



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

DATE: July 23, 2019 @ 6:30 PM

LOCATION: Hearing Room, 367 Main Street 2<sup>nd</sup> FL., Hyannis, MA

Scrivener's note: The following minutes are general in nature. For those wanting specific detail on matters heard on this agenda, additional resources are available to you: video-on-demand (free on the Town website at [town.barnstable.ma.us](http://town.barnstable.ma.us)), and DVD recordings. Please contact the Conservation Division at 508.862.4093 for assistance.

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also attending were Vice-Chair Louise R. Foster, Clerk Dennis R. Houle, and Commissioners John Abodeely, Pete Sampou, Larry Morin, and George Gillmore.

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

### I OLD AND NEW BUSINESS

#### A. Annual reorganization of the Commission.

The re-appointment of Commissioners Pete Sampou, Louise Foster, and Tom Lee has been approved. Tom Lee, Louise Foster, and Dennis Houle have agreed to stay in their positions as Chair and Vice-Chair and Clerk for another year.

A motion was made to approve the officers for the upcoming year.  
Seconded and approved unanimously.

### II NOTICES OF INTENT

**Bel Canto LLC.** Proposed kitchen addition with reconfiguration of patio and walkway at 181 Main Street, Osterville as shown on Assessor's Map 165 Parcel 091001. **SE3-5700 \$33.33**

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

The proposed addition is a total of 120 square feet.  
There were no questions from Commissioners.  
There was no public comment.

A motion was made to approve the project as submitted.  
Seconded and approved unanimously.

**Frederic & Judith Hilton.** Raze existing dwelling and construct new dwelling at 114 Harvey Avenue, Barnstable as shown on Assessor's Map 319 Parcel 103. **SE3-5701 \$33.33**

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

### **Issues discussed:**

- The rock retaining wall will be approximately 4 ½ feet high. Fill will be placed behind the wall.
- A sump pump is currently being used in the basement. They feel the retaining wall may not need to run all the time if a retaining wall is allowed.
- Boat trailers are currently being stored in the area of concrete pad. Would like to see the current fence removed and a single rail fence be placed in front of mitigation area, to not only protect mitigations, but ensure boat trailers are not stored there.

A motion was made to approve the project subject to receipt of a revised plan showing elevation at the top of rock retaining wall, spot grades on the landward side of retaining wall, and to move fence to the landward side of mitigation planting area.

Seconded and approved unanimously.

### **III CONTINUANCES**

**Cecilia Vieira Stone.** Proposed raze and replace single family home and vegetation restoration on beach parcel at 75 & 85 Harbor Bluffs Road, Hyannis as shown on Assessor's Map 325 Parcels 124 and 123. **SE3-5698**

The applicant was represented by Sean Riley, P.E. of Coastal Engineering and Lynne Giesecke of Studio 2112 Landscape Architecture Inc.

This project was continued from July 9<sup>th</sup>. The quorum is all commissioners present.  
Exhibit A – Handout of Power Point presentation.

**Issues discussed:**

- The property was purchased last year. The new owner has been working with a design team to relocate the dwelling as far as possible away from all resource areas. The foundation will be FEMA compliant.
- There are two other beach parcel owners which have supplied letters of consent for re-vegetation work being done on the beach parcel.
- Fill is being brought in to raise the house up to the same level as the abutters.
- The existing grade from the beach is 6 ft. The wall is being added to get up to 7.75 ft. There will be no water diversion onto abutting properties. There are no elevations shown on the plan.
- The green line on the Power Point differs from the line on the plan along dune. The green line represents the delineation of the dune. The delineations and guidelines are not clear.
- A question was raised if this project is too big for the size of the lot. Looks like more than 80% of lot is becoming hardscape.
- They are seeking relief from the Zoning Board for the front porch because it is the existing set back.
- The purpose of the roll out walkway is to formalize where the path is. Roll out walkways have only been approved in the past for handicap/wheelchair access when there is a need, or a difficult kayak access point until a more permanent solution is permitted.

A comment letter from Hughes Environmental Consulting representing the abutters at 45 Harbor Bluffs Road was read into record.

There was no further public comment.

A motion was made to approve continuance to August 20, 2019.

Seconded and approved unanimously.

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

A. Daniel SE3-5389 (coc, ez) raze & construct single family dwelling \*  
501 Eel River Road, Osterville

A motion was made to approve the certificate of compliance request.

Seconded and approved unanimously.

## V MINUTES

A. July 9, 2019

A motion was made to approve the minutes as amended.  
Seconded and approved unanimously.

## VI EXECUTIVE SESSION

The Barnstable Conservation Commission may vote to go into Executive Session under G.L. c.30A§21(a)(3) to discuss the following matters: Frank Raspante appeal to Massachusetts Department of Environmental Protection (MassDEP) under DA-19016 and pending litigation in Barnstable Superior Court, Frank Raspante Realty Trust vs. Conservation Commission 1972CV00226, if the Chair declares that an open meeting may have detrimental effect on the litigation position of the Town.

**Declaration of the Chair:** I declare that the discussion of the pending appeal to Massachusetts DEP under DA-19016, and pending litigation strategy in open session with respect to the case of Frank Raspante Realty Trust v. Barnstable Conservation Commission, Barnstable Superior Court Docket #1972CV00226 may have a detrimental effect on the litigating position of the Commission.

Following the Executive Session, the Commission will not reconvene in Open Session. I recognize the Clerk to make the motion.

**Clerk:** I move to go into Executive Session under G.L. c. 30A§21(a)(3) to discuss pending appeal to MassDEP under DA-19016, and pending litigation with respect to the case of Frank Raspante Realty Trust v. Barnstable Conservation Commission, Barnstable Superior Court Docket #1972CV00226 based on the Chair's declaration that an open meeting may have a detrimental effect on the litigating position of the Commission and will not reconvene in Open Session following the conclusion of the Executive Session.

**Chair:** I second the motion.

### **Roll call vote:**

Lee	-Aye
Foster	-Aye
Houle	-Aye
Abodeely	-Aye
Sampou	-Aye
Morin	-Aye
Gillmore	-Aye

The time was 7:30 pm.