



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: April 29, 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.

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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.

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

I. REQUESTS FOR DETERMINATION

- A. Zig Harbor LLC.** Lift existing house, install new concrete foundation. The work includes removal of the sun room and a 185 sf addition at 100 and 112 Washington Avenue, Hyannisport as shown on Assessor's Map 287 Parcels 116 and 116-01. **DA-25018**

- The applicant was represented by Stuart Clark of Green Seal Environmental and Architect Kevin Dauphinais.

Issues discussed:

- The purpose of the buffer zone is to eliminate pollutants running from the upland.
- The buffer area has very little woody vegetation. It is mostly grass down to the wetland area.
- This is an opportunity to improve the 0-50' buffer area.
- Mitigation should be required for work being done in 50'-100' buffer when the 0-50' buffer is not undisturbed.

- The representative advised this is a two-phase project. The applicant is planning to come back with a NOI for work on the carriage house. Mitigation will be proposed at that time. This project is just to lift the house.
- There is 180 sq. ft. proposed within the 100' buffer for this project. The addition should be taken off of the proposal for an RDA.
- According to the office operating procedures, if an addition is less than 400 sq. ft. it should be filed as an RDA.
- This project would require 550 sq. ft. of mitigation if filed as an NOI.
- The office operating procedures may need to be revised.
- The 0-50' buffer in this case is all lawn. Some mitigation should be required.
- The sunroom is not being replaced but an addition is going on the corner of the house.
- The sunroom area will remain but become part of the house.
- Any remaining materials (dirt or sand) that is not used after the project is complete will be removed.
- The project would be approvable as an NOI. Because it is an RDA no mitigation can be required.
- The carriage house project will require additional mitigation.
- They do not want to put in plantings that they will just have to be pulled out.
- Mitigation could go in a different location that would not have to be removed for the carriage house project.
- If mitigation is part of the discussion this project has to come in as a NOI.
- If there is an undisturbed 50' buffer mitigation would not be required.
- Ed Hoopes spoke with the consultant before filing the project and felt the project was approvable filed as an RDA. It is a reasonable project under the RDA guidelines.
- No conditions can be added for an RDA.
- The office procedure guidelines were reviewed recently and the only changes were for irrigation and invasive treatment.
- The opportunity to put plantings in the 50' buffer which is just lawn should be considered.
- There is plenty of room for mitigation in the 0-50' buffer. A project of this size and scope should require mitigation.
- The carriage house construction would not require the removal of mitigation if planted in the correct location.
- The applicant should have been filed it as a NOI.
- They were told to do an RDA because of timing. There is a lot of work coming forth which they will do mitigation.
- A question was raised if when the carriage house project is filed could they require an additional 550 sq. ft. of mitigation from this project on top of what will be required for the carriage house project.
- A question was raised, what happens if they don't come back with the carriage house project.
- The applicant is in a hurry to get going on the project.
- The earliest they could come back with an NOI is May 27th.
- The representative offered a verbal agreement to include an additional 550 sq. ft. of mitigation in the carriage house project.
- There is no way to confirm that they will come back and provide mitigation.

Public comment: None

A motion was made to approve the project as negative determination allowing the applicant to provide the 550 sq. ft. of mitigation when they come back with the carriage house project as required for this expansion.
Seconded.

Aye – Hearn, Sampou,

Nay – Foster, Kaschuluk, Tangney, Lee,

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

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

Nay -

- B. Brian Hill.** Remove railroad tie retaining wall and replace with stone retaining wall and extend wall 10 feet at 63 Sachem Drive, Centerville as shown on Assessor's Map 209 Parcel 027. **DA-25019**

The applicant represented himself.

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

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

Seconded.

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

Nay –

II. NOTICES OF INTENT

- A. Jamie N. Cody, Trustee – Centerville Qualified Personal Residence Trust.** To replace existing timber bulkhead and stone revetment with new vinyl bulkhead at 90 Short Beach Road, Centerville as shown on Assessor's Map 206 Parcel 123. **SE3-6272**

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

Issues discussed:

- DMF comments have not been received. A continuance will be needed.
- With sea level rising a revetment is a better way of holding banks instead of bulkheads.
- A continuance was requested to May 6, 2025 for DMF comments.

