



**Town of Barnstable
Conservation Commission**
230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation@town.barnstable.ma.us

MINUTES – CONSERVATION COMMISSION HEARING

DATE: March 4, 2025 @ 6:30 PM

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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 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.

Remote Participation Instructions

<https://townofbarnstable-us.zoom.us/j/89907005269>

Meeting ID: 899 0700 5269

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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 Edwin.Hoopes@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Edwin.Hoopes@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

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

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 Angela Tangney, Commissioners Hearn, Kaschuluk, and Sampou. Commissioner Abodeely was absent.

Interim Administrator Ed Hoopes was present, along with Administrative Assistant Kim Cavanaugh.

I. OLD AND NEW BUSINESS

- A. Barnstable Land Trust Inc. (BLT) is requesting a letter of support for their application to the Community Preservation Committee (CPC) for the purchase of a Conservation Restriction on 10.3 acres of important recreation and open space land at 30 and 31 Crockers Neck Road, Cotuit.

Kelly Grant, Land Protection Specialist for Barnstable Land Trust addressed the Commissioners.

Issues discussed:

- The monitoring for the Conservation Restriction will be done by the Town.
- Golf courses can sometimes present negative impacts due to the amount of fertilizers used. The lease agreement does instruct the golf operator to use low amounts of fertilizer. It is not a super green highly maintained golf course. It is kept in a fairly natural state.

- The short-term golf lease will be for 5 years but there is an option for an extension to be agreed upon by both parties.
- There is no specific plan for after the golf lease is over. There will be some restoration possibly adding back some vegetation. There may be some walking trails and picnic areas and maybe a play area for kids.
- It is a nice open space property.

A motion was made to approve and authorize the Chair to prepare and submit a support letter of the Conservation Restriction to the Community Preservation Committee and Town Council for the purchase of the Conservation Restriction on 10.3 acres of recreation and open space land at 30 and 31 Crockers Neck Road in Cotuit.

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

Town Councilor Charlie Bloom is in support of the project.

II. REQUESTS FOR DETERMINATION

- A. Robert F. Morrissey, Trustee.** To replace existing bank stairs and deck at 980 Main Street, Cotuit as shown on Assessor's Map 034 Parcel 033. **DA-25005**

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

Issues discussed:

- The OOC on the bulkhead was issued in 2005. The stairs and deck were existing at that time.
- The deck at the top and bottom would not be approved if requested now.
- The OOC in 2005 allowed for the reconstruction of the stairs which included the deck at the bottom.
- The house was rebuilt under a second OOC. The patio at the top existed before the house was re-built.
- The patio was approved in 1989.
- They are allowed to replace in kind.
- The deck at the bottom is grandfathered.

Public comment: None

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

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

- B. Joseph Walsh/Stuart Woodring.** Rebuild existing deck including new footings. Square off and enlarge deck along the house from 6' to 8' at 39 Hornbeam Lane, Centerville as shown on Assessor's Map 206 Parcel 070. **DA-25006**

The applicant was represented by Joseph Walsh of Duxbury Bay Building Corporation.

The comment letter dated February 27, 2025 from Arlene Wilson was reviewed.

Issues discussed:

- The project is between the 50' and 100' buffers.

Public comment:

Arlene Wilson of AM Wilson Associates for the immediate abutter at 531 South Main Street, Centerville, Terry Simpson. There are a number of problems with the project. Arlene stated the abutter notification was incomplete. The property line shown in the assessor's records is incorrect. The people across the creek were not notified. She questions the ability to go forward with the application. Arlene stated there was no hearing date put on the abutter letters that went out.

The project is shown on an almost 25-year old pier plan done on low water datum. The Town GIS and flood map the 100 year flood line is relatively close to the building. There is a slope that probably meets the Commissions requirement for a coastal bank much closer to the house. It appears the project may be 50' or less from the top of the bank. The plan submitted does not show the flood line or top of bank. Erosion control should be required which also is not shown on the plan. There is a substantial tree that may need to be removed and an outdoor shower on the construction drawings but not on the plan.

Mr. Woodring through his attorney notified Mrs. Simpson that for future construction he intends to use his access easement which runs over her property. It is immediately adjacent to a BVW, perhaps coastal bank, and is in the flood zone. He indicated that he may need to do some vegetated maintenance on the easement. Mrs. Simpson was not listed as an owner of property on which work will be done. He has not included any vegetated maintenance that may be necessary for this project.

