



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Revised 12/08/22 to Amend II.
B. Originally posted 12/8/22
@ 9:44 a.m.

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

FAX: 508-778-2412

AGENDA – CONSERVATION COMMISSION HEARING

DATE: December 13, 2022 @ 3:00 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.

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://townofbarnstable-us.zoom.us/j/87343618547>

Meeting ID: 873 4361 8547

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, 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.

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.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230 SOUTH STREET, HYANNIS, 02601

NEW* Conservation Commission meeting materials are available through Laserfiche. Links to application materials can be accessed [HERE](#).

3:00 PM AGENDA

I. OLD AND NEW BUSINESS

A. Annual Sandy Neck Report

II. EXTENSION REQUESTS

A. Yasmine Realty Limited SE3-5650

Maintenance dredging

3 years (1st request)

253 Seapuit River Road, Osterville

maintain existing ramp and floats

B. Magnolia Avenue Realty Trust SE3-5118
38 Magnolia Ave., W. Hyannisport

Elevate SFD, replace foundation, additions, replace patio, landscape

2 year (3rd request)

III. REVISED PLANS

A. Janet Holian SE3-5858
250 Windswept Way, Osterville

Addition, driveway and garage

To permit a deck and 3 season room instead of the garage

B. Slow Marsh One Nom Trust
1462 Main St., Cotuit SE3-5638

Demolish SFD/Construct new SFD

To construct detached garage

C. Robin Swartz SE3-5871
47 Richard's Lane, Centerville

Raze and rebuild SFD with appurtenances

Updated proposed house and revised grading

D. AAR Legacy SE3-5825
671 Old Post Road, Cotuit

Dwelling restoration, new foundation, porch, 2 additions, pool, patio, shed

Tree removal

IV. ENFORCEMENT ORDERS

A. Graham Robert & Lisa C. Walters - 38 Washington Avenue, Osterville – Map 162 Parcel 002. Alteration of the buffer to a wetland resource area - Crystal Lake and Bordering Vegetated Wetland - by maintaining an unpermitted beach. Tabled from November 1, 2022.

B. Patricia J. McCarthy – 70 Eel River Road, Osterville – Map 116 Parcel 092. Failure to comply with an Order of Conditions (SE3-5199).

C. Paul B. Tivnan – 40 Three Ponds Dr., Centerville – Map 193 Parcel 184. Alteration of the buffer to a wetland resource area - unnamed pond and Bordering Vegetated Wetland (BVW) - by cutting vegetation and unpermitted installation of approx. 8 sq. ft of patio within 0'-50' buffer; and unpermitted installation of a patio, firepit and extension of steps in the 50'-100' buffer.

D. David J & Kathleen S. DeLuca – 44 Manor Way, Osterville – Map 116 Parcel 126. Alteration of a wetland resource area and buffer - vegetated (scrub/shrub)wetland - by cutting vegetation and placing fill.

E. Jeffery D. Stavitsky & Pamela E. Scheel – 661 Route 149, Marstons Mills – Map 101 Parcel 001. Alteration of a wetland resource area - Hamblin Pond - by placing unpermitted fill (sand) in and on the pond shore.

V. NON-CRIMINAL TICKETS

A. Pamela E. Scheel Alteration of a wetland resource area – Hamblin Pond (pond shore)- by \$200.00
661 Route 149 depositing sand without a permit.
Marstons Mills

VI. CERTIFICATES OF COMPLIANCE –

(ez = no deviations, staff recommends approval)

(* = on-going conditions)

A. **Cape Beach House, LLC.**
27 Marchant Ave., Hyannisport

SE3-5573

(COC, ez) Revetment Extension, CES Coastal Bank / Coastal Beach / Coastal Dune

B. **Mark Klamman**
2nd Story Deck / Patio Reduction

SE3-4989

25 Cross Way, Hyannisport

(COC,ez) Raze & Rebuild Garage / Add Coastal Bank / Salt Marsh

4:30 PM AGENDA

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.

**REMINDER TO APPLICANTS:
 FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230
 SOUTH STREET, HYANNIS, 02601**

VII. REQUESTS FOR DETERMINATION

- A. **Kathleen M. Buckley.** Proposed driveway entrance to 235 Smoke Valley Road from 0 Smoke Valley Road, Marstons Mills as shown on Assessor’s Map 096 Parcel 004-006. **DA-22045 \$24.78**
- B. **Robert Crory.** Enclose existing porch, adding 14’ x 6’ frost wall at 117 Lake Elizabeth Drive, Centerville as shown on Assessor’s Map 226 Parcel 053. **DA-22046 \$21.24**

VIII. NOTICES OF INTENT

- A. **Town of Barnstable – DPW.** Phosphorus inactivation using Alum applied at a not to exceed dosage of 13.5 G/M2 to depths greater than 8 meters in Shubael Pond, Marstons Mills. **\$24.78**
- B. **Town of Barnstable – DPW.** Proposed construction of a new 0.72 bicycle and pedestrian shared use path on the west side of Bearses Way from 450 feet north of Falmouth Road (Route 28) to Pitcher’s Way. **BCC-0200 \$28.32**

IX. MINUTES

- A. November 1, 2022
- B. November 22, 2022

Upcoming Meetings:

Month	6:30 P. M.	3:00 PM
December	20	
January	3, 17, 31	10
February	14, 28	7