Public comment: None

A motion was made to approve the project with annual reports submitted for three years subject to receipt of DMF comments and continued to May 6, 2025.

Seconded.

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

Nay –

- B. Stuart Bornstein, Trustee – Gladstone LP.** Proposed 40-unit multifamily housing with four affordable units to be connected to Town Sewer, with associated parking and drainage at 32 Pleasant Hill Lane, Hyannis as shown on Assessor's Map 308 Parcel 020. **SE3-6270**

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

Issues discussed:

- A question was raised if the space between the building and the barrier demarcating the 50' buffer will allow enough space for maintenance. There is about three feet which will be enough space.
- A suggestion was made that maybe something should be planted on the buffer side of the wall.
- There will be a guardrail with a fence and a berm to contain the water and catch basins in the parking lot.
- There is a pine and oak forest and a good understory in the buffer now.
- There is concern about putting vinyl sheeting right on the 50' line. It should be moved back a little.
- The parking lot width could shrink a little.

- This is an apartment complex right on a 0-50' buffer. The buffer may become beat up with all the tenants.
- There is a fence and the vertical wall along the buffer so it will not be an issue.
- There is not an opportunity to move the vinyl sheeting, but it is permanent and good protection for the wetland.
- There will be a fully vegetated 50' buffer.
- They will pull the vinyl sheet back wherever possible.
- The engineer should meet with the contractor before the vinyl sheeting is put in.
- The construction protocol places temporary mulch to get the plants started. It is all native plantings and outside of the 50' buffer.
- There will be temporary irrigation also to get the plantings started.
- The foundation will be four feet below finish grade.
- The rear portion of the building acts as a retaining wall.
- The sheeting will be put in place before any work is done.
- They would be willing to pull the building back five feet on the corner of the building.
- They could also rotate the building to give the five feet.
- A revised plan will be submitted showing 5 feet between the work limit line and the corner of the building.

Public comment:

Lisa Deluse – 25 Pleasant Hill Lane - The building is only ten away from her house. The river has never been dry. Mosquito control stated that it is dry. She would like confirmation on the dates the stream was dry. It is a very sensitive area for such a large building to be put in such a small space. It is a big mistake to put up a four-story building in this location. It should go further up the road. It will take years to develop, and the noise and mental anguish is not fair to residents that have been there over 60 years. It is disregarding the environment.

Betty Ludtke – 30 Wachusett Avenue - There are a lot of small residential properties in the area. She is sad and would like the building pulled away further from the lot line. It is a beautiful piece of property. She questions why this is being done. She suggested to make the parking around the building and move the building toward the middle of the lot.

Charlie Bloom – Feels this is the worst project he has seen since he became a counselor. It is taking a pristine area with a neighborhood of a few homes and plopping a huge project down destroying their homes. The traffic will be extremely annoying. It will turn a small neighborhood into a horrible situation. There will be spilled over parking on Pleasant Hill Lane. He thinks it is a horrible idea in this pristine area. He does not like the building being up close to the street.

Jeffrey Daluz – 25 Pleasant Hill Lane. He objects to the projects. There is another project across the street in a historic building. It is a 40 unit building ten feet from his living room window on a one-way street. Bornstein owns both properties. The stream has never been dry. It floods and he has to clear it out. It will pollute the stream. It does not make sense to put a monster building in the middle of a small residential neighborhood. It will go from trees to pavement and no more wildlife.

Dan Ojala stated it was determined 23 years ago that the stream does dry up occasionally. When there is a drought it does dry up. There may be a little water. It is an intermittent stream. That determination is good for three years. There is an old bog system. They made sure in advance with the determination.

Lisa Deluse stated this will be 24' away from her lot line.

Dan Ojala stated they meet the zoning guidelines. They will connect everyone in the neighborhood to the sewer system which will make it better for the environment. The runoff will be controlled. There will be a full undisturbed 50' buffer. It meets the performance standards.

Commission discussion continued:

- There was a determination in 2024 which confirmed that it is an intermittent stream. It is a bordering vegetated wetland. There is a very small portion on this property that has an intermittent stream.

