



**Town of Barnstable
Conservation Commission**
200 Main Street
Hyannis Massachusetts 02601

Office: 508-862-4093 E-mail: conservation@town.barnstable.ma.us

FAX: 508-778-2412

MINUTES – CONSERVATION COMMISSION HEARING

DATE: May 3, 2022 @ 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.

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://townofbarnstable-us.zoom.us/j/82369478190>

Meeting ID: 823 6947 8190

US Toll-free 888 475 4499

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.

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.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200 MAIN STREET, HYANNIS, 02601

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Morin. Commissioner Sampou joined the meeting late. Commissioner Hearn was absent.

Conservation Administrator, Darcy Karle was present along with Conservation Agent Edwin Hoopes, and Administrative Assistant Emil Assing.

Taken out of order. Meeting started with II. Revised Plans. Old and New business was taken up after III. Extension Requests.

3:00 PM AGENDA

I. OLD AND NEW BUSINESS

- A. Frank R. & Nancy M. Selldorff – 102 Bluff Point Drive, Cotuit – Map 034 Parcel 071. Update on Scope of Work and plan for impacts to shellfish/habitat study.

John O’Dea, Sullivan Engineering, Attorneys Liza Cox and Valerie Moore (Nutter McClennen & Fish, LLP), represented the Selldorff’s, and Frank and Nancy Selldorff were present.

Issues discussed:

- Scope of Work (SOW) was received by, and distributed to, the Commission the previous week.
 - It was noted by the applicant’s engineer that the work specified in the SOW was designed to answer questions specific to the operation of the amphibious vessels by the Selldorff’s at their location.
 - Dr. Pamela Neubert was contracted to design and implement the work. Town of Barnstable Shellfish personnel will assist.
 - The plan is to conduct the study during the summer of 2022 and provide a report to the Conservation Commission in the late fall of 2022.
 - A final report is due by October 25, 2022 to be discussed at the Nov. 1, 2022 Conservation Commission meeting.
- B. Update and discussion on Scudder Lane coastal bank stabilization projects with Nate Jones from Coastal Engineering.
 1. 211 Scudder Lane, Barnstable SE3-5788
 2. 203 Scudder Lane, Barnstable SE3-5789
 3. 205 Scudder Lane, Barnstable SE3-5790
 4. Scudder Lane boat ramp access for projects

Nate Jones of Coastal Engineering reviewed the highlights submitted in the repair guide and the revised plans dated 4/25/22.

Issues discussed:

- Commissioners looked favorably upon the repair guide and revised plans.
- Given the challenges of the site, Nate Jones should come back to the Commission in September and give an update.
- Once repairs are made they should take pictures of the same locations.
- Once repairs are made a Commissioner walk through should be allowed.
- DPW approval of section view plan dated 4/26/22 for Scudder Lane boat ramp was discussed.
- Elizabeth Lewis, of MEA, made a comment requesting that rocks be brought in for the landing repair. Administrator Darcy Karle agreed and was in favor of her request.
- Darcy also requested that delivery of rock and landing repair be scheduled with MEA
- Rock shall be natural granite, no sedimentary rock is permitted.
- Councilor Gordon Star asked a question about woven bags at the bottom of the revetment. Also stated it appears the salt marsh has reduced in size.

II. REVISED PLANS

Project type:

Revisions:

- | | | |
|--|----------------------------|----------------------------------|
| A. Hilary Stone SE3-5829
94 Indian Trail, Barnstable | Construct Boat Barn/Garage | Move structure/ remove driveways |
|--|----------------------------|----------------------------------|

Robert Anderson represented the client.

Motion to approve the marked up unstamped revised plan (in red) dated 2/10/22 subject to receipt of a stamped revised plan with a new date of revision.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin

Nay –

- | | | |
|--|--|---|
| B. 979 Old Post Road LLC/Slater SE3-5874
979 Old Post Road, Cotuit | Outdoor kitchen, fire pit, addition, landscaping | To modify landscape and mitigation plan |
|--|--|---|

Arlene Wilson of Wilson Associates represented the client.

Issues discussed

- Discussion of holly trees being removed in island.

A motion was made to approve the revised plan subject to a further revision showing planting of two replacement holly trees in the buffer zone.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin

Nay –

C. Yuriy and Yuelena Matskevich SE3-5908 24 Flume Avenue, Marstons Mills	Replace deck, add patio, spa porch, beach stairs, landscaping	Add temporary storage shed
---	--	----------------------------

Arlene Wilson of AM Wilson Associates represented the client.

Issues discussed:

- Request for specific date when shed will be removed, such as tying it to occupancy permit.
- Proposed 4’x 6’ temporary shed at 70’ from the resource area boundary.
- Concern over this temporary shed becoming permanent. Commission asked the shed be removed prior to the applicant receiving a Certificate of Occupancy.

