



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: October 12, 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.

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/92349438248>

Meeting ID: 923 4943 8248

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.

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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 at 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, and Sampou. Commissioner Morin was absent.

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

I. CONTINUANCES

- A. **Red Lily Pond Project Association, Inc.** Cutting and removing nuisance aquatic weeds using a mechanical harvester (Eco-Cutter), to improve the water quality and habitat from Red Lily Pond and Lake Elizabeth as shown on Assessor's Maps 226 and 227. **SE3-5862 Continued from 4/13/21. Continued from 5/25/21.**

A continuance was requested to November 9, 2021.

A motion was made to approve the continuance request to November 9, 2021 without testimony.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Sampou
Nay –
Lee recused himself.

B. Edwardo Franco. To construct a pool, patio, and retaining wall at 46 Captain Lumbert Lane, Centerville as shown on Assessor's Map 147 Parcel 011 007. **SE3-5916 Continued from 9/14/21. Continuance requested to 10/26/2021.**

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

Issues discussed:

- A revised plan dated 10/07/21 was submitted.

A continuance was requested to October 26, 2021.

A motion was made to approve the continuance request to October 26, 2021 without testimony.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou
Nay

C. Laurie J. Hall, Trustee, TMT Realty Trust. Proposed dock system to include installation of a pier, ramp and float at 979 Sea View Avenue, Osterville as shown on Assessor's Map 090 Parcel 008. **Continued from 9/14/21.**

A continuance was requested to November 9, 2021.
Still waiting for DEP number and comments.
Water ways and harbor master comments have been received.

A motion was made to approve the continuance request to November 9, 2021 without testimony.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou
Nay –

D. Anita Phipps. Proposed single family home reconstruction with appurtenances in the buffer zone to vegetated wetlands at 29 Tillage Lane, West Barnstable as shown on Assessor's Map 136 Parcel 003. **SE3-5917 Continued from 9/28.**

The applicant was represented by Cameron Larson of Environmental Consulting and Restoration, and Love Albrecht Howard, Landscape Designer.

Issues discussed:

- A revised plan dated October 4, 2021 was submitted prior to the meeting.
- There was no staking done at the time of the last hearing.
- Wetland flagging information should be put on the plan.

There was no public comment.

A motion was made to approve the project as submitted subject to receipt of a revised plan showing the wetland flagging information.
Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou
Nay –

- E. Harry D. Taylor.** To remove existing 32' x 52' parking area and to construct a 27' x 44' Sports Court at 56 Sand Point, Osterville as shown on Assessor's Map 073 Parcel 017. **SE3-5921 Continued from 9/28.**

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

Issues discussed:

- There is a gravel parking lot with a fence. The sports court is going on the bank.
- They are going to be cutting the bank and taking down trees. The project appears to create a significant loss, not a gain.
- The grading will be lower towards the landscape wall instead of bringing in fill.
- There will be vegetation removed. The plants will be re-used elsewhere and additional plantings put in the driveway area.
- During the approval process for the prior order of conditions, the site was crowded. There was not enough room for the bocci court. This is larger than a bocci court.
- There are a lot of trees and habitat being removed.
- The landscape plan shows a mitigation area was put in as part of the original project from the house. The arrow points to an area that should not be touched because that is part of the original project.
- The crosshatched area to right of the sports court is part of the mitigation for the house. The plants being moved from the sports court area will be moved into the crosshatched area. This area should already be full of plants. There is some open space between the plantings that these plants could go.
- The Certificates of Compliance have been issued for the three prior projects.
- The plan that was submitted from 2016 showed the grassy area for pull off vehicles. It was not gravel driveway at that time.
- This project is asking for a mitigated area to be made a sports court. It should not be traded.
- The gravel area should go back to grass. The gravel driveway was not previously permitted. The current owner purchased the property and it was a gravel driveway at the time.
- There is concern with grading and no retention on the bank.
- There is concern cutting into the 50' buffer and the bordering vegetated wetland to put in a sports court. If sports courts are going in this close to the BVW it may be setting a precedent.
- The original Notice of Intent did not have this as a gravel area. It may have been missed during the Certificate Of Compliance inspection.
- If there were an as built plan with the gravel driveway it would be considered permitted.

Public Comment

Arlene Wilson – AM Wilson Associates representing the Cosgroves across the street. There is a drainage problem near the street. Mr. Cosgrove wants to make sure there is sufficient drainage if the gravel area is replaced with mitigation plantings.

A continuance was requested to go back and review alternative locations for mitigation to November 9, 2021.

A motion was made to approve the continuance request to November 9, 2021.
Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou

Nay –

The Red Lilly Pond Project was re-opened.

John Abodeely’s vote will be needed as a matter of necessity.
Commissioner Abodeely will be allowed to vote as a matter of necessity.
All prior continuances were reviewed.
This will be the 4th continuance.
In the past a 4th request for continuance has been denied.
It has been re-advertised. The abutters should be re-notified.
The applicant should be notified this will be the last continuance.

A motion was made to approve continuance request to November 9, 2021 as long as it is re-advertised, the abutters are re-notified, and the applicant is notified this will be the last continuance.

Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou
Nay –

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

- | | | | | |
|----|--|----------|-----------|---|
| A. | Sunrise Nominee Trust | SE3-5342 | (coc, ez) | Construct single family dwelling * |
| | 60 High Noon Drive, Centerville | - | | bordering vegetated wetland |
| B. | Cashin | SE3-5645 | (coc, ez) | Construct porch and basement bulkhead * |
| | 362 Huckins Neck Road, Centerville | - | | Shallow Pond |
| C. | Alves | SE3-5567 | (coc, ez) | addition; sunroom; deck; garage * |
| | 1359 Falmouth Road/Rte 28, Centerville | - | | Long Pond |

A motion was made to approve A – C.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou
Nay –

A motion was made to adjourn.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou
Nay –

The time was 7:20 p.m.