Arlene suggests a positive finding to require the owner to properly notify abutters and submit a survey plan to identify resources in relation to the work that is being requested.

Commissioner discussion continued:

- The abutter notification is required based on the Assessor's Map. The abutter list was correct.
- The meeting notice had the date and time on the letter. The letter also states they can view the agenda on the Town Clerks website.
- Ownership of the properties Arlene is referring to appears to be unowned territory.
- Under the assessor's page the property lines do not abut.
- Stamped plans are not required for RDA applications.
- For this project, the abutters that "are touching" the property were notified.
- The tree is not being removed.
- The deck is two sections. One section is being widened. There is a small part that appears to be slightly in the 0-50' buffer. The deck is very high and would not affect the buffer.
- An RDA application does not require engineered plans.
- There are guidelines for filing projects. This type of application only requires an RDA.

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

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

C. Richard Tavano. Removal of a large diseased swamp maple tree that is a hazard to the dwelling at 110 Annable Point Road, Centerville as shown on Assessor's Map 210 Parcel 043. **DA-25007**

The applicant represented himself.

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

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

Seconded.
Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney
Nay –

III. NOTICES OF INTENT

- A. Jeffrey & Candace Dobro.** Proposed invasive plant removal and native plant restoration to multiple areas of the property along with construction of a reinforced high marsh system and placement of a salt marsh pillow in order to stabilize and revegetate the base of the coastal bank at 309 Bay Lane, Centerville as shown on Assessor's Map 185 Parcel 014. **SE3-6247**

The applicant was represented by Timothy Santos of Merrill Engineering and Ian Peach from Wilkinson Ecological Design.

Issues discussed:

- A salt marsh pillow has the vegetation already in it.
- A salt marsh pillow would not work on a high intensity coastal site.
- A salt marsh pillow requires specific site conditions.
- Commissioners would like to visit the site while it is under construction.
- Commissioners stated this is a great idea and a great presentation.
- On going invasive removal should be added to the conditions.
- A revised plan is needed with a corrected date of 1/27/25. The original plan that was submitted has a typo and was dated 1/27/24.

Public comment: None

A motion was made to approve the project subject to receipt of revised plans with the corrected date, Wilkinson Ecological Design will be the contractor if a change in contractor written notification will be submitted to staff, annual reports to be submitted for three years, with an on-going condition for invasive removal.

Seconded.
Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney
Nay –

- B. Kim Hunziker & Phil Tomitech.** Installation of porch and patio within 50' of a wetland resource area, removal of invasive species, and installation of mitigation plantings at 353 Ocean Street, Hyannis as shown on Assessor's Map 325 Parcel 15. **SE3-6248**

The applicant was represented by Tyler Gaudreau of Environmental Landscape Solutions.

Issues discussed:

- There is an amazing amount of invasive vegetation at the site.
- It is a small property.
- The mitigation areas should be demarcated.
- There is almost 3,000 sq. ft. of mitigation.
- The application only lists seed mix and "possible shrub plantings"
- Below the top of bank is the shrub area.
- There will be one annual mowing in the spring.
- All the plantings will be done before the COC is requested.
- They are adding pollinator habitat.
- The mowing will only be for the first three years.
- A revised plan is needed to show the demarcation of the meadow area.
- There is just a small amount of hardscape in the 0-50' buffer.

- There seems to be some erosion near the garage. A seed matting or jute matting could be added to the plan to stabilize it.
- The area is washed out and the concrete footing is exposed for the garage.
- Demarcation is also needed between the seeded area and the lawn.
- The word “possible” needs to be removed from the restoration plan on page 8.
- The mitigation calculations and mitigation areas were reviewed.
- An ongoing condition should be added for invasive removal.

Public comment: None

A motion was made to approve the project subject to an update to the planting protocol to remove the word “possible”, Environmental Landscape Solutions will be the contractor, if change in contractor written notification will be submitted to Conservation staff for approval, annual reports to be submitted for three years, an ongoing condition for invasive removal, and receipt of a revised plan showing demarcations and backfill at the corner of the garage.

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

C. LDS Development Group, LLC. Demolition of existing 3-bedroom dwelling and replacement with 3-bedroom dwelling with relocated septic system at 640 Poponessett Road, Barnstable as shown on Assessor’s Map 006 Parcel 018.**SE3-6249**

The applicant was represented by Matt Eddy, P.E. of Baxter-Nye Engineering.