- There was a letter from Cape Cod Mosquito Control written based on field observations from field crews. The field crews had been operating in the area since 1932. There are very few ways of confirming it is not a river. DEP considers Mosquito Control to be a competent source for determination. It has already been confirmed that it is an intermittent stream not a river. It was confirmed in the 1990s and again last year.
- The stormwater report has not yet been reviewed by DPW yet.
- This is a controversial issue. Conservation protects eight wetland functions. Buffers for pollution. A 50' buffer is a lot of protection. There is sympathy for the neighbors, but they can't, not approve it under Conservation jurisdiction. There is only limited capacity. Most of the problems are zoning issues.

A motion was made to approve the project subject to the Chair and DPW reviewing the storm water report, preconstruction meeting with staff, the corner on the building should provide at least five feet of separation from the retaining wall.

Seconded

Aye – Foster, Lee, Hearn, Sampou, Tangney

Nay – Kaschuluk,

III. CONTINUANCES

- A. Jean Turnbull.** Construct two additions to existing dwelling, enlarge deck, add second story and balcony to existing garage, provide mitigation plantings at 351 Huckins Neck Road, Centerville as shown on Assessor's Map 233 Parcel 041. **SE3-6256 Continued from 4/1/25 WC Form received.**

The applicant was represented by Arlene Wilson of AM Wilson and Associates.

Issues discussed:

- A revised plan dated April 15, 2025 was submitted.
- It covers everything the Commission asked for.
- The hardscape creep into the 0-50' buffer is still concerning, but they are adding an additional 769 sq. ft. of mitigation that is not required. There should be ample demarcation of the mitigation areas.

Public comment: None

A motion was made to approve the project with a revised plan dated April 15, 2025 and annual reports for three years.

Seconded.

Aye – Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

Foster not part of the quorum, not eligible to vote.

Items were taken out of order. Elisa Entine 1694 Main Street, Cotuit taken next.
Louise Foster left the meeting at 8:43 pm

- B. Zennon L. Mierzwa.** To construct a dock including boardwalk, pier, ramp and float at 251 Green Dunes Drive, Centerville as shown on Assessor's Map 245 Parcel 033. **SE3-6261 Continued from 4/1/25 WC Form received.**

The applicant was represented by Jose Pichardo of Green Seal Environmental.

Issues discussed:

- A revised plan dated April 2, 2025 was submitted.
- They revised the plan again today.
- The DMF letter was received today dated 4/29/25.
- The initial application was for a non-motorized pier. They have changed it to a motorized pier.
- Nothing is less than 200' away from the pier. So, it is not a navigation issue.

- The area is not suitable for shellfish.
- When the application is filed it should be specified what is being requested. This was looked at as a non-motorized pier.
- It will have to go back to the Waterways Committee.
- They will meet the depths and requirements of Chapter 703.
- The Commission needs comments from Harbor Master, and Waterways Committee.
- The Harbor Master was contacted and he forwarded it to Waterways which will meet on May 20th. The Town Biologist will have to be consulted again.
- The specifications of the boat are need to be submitted to make a decision.
- A continuance to May 27th was requested.
- Float stops 12" above the bottom need to be added.

Public comment: None

A motion was made to continue the application to May 27, 2025.

Seconded.

Aye –Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

Foster not part of the quorum, not eligible to vote.

- C. Elisa Redler Entine, Trustee.** The project proposes the management of approximately 19,620 SF of invasive plant management and restoration at 1694 Main Street, Cotuit as shown on Assessor's Map 017 Parcel 017. **SE3-6269 Continued from 4/15/25 Form WC received.**

The applicant was represented by Stephen Lee of Wilkinson Ecological Design.

Issues discussed:

- The revised plan dated April 21, 2025 was received.
- An ongoing condition for invasive management will be needed.

Public comment: None

A motion was made to approve the project with the revised plan dated April 21, 2025 with ongoing conditions for invasive removal and annual reports for three years.

Seconded.

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

Nay –

IV. MINUTES

A. April 1, 2025

Changes from Commissioner Hearn were requested.

The approval was tabled to May 6th.

Seconded.

Aye –Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

A motion was made to adjourn the meeting.

Seconded.

Aye –Lee, Hearn, Kaschuluk, Sampou, Tangney

Nay –

The time was 8:57 p.m.

