



# 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: February 13, 2024 @ 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.

Public access to this meeting shall be provided in the following manner:

1. Real-time viewing and 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/88334301868>

Meeting ID: 883 3430 1868

US Toll-free 888 475 4499

2. The meeting is being recorded and will be available for future viewing via Xfinity Channel 8 or 1070 or high definition Channel 1072.
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.

### REMINDER TO APPLICANTS:

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

The meeting was called to order at 3:00 p.m. by Vice-Chair Louise Foster. Also, in attendance were: Commissioners Abodeely, Hearn, Sampou and Tangney. Chair Tom Lee was absent. Clerk George Gillmore arrived at 3:07 p.m.

Conservation Administrator Darcy Karle was present along with Conservation Agent Ed Hoopes, and Administrative Assistant, Kim Cavanaugh.

## I. REVISED PLANS

### Project Type

### Revisions

- A. TMT Realty Trust, SE3-5843  
979 Sea View Ave., Osterville

Raze and replace SFD  
with site improvements

Relocate existing pathway  
on west side of the property

The applicant was represented by Tabitha Kaigle of Wilkinson Ecological Design.

There were no questions from Commissioners.

A motion was made to approve the revised plan.

Seconded.

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

Nay – none

## II. EXTENSION REQUESTS

### Project Type

### Time Requested

- A. MSSI Dale Ave. Property Group LLC. Elevate existing building 3 years (2<sup>nd</sup> Request)  
31 Dale Avenue, Hyannisport SE3-5556 Landscape

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

Issues discussed:

- A comment letter was received regarding the existence of this company. A question was raised if the company does not exist can they ask for an extension.
- Arlene Wilson still represents the applicant. Although there are liens on the property the title has not changed. If there were a new owner, the permit would still run with the land, not the company.
- The information is interesting but not relevant.
- Part of the work has been done but stopped because of pending legal issues.
- Work would resume after issues are resolved.
- Granting an extension would not alleviate the owner from other legal issues.
- The Chair states for the record if the property is subject to a lis pendens on it, it is subject to seizure and therefore no work can be done on the property without permission of the U.S. Attorney's office. Any extension that may be granted should state that, although the Commission would not be liable for simply granting the extension. The applicant or its representative would have full responsibility and blame for doing any work on the property while it is subject to the lis pendens.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

- B. Halls Creek Preservation Fund, Inc. SE3-5760 Beach Nourishment 3 years (1<sup>st</sup> Request)  
Squaw Island Barrier Spit, Hyannisport

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

Issues discussed:

- Beach nourishment seems like a futile effort, as it keeps washing out, but if it doesn't get done there will be a new breach next to the adjacent parking area.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

- C. TMT Realty Trust SE3-5843 Raze and replace SFD 3 years (1<sup>st</sup> Request)  
979 Sea View Ave., Osterville with site improvements

The applicant was represented by Sean Riley, P.E. of Coastal Engineering Company, now a Tighe and Bond Company.

There were no questions from Commissioners.

A motion was made to approve the extension request.

Seconded.

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

Nay – none

### **III. WARNING LETTERS**

- A. Dougal Maclaurin & Melis Anahtar AND Yavus & Nuray Anahtar – 455 Huckins Neck Road, Centerville – Map 233 Parcel 048. Maintaining an unpermitted seasonal dock.
  - Noted
- B. Edwin & Lisa Freitas - 176 Oak Neck Road, Hyannis - Map 307 Parcel 175. Unpermitted stone patio within 50' of wetland resource area – isolated vegetated wetland.
  - Noted
- C. Sandra L. Goldstein-Davis, Tr AND Sandra L Goldstein-Davis Fam Trust - 211 SCUDDERS LANE, BARNSTABLE – Map 259 Parcel 008. Alteration of wetland resource area -Coastal Beach – by adding stones beyond what is permitted (expanding footprint of steps).
  - Noted

**IV. REQUESTS FOR DETERMINATION**

- A. **TJA Clean Energy.** To confirm that the proposed project, a ground mounted solar facility, at 810 Wakeby Road, Marstons Mills as shown on Assessor’s Map 013, Parcels 004, 005, and 052 does not fall within Conservation jurisdiction under the Wetland Protection Act or Chapter 237. **DA-24007**

The Chair acknowledged comment letters objecting to the application. Copies of the letters have been sent to all Commissioners and saved to the file. The only question that can be addressed is if the area where the project is proposed is within Conservation jurisdiction.

