



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: AUGUST 4, 2020 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.

In accordance with the Governor's Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the July 7, 2020 meeting of the Conservation Commission shall be physically closed to the public to avoid group congregation.

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/91170448833>

Meeting ID: 911 7044 8833

888 475 4499 US Toll-free

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.

The meeting was called to order at 6:30 p.m. with roll call. Chair Tom Lee was present along with Vice Chair Louise R. Foster and Clerk Dennis Houle. Commissioners Larry Morin, Pete Sampou, John Abodeely, and George Gillmore were all present. Conservation Administrator, Darcy Karle, was also present.

I. REQUESTS FOR DETERMINATION

- A. **Patrick J. & Valerie A. Rondeau.** To manage invasive gray willow at a height varying from 4-8' in proposed vista corridor at 181 Breakwater Shores Drive, Hyannis as shown on Assessor's Map 306 Parcel 145. **DA-20024**
The applicant was represented by John O'Dea of Sullivan Engineering and Consultants.

Issues Discussed:

- There was a question about the difference between Rondeau application and the Mahan Trust application. There was a follow up question regarding the management plan over time.
- There was an inquiry about the percentage of the total width of the property that will be pruned down to the 40 feet.
- There was a comment about the invasive nature of gray willow.
- The Commission asked about the rate of growth.

There was no public comment.

There was a motion made to approve a negative determination.
The motion was seconded and voted unanimously.

- B. Joyce A. Mahan Trust.** To manage invasive gray willow at a height varying from 4-8' invading edge of landscape and deck at 173 Breakwater Shores Drive, Hyannis as shown on Assessor's Map 306 Parcel 220. **DA-20025**

The applicant was represented by John O'Dea of Sullivan Engineering and Consultants.

Exhibit A: Before and after photos of gray willow growth.

There were no issues discussed.
There was no public comment.

There was a motion made to approve a negative determination.
The motion was seconded and voted unanimously.

- C. Robert Goodof.** Install seasonal snow fence with posts above the mean high water to prevent further damage by trespassers to wetlands, rosa rigosa, beach grass. The activity is consistent with initial pier permit attached. The posts will be wedged or grouted into existing voids in the riprap at 989 Seaview Avenue, Osterville as shown on Assessors Map 090 Parcel 009-001. **DA-2026**

The applicant represented himself.

Issues Discussed:

- There was a concern about whether or not the application could rely on the 1989 Order of Conditions.
- The Commission requested further reasoning for the purpose of the proposed fence.
- It was proposed to post potential signage to prevent littering.
- There was a concern about taking away the rights of fishing and fowling in and around the high water mark.
- There were questions about the time of year the snow fence would be installed.
- There was a discussion about the damage caused to the property.

There was no public comment.

There was a motion made to approve as a negative determination with two conditions: a permitted fence shall be 4 feet high wooden snow fencing with 6 inch clearance under it to provide passage for wildlife.
The motion was seconded and voted unanimously.

- D. Cape Cod Horticultural Society.** Removal of invasives including but not limited to: bush honeysuckle, multiflora rose, privet, barberry and bittersweet. Void spaces will be replanted to more desirable native FAC to OBL species at 675 Main Street, Osterville as shown on Assessor's Map 141 Parcel 38. **DA-20027**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

Issues Discussed:

- * There was a question about the type of herbicide(s) that will be used.

There was no public comment.

There was a motion made to approve a negative determination.
The motion was seconded and voted unanimously.

II. NOTICES OF INTENT

- A. Barbara C. Doherty.** To reconstruct and extend formerly existing permitted stairs and pier, and vista pruning at 500 Shootflying Hill Road, Centerville as shown on Assessor's Map 213 Parcels 001 and 013.

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

Issues Discussed:

- There was a concern about where or not the 1984 permit is still applicable to this project.
- An issue regarding traffic patterns arose in relation to the potential construction.
- There was discussion about the boat and motor drafts.
- Comments were made in reference to the freshwater shellfish.

There was no public comment.

A motion was made to approve the project as submitted with a continuance date to 8/18/2020 solely for the purpose of receiving the SE3 number and any Department of Environmental Protection that may be imposed. The motion was seconded and voted unanimously.

- B. Brian J. & DawnMarie Jadul.** Proposed construction of a single family dwelling with pool and patio, and all associated appurtenances including future vista pruning at 180 Vineyard Road, Cotuit as shown on Assessor's Map 015 Parcel 004-001.

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

Issues Discussed:

- It was mentioned that revised plans would be needed showing a demarcation of the 50 foot buffer and architectural elevations were needed for the file.

There was no public comment.

A motion was made to approve the project as submitted to receipt of a revised plan showing demarcation of the 50 foot buffer and in addition the submission of waterside architect elevation, with a continuance date to 8/18/2020 solely for the purpose of receiving the SE3 number and any Department of Environmental Protection conditions they might impose.

