approve the project as submitted.

Seconded.

Aye – Gilmore, Lee, Hearn, Tangney

Nay – none

Abstain - Foster

B. Luongo Real Estate, LLC. To demolish existing dwelling, garage and pool, and construct new dwelling, garage and pool with all associated appurtenances at 222 Fifth Avenue, Hyannis Port as shown on Assessor's Map 245 Parcel 133. **SE3-6171 Continued from 4/2/24 WC Form received.**

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

Issues discussed:

- An A/I septic system was suggested.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

C. Bruce Rideout. To construct a 13x15 four season porch, 10x14 shed, replenish beach sand, remove invasives and repair retaining walls at 73 Lake Drive, Centerville as shown on Assessor's Map 230 Parcel 085. **SE3-6172 Continued from 4/2/24. WC Form received.**

The applicant was represented by Amanda Cavaliere of Guerriere & Halnon, Inc.

A revised plan dated April 10, 2024 was previously submitted.

Issues discussed:

- The initial plan had landscaping around the addition. The landscaping is still part of the project.
- The plants selected for mitigation were reviewed.
- The plantings in the 50' buffer should not include knockout roses. They should be native plants on the approved planting list.
- Areas between the 50-100 could include plantings not on the list. Mitigation in the 50' buffer should be selected from the approved list.
- It could be approved subject to receipt of a revised plan showing updated mitigation plantings.

- The homeowner was thanked for working with the Commission to lower the impact on the resource.
- Stairs would require an Amended Order not a revised plan.

Public comment: None

A motion was made to approve the project subject to receipt of a revised landscaping plan, subject to approval by staff.

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

VIII. CERTIFICATES OF COMPLIANCE

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

A. SE3-5770	Bernadette T. Rehnert (COC, ez*) 398 East Bay Road, Osterville	Construction of Boardwalk Coastal Bank, Beach, BVW
B. SE3-5868	Anthony & Mary Balsamo, Tr. (COC, ez*) 1204 Craigville Beach Road, Centerville	Construction of a pool Coastal Bank, Riverfront

A motion was made to approve A. and B.

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

A motion was made to adjourn the meeting.

Seconded.

Aye –Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

The time was 6:30 p.m.