- The project was temporarily tabled as no representative was present.

The project was taken after item IV. B.  
The applicant was represented by Brandon Reali of Atlantic Design Engineers.

Issues discussed:

- While not in Conservation jurisdiction a question was asked to confirm they have a SPCC Compliant secondary containment system in place.
- The representative stated they do. It is a condition of their special permit.
- Commissioner does not feel there is a worry about ground water contamination.

Public comment:

Anne Salas – resident of Mockingbird Lane, Marstons Mills asked Commission to delay approval so a third party could be consulted by the abutting residents to determine the distance of the wetland to the site.

Cody Jones resident of 111 Mockingbird Lane, Marstons Mills. There historically been standing water and wetland vegetated growth on the site.

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

Seconded.

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

Nay – none

- B. **Kasie Sullivan.** Proposed construction of an 8’ x 12’ addition and an 8’ x 22’ raised deck to the rear of the garage at 38 Crosby Circle, Osterville as shown on Assessors Map 116 Parcel 021. **DA-24008**

The applicant was represented by Scott Peacock of Peacock Building and Remodeling, Inc.

Issues discussed:

- The project was not staked for the site visit.
- There is a new shed that is not on the plan.
- The shed is not permitted.
- The shed could possibly be approved under an Administrative Review process.
- The representative will submit the application.

Public comment: None

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

Seconded.

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

Nay – none

## **V. NOTICES OF INTENT**

- A. Edmund S., Jr. & Elizabeth Byrne Dawes.** Proposed construction of a retaining wall at 68 Stanley Way and 465 Pine Street, Centerville as shown on Assessor's Map 228 Parcel 111-001 and Assessor's Map 228 Parcel 113-008. **SE3-6156**

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

Issues discussed:

- The wall is being moved back. The existing wall is holding a lot of material.
- A question was raised of what will happen in the area between the original wall and the new wall.
- The contractors' protocol is to remove it.
- Any material behind the existing wall that falls will be removed.
- In ground sprinklers were noted at the site visit.
- Owner, Ed Dawes stated there is an irrigation system, but it will not be restored after the project is completed.
- A black pipe coming out the side of the slope will be removed. It is a down spout diverter. It will get connected back to the drainage behind the proposed wall.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay – none

- B. Charles Cheever.** To construct a storage bay and modify an existing deck at 295 Green Dunes Drive, Centerville as shown on Assessor's Map 245 Parcel 029.

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

Issues discussed:

- The SE3# was received earlier today. **SE3-6158**
- There were no questions from Commissioners.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay – none

**VI. CERTIFICATES OF COMPLIANCE**

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

- |                    |                                     |            |   |                                       |   |
|--------------------|-------------------------------------|------------|---|---------------------------------------|---|
| <b>A. SE3-5141</b> | <b>Suzanne Lissy</b>                | (COC, ez*) | Pool, Patio, Additions to Single Family Dwelling, & Vista Pruning | 414 Baxters Neck Road, Marstons Mills | Coastal Bank  |
| <b>B. SE3-5808</b> | <b>Brian &amp; Dawn Marie Jadul</b> | (COC, ez*) | Dwelling w/ Pool, Patio, and Vista Pruning                        | 180 Vineyard Road, Cotuit             | Construct Single Family Coastal Bank, Coastal Beach |

A motion was made to approve A. and B.

Seconded.

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

Nay – none

A motion was made to adjourn the meeting.

Seconded.

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

Nay – none

**The time was 4:06 p.m.**