Motion to approve the revised plan subject to the removal date for temporary shed will be the date of occupancy permit.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin

Nay –

III. EXTENSION REQUESTS

A. Kathleen M. Adams SE3-5665 57 Snow Creek Drive, Hyannis	Rebuild 2 decks/addition	3 years (1 st request)
--	--------------------------	-----------------------------------

- No one attended the hearing.
- No issues discussed as this was the first request.

A motion was made to approve the extension request.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou

Nay –

IV. ENFORCEMENT ORDERS

A. Kenneth J. Megnia – 260 Plum St., West Barnstable – Map 196 Parcel 037. Alteration of the 50’ and 100’ buffer to a wetland resource area – Garrett’s Pond – by cutting trees.

Exhibits

- A ARC Reader Image of 260 Plum St., West Barnstable, showing buffer zones and approximate location of cut trees (X)
- B Current Site Photos

Ester Megnia represented herself and Jim Aalto (contractor) was present.

Issues discussed:

- Several trees were cut (2 in 50’ buffer and 1 in the 100’ buffer)
- A pool fence will be re-installed at the 50’ buffer and the area between the 50’ buffer and top of slope will be restored with native plantings.
- An after the fact filing for the pool is not required as the pool was installed without permit more than 30 years ago.

A motion was made to approve the Enforcement Order as written.

Seconded and voted unanimously.

Aye – Abodeely, Foster, Gilmore, Lee, Morin, Sampou
Nay – none

V. WARNING LETTERS

A. Michael P. Adams, Tr. AND 51 SE Realty Trust – 0 Long Beach Rd., Centerville – Map 164 Parcel 010. Beach restoration activity on an expired permit (DA-13065).

- Noted

B. CB Enterprises, LLC AND Holland & Knight, LLP– 0 Long Beach Rd., Centerville – Map 164 Parcel 006. Beach restoration activity on an expired permit (DA-13066).

- Noted

VI. NON-CRIMINAL TICKETS

A. Yuriy Matskevich Violation of Order of Conditions (effective sediment controls) \$300.00

- Noted

VII. CERTIFICATES OF COMPLIANCE – Tabled from 4/26 due to power outage

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

A. **Kingfish LLC** **SE3-5173** (Denial) Demo & Rebuild of SFD / Landscaping /
Mitigation Planting 81 Sand Point, Osterville Coastal Bank / Coastal Dune / Beach

The applicant was represented by John O’Dea of Sullivan Engineering & Consulting.

Issues discussed:

- Conservation Assistant Emil Assing identified an un-permitted rinse station within 50’ buffer to coastal bank and within mitigation planting area.
- Emil Assing recommended the Commission vote to deny the COC request and require the applicant to remove the rinse station and relocate it outside the 50’ buffer.
- Commission asked John O’Dea what kind of mitigation was provided.
- The Commission has been dealing with a lot of projects trying to build within the 50’ buffer lately and it has been a priority of the Commission to reduce alteration within the 50’ and to push work outside of the 50’ whenever possible.
- J. O’Dea noted that, even with the rinse station, the as-built conditions have reduced the approved hardscape in the 50’ buffer by 75 sq. ft. and that, across all three properties, the as-built conditions have reduced the hardscape within the 50’ buffer by 500-100 sq. ft. from the approved plan.
- A question was raised whether or not the rinse station was located within the footprint of the demolished cottage. Asked if the applicant would be willing to relocate the rinse station outside the 50’ buffer zone.
- J. O’Dea replied that it was not located within the footprint of the old structure. He said it was premature to say whether or not the applicant would relocate the rinse station.
- A question was asked why Sullivan did not submit a Revised Plan Request to approve the rinse station. J. O’Dea said that he has a difficult time approving a rinse station that close to the coastal bank. He prefers to go with the staff recommendation to remove and relocate.
- The amount of mitigation provided should be a factor in their decision making.

- Conservation Administrator Darcy Karle noted that the rinse station was also located within a mitigation area and she felt that, when a mitigation area is offered that close to the bank, a rinse station should not be approved within it.

A motion was made to approve the denial of the COC request and require that the applicant either remove the rinse station and relocate it outside the 50' buffer zone OR submit a new Notice of Intent to permit the rinse station.

Seconded and voted by roll call.
Aye – Abodeely, Foster, Gillmore, Lee, Sampou
Nay - Morin

B.	John Fish, Tr. Phragmites Removal	SE3-5175 82 Sand Point, Osterville	(Denial)	Addition to SFD / Porch / Deck / Patio / Coastal Bank / Salt Marsh / Coastal Dune
----	---	--	----------	--

The applicant was represented by John O’Dea of Sullivan Engineering & Consulting.

Issues discussed:

- Conservation assistant Emil Assing noted walkways and patios within the 50’ buffer to the coastal bank located at 82 Sand Point.
- Emil Assing recommended the Commission vote to deny the COC request and either require the applicant to remove the walkways and patios and replace with lawn OR submit a new NOI to permit the hardscape within the 50’ buffer.
- A question was raised how far the hardscape was from the coastal bank. Emil Assing shared the plan on the screen and showed how the patios and walkways run along the top of the bank.
- Commission commended the applicant for providing so much mitigation but remarked that this does not mean that the Commission would approve the hardscape after the fact.
- It is important to determine whether or not the original Order of Conditions for the project had expired.
- It was determined the order had expired on 7/30/21.

