



**Town of Barnstable  
Conservation Commission**  
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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: June 8, 2021 @ 6:30 PM**

**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/94565488230>

Meeting ID: 945 6548 8230

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.

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.

The meeting was called to order by roll call at 6:30 p.m. by Chair F. P. (Tom) Lee.

Present were Commissioners Abodeely, Foster, Houle, Gillmore, Lee, Morin, Administrator Darcy Karle, Administrative Assistant Kim Cavanaugh. Commissioner Pete Sampou was absent.

**I. REQUESTS FOR DETERMINATION**

- A. **Commonwealth of Massachusetts Coastal Railroad.** To renew the previously approved wetland delineation along the Massachusetts Coastal Railroad right-of-way in Barnstable. **DA-21033 Continuance requested to 6/22/21.**

A motion was made to continue the project to June 22<sup>nd</sup> without testimony.

Seconded and voted by roll call:

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

Nay – none

- B. **Teresa Hanafin.** Vista pruning to restore view of Mystic Lake from deck at 239 Regency Drive, Marstons Mills as shown on Assessor's Map 064 Parcel 043. **DA-21034**

The applicant represented herself along with Arborist Pete Childs.

Issues discussed:

- The area to be pruned and topped was discussed.
- The cut should be undulating, not a straight cut.
- The width of the view corridor was discussed.
- Some trees only need to be trimmed, not topped.
- The amount of topping was discussed.
- Removing of the cut material was discussed. They would like to leave it as habitat.
- Vista pruning only applies to the 50' buffer. Beyond the 50' to 100' pruning would be allowed with staff approval.
- The advantage to identifying the trees to be cut is it is easier if they would like to do it again.
- There is concern of how it will look from the water if the material is left after cutting.
- The 50' buffer would bring it almost up to the pool.
- If approved this could be conditioned for longer than 3 years.
- There is a large black corrugated pipe near the steps on the Association side that needs to be identified. It is from the gutters on the house. Drywells should be put in if they come to the Commission for any work to the house.
- The cuttings will be small enough that they will not be seen from the beach.
- Cutting in the wetland was discussed. There should be a finding for an exception.
- No materials should be left in the wetlands.
- Staff needs to approve any cuts that will be made.

There was no public comment.

A motion was made for a finding that this is a special circumstance on this property the Commission will allow, consistent with staff approval, cutting within the wetland area and topping of trees approved by staff.

Seconded and voted by roll call:

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

Nay – none

A motion was made to approve a negative determination subject to a having Mr. Childs mark the trees prior to meeting with the staff. Staff will determine where to allow the cuttings to be placed and the length of cuttings. Any change in the arborist (Peter Childs) will require written notification to Conservation Agent.

Seconded and voted by roll call:

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

Nay – none

- C. **Leonid Fonaryov.** Proposed pavement of driveway at 65 Pinecrest Road, Centerville as shown on Assessor's Map 247 Parcel 125 003. **DA-21035**

The applicant has withdrawn the application without prejudice.

## **II. NOTICES OF INTENT**

- A. **Green Dunes Beach Association, Inc.** Proposed improvements to include a walkway, stairway, kayak racks and seating area at 185 Green Dunes Drive, Centerville as shown on Assessor's Map 245 Parcel 022. **SE3-5887**

The applicant was represented by John O'Dea from Sullivan Engineering and Consulting.

There were no questions from Commissioners.

There was no public comment.

The width of the path is normally allowed to be 4' wide. Because it is an association they can accept the 5' wide path.

A motion was made to approve the project as submitted.

Seconded and voted by roll call:

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

Nay – none

- B. **Christopher Bushing.** Raze and replace existing free standing garage at 39 Hilliards Hayway, West Barnstable as shown on Assessor's Map 136 Parcel 048. **SE3-5888**

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

NHESP letter was read into record.

Issues discussed:

- The garage is slightly larger than the existing garage. The existing grade will remain.
- There will be gutters and down spouts for roof run off.
- There is no plumbing in the garage.
- A question was raised if pulling the structure back had been considered. They could only move it 6" closer to the street. It is a small lot.
- It does not seem to be a constrained sight.
- There should be more plantings, not an in lieu fee.
- This garage is going right into the bank. A tree will also need to be removed.
- There was no staking for the mitigation.
- If moved 6" and extend mitigation plantings the Commission would consider approval.

There was no public comment.

A motion was made to approve this application as submitted subject to receipt of a revised plan showing rock demarcation, date of the wetland flagging, moving garage north toward the road and increased mitigation area. The revised plan shall show the current location of the stones and the demarcation of the new mitigation area.

Seconded and voted by roll call:

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

Nay – none

### **III. CONTINUANCES**

- 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 Continued from 5/11/21.**

The applicant was represented by John O’Dea of Sullivan Engineering and Caitrin Higgins from Wilkinson Ecological Design.

A revised plan dated May 27, 2021 was submitted.

There were no questions from Commissioners.

Will need 3 year monitoring reports.

There was no public comment.

A motion was made to approve the project based on the revised plan submitted (dated May 27, 2021) and annual monitoring reports. Wilkinson Ecological will complete the restoration, any change in contractor will require written notification to the Conservation Agent.

Seconded and voted by roll call:

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

Nay – none

- B. **Vincent and Kathleen Isernio.** Replacement of existing stairway leading to Hamblin Pond at 40 Lauren Drive, Marstons Mills as shown on Assessors Map 102 Parcel 212. **SE3-5878 Continued from 5/11/21 for NHESP only**

NHESP letter was read into record.

A motion was made to close the public hearing and instruct staff to issue the order of conditions.

Seconded and voted by roll call:

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

Nay – none

- C. **C-O-MM Fire District, Water Department.** To re-permit work previously approved under SE3-5009, construction of a drinking water pumping facility for an existing gravel packed groundwater well on an existing and cleared site at 0 Old Post Road, Marstons Mills as shown on Assessor’s Map 042 Parcel 009. **SE3-5886 Continued from 5/25 for the purpose of receipt of SE3# and comments from NHESP.**

A copy of the NHESP comment letter was submitted by the applicant and read into record.

The updated turtle plan addresses the comments from NHESP.

There was no public comment.

A motion was made to close the hearing, incorporate the turtle plan and allow staff to issue the order of conditions.

Seconded and voted by roll call:

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

Nay – none

**III. CERTIFICATES OF COMPLIANCE**

(ez = no deviations, staff recommends approval)

(\* = on-going conditions)

- |    |   |          |                |  |
|----|---|----------|----------------|--|
| A. | Hyannis Harbor Tours<br>220 Ocean Street, Hyannis | SE3-5302 | (coc, ez)<br>- | passenger-access improvements *<br>Hyannis inner harbor                          |
| B. | Poti<br>879 Craigville Beach Road, Centerville    | SE3-5404 | (coc, ez)<br>- | raze & construct single family dwelling *<br>Nantucket Sound at Craigville Beach |
| C. | Christopher<br>73 Eel River Road, Osterville      | SE3-5437 | (coc, ez)<br>- | construct dock, ramp, & float *<br>West Bay                                      |

A motion was made to approve A-C.

Seconded and voted by roll call:

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

Nay – none

#### **IV. MINUTES**

##### **A. May 4, 2021**

A motion was made to accept the minutes as written.

Seconded and voted by roll call:

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

Nay – none

There was a discussion on future meetings being held in person vs. zoom.

A motion was made to adjourn.

Seconded and voted by roll call:

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

Nay – none

The time was 7:33 pm.