Issues discussed:

- The patio encroaches slightly into the 50’ buffer.
- The Engineer advised the patio is only 13’ wide and they are removing the asphalt walkway.
- A question was raised if the house could be moved back so the patio would not encroach the 50’ buffer.
- The zoning setbacks would not allow it to be moved back. To move it back they would need to redesign the entire house.
- The asphalt walkway will be removed and replaced with lawn area. It will be a mowed lawn.
- The lawn area is a problem. It should be natural plantings.
- It is an existing lawn.
- Ideally in the 50’ buffer, native plantings would be preferred.
- The lawn on the south side of the walkway pitches down toward the coastal bank. It appears to have been raked. A question was raised if some mitigation plantings could be put in to act as a mitigation buffer. It should be 3’ wide.
- The compost area should not be included as mitigation.
- The new 3-bedroom home is a lot bigger than what exists. The lot is being constrained by zoning setbacks and the 50’ buffer.
- A woody three-foot vegetative buffer is needed.
- The northside is already more vegetated.
- A question was raised whether the patio could be moved.
- A good woody vegetated 3’ wide buffer will also be added to the north side of the walkway.
- Mitigation plantings will be added to the entire top of the coastal bank and will be demarcated.

Public comment:

Gary Markowitz – 628 Poponessett Road - A direct abutter does not want the patio moved closer to the side of the house. The compost area is an old BBQ area. A lot of the plantings along the property line were required by the Conservation Commission for his project and he would like a guarantee that they will not be affected. He was advised by the Engineer that there will be no encroachments onto his property. Mr. Markowitz asked if a

dock is planned to be installed. The Engineer advised a dock is not being proposed at this time but may be applied for in the future. Mr. Markowitz thinks the project looks great.

A motion was made to approve the project subject to receipt of a revised plan showing a buffer strip 3' wide at the north and south side of the existing walkway, repair of south portions, demarcation of mitigation strip area. Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney
Nay –

IV. ENFORCEMENT ORDER RESPONSE PLAN

- A. New Rushy Marsh Realty LLC. – 1541 Main Street, Cotuit – Map 017 Parcel 007. Partial restoration of a wetland resource area – bordering vegetated wetland (BVW) and the buffer to a wetland resource area – BVW.

The plan was presented to the Commission by Mike Ford and Sean Reardon.

Issues discussed:

- The forbs and grasses area will not be mowed and will be left to naturalize.
- A little bit of different size shrubs should be added for height diversity.
- A question was raised why the NOI is required and the work is not part of the Enforcement Order Response Plan.
- The NOI is required because the replication area is not part of the Enforcement Order area.
- Once the OOC is issued it will be incorporated into the enforcement order. It is not voluntary work.
- The enforcement order as written requires an NOI for the replication portion of the project. If a NOI is not submitted, or submitted but not approved by the Commission, the enforcement order will be re-written to require full restoration of the impacted wetland and buffer.
- The replication cannot be done under the enforcement order because the proposed replication area was not impacted as part of the violation.

A motion to approve the enforcement order response plan with the three sheets C101, C201, and C301 and the applicant should file the new NOI by April 15, 2025.

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney
Nay –

V. CERTIFICATES OF COMPLIANCE

(ez = no deviations, staff recommends approval) (* = on-going conditions)

A. SE3-6151	Antonia Nedder 30 Oxford Drive, Cotuit	(COC, ez*)	Extension of existing pier.
B. SE3-6131	Hamilton Shepley 21 Forest Street, Hyannis	(COC, ez*)	Detached garage with attic above.
C. SE3-4698	John F. Fitzgerald, Trustee Bluff Point 1999 Trust #2 128 Bluff Point Drive, Cotuit	(COC, ez)	Dune nourishment.
D. SE3-5012	John F. Fitzgerald, Trustee Bluff Point 1999 Trust #2 128 Bluff Point Drive, Cotuit	(COC, ez*)	Platform in coastal dune. Fiber rolls along dune, restoration & land management plan.

E. SE3-5321

John F. Fitzgerald, Trustee (COC, ez*)
Bluff Point 1999 Trust #2
128 Bluff Point Drive, Cotuit

Dune & beach
nourishment.

A motion was made to approve A. – E.

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

VI. MINUTES

A. February 18, 2025

A motion was made to accept the minutes as submitted.

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Tangney

Nay

Sampou - Abstain

The Commissioners were advised Harassment Training is available and to contact Cynthia Lovell if interested.

A motion was made to adjourn the meeting.

Seconded.

Aye –Foster, Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay

The time was 8:26 pm.