



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: April 30, 2024 @ 6:30 PM**

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### Remote Participation Instructions

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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/84460792270>

Meeting ID: 844 6079 2270

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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 George Gillmore, Commissioners Abodeely, Hearn, and Tangney. Commissioner Sampou arrived at 6:40 p.m.

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

## I. OLD AND NEW BUSINESS

- A. Proposed Conservation restrictions – Commission's review and vote whether to approve as written or edit the following:
  1. Lot 1 and 2 Conservation Restriction, portion of 150 and 178 Wheeler Road, Marstons Mills, 4.5 acres; and
  2. Lot 3 Conservation Restriction, portion of 150 Wheeler Road, Marstons Mills, 5 acres.

Presented by Barnstable Land Trust Executive Director Janet Milkman, said restriction to be reviewed and approved by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs.

Issues discussed:

- The Town Attorney Kate Connoly has reviewed the Conservation Restrictions.
- The Conservation Division will not have any responsibility for management, maintenance or monitoring.
- Barnstable Land Trust will manage the land and The Compact of Cape Cod Conservation Trusts will be doing the annual monitoring.
- The delay in approval is because takes at least a year to do a conservation project. The restrictions are taking months and months to be reviewed by the state.

Commission Sampou arrived at 6:40 p.m.

A motion was made to approve the three conservation restrictions as written and authorize the Chair to prepare and submit a support letter to the Town Council.

Seconded.

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

Nay – none

Abstain - Sampou

## **II. REQUESTS FOR DETERMINATION**

- A. Stephen McElheny Family Trust.** Upgrade failed cesspool/system at 14 Clamshell Point Lane, Cotuit as shown on Assessor’s Map 006 Parcel 007. **DA-24021**

The applicant was represented by Darren Meyer, R.S. of Meyer & Sons, Inc.

Issues discussed:

- The application has been approved through the Board of Health.

Public comment: None

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

Seconded.

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

Nay – none

- B. Amy Daubert.** Proposed installation of a 6’ tall stockade fence and planting of three cedar trees along the eastern perimeter of the property and planting of three cedar trees at 113 Hayes Road, Centerville as shown on Assessor’s Map 210 Parcel 094. **DA-24022.**

The applicant was represented by Paul Mancuso, WPIT of BSC Group.

Issues discussed:

- The “beach” should be marked on the plan.
- The plan cannot be revised on an RDA.
- Because the word beach is on the plan it does not mean the beach area is accepted by the Commission.
- There was discussion about the clearance under the fence. Only the first 50 feet of the fence will have an 18” clearance.
- The fence height is six feet.

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

### **III. NOTICES OF INTENT**

**A. Kevan & Linda Gibson.** To construct a +/- 400 SF accessory structure at 89 Seapuit River Road, Osterville as shown on Map 070 Parcel 009-011. **SE3-6180**

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

Issues discussed:

- The structure will be used for home office space. There will be no bathroom or running water. There will also be a room that has a cold tub, ice bath.
- The drainage structure for the roof run off can be used for draw down of the cold tub.
- Power will run underground from the house to the structure.
- It should be shown on the plan.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the electrical cable running to the accessory structure.

Seconded.

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

Nay – none

**B. 294 Seapuit Road Realty Trust.** To construct a driveway at 294 Seapuit Road, Osterville as shown on Assessor’s Map 095 Parcel 011.

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

Issues discussed:

- There are five drainage structures along the driveway.
- The surface will probably be gravel, but may be asphalt.
- There will be a corral for goats to keep them out of the 50’ buffer.
- The grading change along the haybales should be monitored until the area re-vegetates. It should have both waddles and siltation fencing.
- Any animals will be fully fenced on the landward side of the driveway.
- The owner addressed the Commissioners. The animals will be in a fenced area for their own protection.
- There is a path that connects to a Way on the north side of the property. It will not be used for an animal trail.
- The path is not needed.
- It will be removed from the plan.
- The limit of work line will be double row haybales or waddles, trenched in silt fencing, monitored after a heavy rain event and a 10’ band of jute netting will be added for the grass.

Public comment: None

No DEP number has been issued.

A continuance was requested to May 7<sup>th</sup> for issuance of a DEP number only.

A motion was made to approve the project subject to no animals in the 50’ buffer, a double row haybales, trenched in silt fencing, a 10’ band of jute netting at the work limit line, and monitoring after a heavy rain event, with a continuance to May 7<sup>th</sup> for issuance of the DEP number.



Nay – none

The time was 7:33 p.m.