The motion was seconded and voted unanimously.

- C. Kevin McShea.** Construction of single family dwelling with patio, retainage, landscaping, and bank access stairs at 116 Bay Road, Cotuit as shown on Assessors Map 007 Parcel 021.

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

Issues Discussed:

- There was a comment about the lack of design plan for the bank stairs.
- There was discussion regarding replanting.
- The Commission questioned the type of vegetation on the property.

There was no public comment.

There was a motion made to approve the project as submitted, subject to the receipt of a revised plan demarcating the 50 foot buffer and subject to the following special conditions: when the stairs are designed the applicant must return to the commission as a revised plan request to seek approval and in addition the submission of waterside architect elevation for the file. Vista pruning is not part of this application. This matter will be continued to 8/18/2020 solely for the purpose of receiving the SE3 number and any Department of Environmental Protection conditions that may be imposed.

The motion was seconded and voted unanimously.

- D. Adam M. Koppel and Brenda E. Haynes.** To demolish existing dwelling and pool, and construct a new pool and cabana, guest house, and porch and patio areas associated with new dwelling located beyond jurisdiction as 70 Caillouet Lane, Osterville as shown on Assessor's Map 141 Parcel 113. **SE3-5801**

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

Issues discussed:

- There was discussion about the pool fence placement and alternate design.

There was no public comment.

There was a motion made to approve the project as submitted, subject to the receipt of a revised plan showing a limit of a 4 foot wide path through the 50 foot buffer and the insertion of alternate design pool fence sections as described by the applicant's representative.

The motion was seconded and voted unanimously.

- E. Timothy McCullough Trustee.** Construct addition to single family dwelling at 3861 Main Street, Barnstable as shown on Assessor's Map 335 Parcel 008-002. **SE3-5800**

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

There were no issues discussed.

There was no public comment.

A motion was made to approve the project as submitted, based on the revised plan dated 8/4/2020.

The motion was seconded and voted unanimously.

- F. Joseph P. & Devonia M. Keller.** Construction of a permanent dock with seasonal float and ramp with required access stairs at 206 Starboard Lane, Osterville as shown on Assessor's Map 166 Parcel 053. **SE3-5803**

The applicant was represented by Mike Ball and John Lavelle P.E from Baxter Nye.

Correspondences:

Email from Waterways Committee dated July 29, 2020

Letter from Tom Marcotti, Barnstable Shellfish Biologist dated July 30, 2020

Letter from Division of Marine Fisheries dated July 28, 2020

Issues Discussed:

- There was an inquiry about if any waivers were being submitted.
- A concern was raised about in regards to the Waterways Committee request for the applicant to return in reference to the size of the pier, dock, and its impacts on the channel.
- Applicant had submitted review of waivers as requested by staff
- There was a comment about the distance from the navigation channel.
- The Commission discussed the roll out path.
- There was detailed discussion about the pier and dock design.
- There were comments about the benefits of seasonality.

There was no public comment.

There was a motion made to approve a continuance until 9/1/2020.

The motion was seconded and voted unanimously.

III. CONTINUANCES

- A. **Matthew Lehman.** Demolish and replace freestanding garage; demolish and replace rear addition to house at 3760 Main Street, Barnstable as shown on Assessor's Map 317 Parcel 028001. **Continued from 7/7/20. Request for continuance to 9/1/20.**

A motion was made to approve a continuance for 9/1/2020 without testimony.
The motion was seconded and voted unanimously.

- B. **Todd Forman.** Construction and maintenance of a seasonal fresh water dock with boat lift at 326 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 027. **SE3-5798 Continued from 7/14.**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

The plan has been revised to eliminate the boat lift. The pier design has remained the same as the previous plan. The revised plan is dated 7/22/2020.

A motion was made to approve the project based on the revised plan dated 7/22/2020.
The motion was seconded and voted unanimously.

- C. **Timothy J. and Marla J. Kalkus.** Raze and replace dwelling within the 100 foot buffer zone to the bordering vegetated wetland along Lake Wequaquet at 99 Old Farm Road, Centerville as shown on Assessor's Map 231 Parcel 026. **Continued from 7/07 for DEP# and NHESP comments SE3-5802**

A motion was made to close the public hearing and ask staff to issue the Order of Conditions.
The motion was seconded and voted unanimously.

IV. MINUTES

- A. July 14, 2020
B. July 21, 2020

There was a motion to approve A and B.
The motion was seconded and voted unanimously.

V. EXECUTIVE SESSION MINUTES

In consultation with Assistant Town Attorney Kathleen Connolly,
The Chair is taking the following action:

Release the minutes of the Executive Session of July 23, 2019 that relates to the Raspante matter, as the litigation has been settled

There was a motion to adjourn the meeting.
The motion was seconded and voted unanimously.

Meeting was adjourned at: **8:23 P.M.**