



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

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

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION HEARING

DATE: May 11, 2021 @ 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 as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

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/92011282511>

Meeting ID: 920 1128 2511

888 475 4499 US Toll-free

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 by roll call at 6:30 p.m. by Chair F. P. (Tom) Lee.

Present were Abodeely, Foster, Houle, Gillmore, Lee, Morin, Sampou, Administrator Darcy Karle, Administrative Assistant Kim Cavanaugh.

I. NOTICES OF INTENT

- A. **Robert E. Langway Jr., Trustee, NAMC Nominee Trust/Travis & Rachel Rhodes.** To demolish the existing dwelling and construct a new dwelling with detached garage and all

associated appurtenances at 347 and 377 Sea View Avenue as shown on Assessor's Map 138
Parcels 023 and 032. **SE3-5879**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting
and Caitrin Higgins of Wilkinson Ecological Design.

Issues discussed:

- A question was asked if the razing and reconstruction is to get it out of the flood zone. The house is constructed with a dated design and it is difficult to upgrade to a standard design. Owner wanted a different layout.
- Elevation plans should be submitted.
- There was a discussion on the pine trees marked for removal and how are they going to be replaced. They are dead or dying non-native pines 12 total. They are scattered along the coastal bank. There is an absence of trees along the bank area.
- Commission would like to see some trees added.
- The platform being replaced near the bulkhead is the same sq. footage as existing. They are using ACQ or Trex material.
- 3 year monitoring reports will be submitted.
- Dead trees provide an excellent habitat. A large scale removal of trees is a concern.
- Three eastern red cedars and two pitch pines are being put in. Could plant a few more pitch pines and leave some that are existing in.
- Pitch pines are native. The ones being taken out are non-native black pines.
- There are 12 being removed with not enough replacement. There is one that does not appear dead and should remain.
- The relocation of the deck the area should be replanted and should be shaded in green on the plan.
- Special condition that Wilkinson will stay the consultant unless approved by staff.
- They will add some additional trees and leave some existing trees.

There was no public comment.

A request was made for a continuance to June 8, 2021.

A motion was made to continue the matter until June 8, 2021.

Seconded and voted by roll call:

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

Nay – none

- B. **Christopher Dooley.** Construct and maintain a single-family dwelling, garage, new Title 5 sewage disposal system, rear screen porch, covered front porch, covered porch by garage, rear patio, ac/generator, roof gutters to connect downspouts into drywells, with the associated clearing, grading, utilities, and landscaping at 51 Fullers Marsh Road, Cotuit as shown on Assessor's Map 006 Parcel 040. **SE3-5880**

The applicant was represented by Mark Dibb, P.E. of Cape & Islands Engineering.

Issues discussed:

- The house looks like it is in good condition. The existing structure is going to be used as a recreational facility.

There was no public comment.

A motion was made to approve the project as submitted.
Seconded and voted by roll call:
Aye – Abodeely, Foster, Houle, Gillmore, Lee, Morin, Sampou
Nay – none

C. **Vincent and Kathleen Iernio.** Replacement of existing stairway leading to Hamblin Pond at 40 Lauren Drive, Marstons Mills as shown on Assessors Map 102 Parcel 212. **SE3-5878**

The applicant was represented by Dan Ojala, P.E. of Down Cape Engineering and Consulting.

Issues discussed:

- It would do more harm than good to remove the existing concrete structure.
- The material used will be wood, probably southern yellow pine. There are normally special conditions on the material used and spacing. 3/4” spacing is recommended. No solid risers. Standard conditions.
- It was noted at during the site visit that the shoreline has a pallet, a kayak rack and storage shed. The pallet should be removed and the kayak rack and shed should be added to the plan. The shed could be moved up to the bigger landing.
- There was a discussion about the rocks that have been picked up and placed in a line at the edge of the bank. . They should be re-scattered, not lined up along the bank. It is not good for functioning biology.
- Some movement would be helpful but pulling them all up may not be beneficial.

There was no public comment.

Ann Hayward, neighbor asked about the access to the pond and the protocol for filing a project of their own. She will contact Dan Ojala outside of the meeting.

A continuance was requested to June 8th, 2021, for the sole purpose of receipt of the NHESP letter and any comments.

A motion was made to approve the project subject to receipt of a revised plan showing kayak rack, and storage box moved up to one of the decks on the stairs, and receipt of the NHESP letter.

Seconded and voted by roll call:
Aye – Abodeely, Foster, Houle, Gillmore, Lee, Morin, Sampou
Nay – none

II. CONTINUANCES

A. **Ronald Welch.** Raze and replace existing dwelling at 173 West Street, Osterville as shown on Assessor’s Map 139 Parcel 002. **Continued from 4/27 for issuance of DEP # and comments only. SE3-5877**

The DEP number was issued without any comments.

A motion was made to close the public hearing and authorize staff to issue the Order of Conditions.

Seconded and voted by roll call:
Aye – Abodeely, Foster, Houle, Gillmore, Lee, Morin, Sampou
Nay – none

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

- | | | | | |
|----|-------------------------------|----------|--------------|---|
| A. | Staudt | SE3-5172 | (coc, ez) | construct & maintain pier, ramp, float * |
| | 95 Eel River Road, Osterville | - | West Bay | |
| B. | Audubon Acres | SE3-4603 | (coc, ez) | driveway/roadway; utilities; grading * |
| | 4 Daffodil Lane, Barnstable | - | wooded swamp | |
| C. | Kozloff | SE3-4609 | (coc, ez) | invasive species/ phragmites management * |
| | 73 Eel River Road, Osterville | - | West Bay | |

A motion was made to approve A-C.

Seconded and voted by roll call:

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

Nay – none

IV. MINUTES

A. April 27, 2021

A motion was made to accept the minutes as written.

Seconded and voted by roll call:

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

Nay – none

A motion was made to adjourn.

Seconded and voted by roll call:

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

Nay – none

The time was 7:25 pm.