A motion was made to approve the denial with the staff recommendation.

Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Lee, Morin , Sampou

C.	Francis & Eileen Ward (Work was never commenced)	SE3-4629 201 Bridge St, Osterville	(COC, ez)	Stone wall along toe of coastal bank Coastal Bank
D.	Asemena T. Dodge supported pier, ramp and float	SE3-4836 56 Sand Point, Osterville	(COC, ez)	Replace existing pier with longer pile Coastal Bank, Salt Marsh, LUO
E.	John F. Fish, Tr. Relocate Drive / Mitigation	SE3-5174 86 Sand Point, Osterville	(COC, ez)	Addition to SFD / Pool, Spa, & Patio / Coastal Bank
F.	David Morin (Work was never commenced)	SE3-5303 251 Mitchell’s Way, Hyannis	(COC, ez)	SFD / Septic System / Driveway 50’ Buffer zone to pond
G.	Fabricio Viera 251 Mitchell’s Way, Hyannis	SE3-5782	(COC, ez)	SFD / Septic / Drive / Mitigation 50’ Buffer zone to pond
H.	Roger Berman 164 Point of Pines Ave, Centerville	SE3-4969	(COC, ez)	40’ Stone Shoreline Protection Lake Waquaquet
I.	Ocean Gate Condos seawall and maintain rip rap	SE3-1122 21 Hawes Ave, Hyannis	(COC, ez)	Install a stone mound against existing Coastal Beach, Barrier Beach, VE

A motion was made to approve C. – I.

Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou
Nay

4:30 PM AGENDA

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.

**REMINDER TO APPLICANTS:
FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 200
MAIN STREET, HYANNIS, 02601**

The meeting was called to order at 4:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Morin and Sampou. Commissioner Hearn was absent.

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

VIII. AMENDED ORDERS

- A. **Stanley Davitoria – SE3-5739** Proposed changes to the original Order of Conditions include the relocated wall, along with a proposed pool, patio, shed, and deck at 55 & 61 Beechwood Road, Centerville as shown on Assessor’s Map 252 Parcel’s 182 and 008.

Dan Ojala, Down Cape Engineering and Attorney Jonathan Polloni represented Mr. Davitoria, Stanley Davitoria was present.

- A Site Plan as approved dated May 2020 by Daniel Ojala
- B Site Plan (Proposed work) dated April 18, 2022 by Daniel Ojala
- C Colorized Site Plan

Issues discussed:

- The stone wall running along a portion of the 50’ buffer that was approved under the original Order of Conditions was built well inside the 50’ buffer. Most of the wall was ordered removed by an amended Enforcement Order issued September 15, 2021. A 70 foot portion of that wall was allowed to remain inside the 50’ buffer because it was deemed by a structural engineer that 70’ was significant to maintaining the structural integrity of the house itself.
- The Commission was very clear in this matter - because a 70’ portion of the wall remains within the 50’buffer, the 50’ buffer will always be disturbed.
- There are a number of items in the 50’-100’ buffer that have been built but not permitted – the driveway was expanded and reconfigured, the stone wall was extended further than approved and wing walls with gravel fill have been built, a shed, a stone wall along the property line to the SW side, steps on the SW sided were added, stone walkway in front of house.
- The homeowner is also proposing further hardscape additions within the 50’-100’ (small pool, deck, sauna, powder room and patio).
- There appears to be little additional area (perhaps 300 sq. ft.) within the 50’ buffer available for mitigation planting.
- The applicant would like to pay an in-lieu fee for mitigation; however, the lot must be recognized as a mitigation constrained lot and in-lieu fees are usually only allowed when hardship makes proposed hardscape a necessity for livable space (i.e., an addition for living space) not for pools or other recreational appurtenances.
- A question was raised to whether the 2 leach pits were enough to handle all of the storm water issues on site.
- Applicant will re-assess reductions of hardscape and additional areas or options for mitigation.
A revised plan will be submitted for review on May 24, 2022. The revision must be received 1 week prior to the May 24 meeting.

A request for continuance was made to May 24, 2022.

A motion was made to approve the continuance to May 24, 2022.
Seconded and voted unanimously by roll call.
Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou
Nay

IX. REQUESTS FOR DETERMINATION

- A. **Jeffrey and Bea Goldstein.** Vista pruning and removal of invasive species at 46 Collie Lane, Cummaquid as shown on Assessor's Map 335 Parcel 078 002. **DA-22010 WITHDRAWN**

The applicant requested to withdraw the project without prejudice.

X. NOTICES OF INTENT

- A. **Gail A. Canzano.** Proposed addition with all associated appurtenances including relocating a walkway and a new innovative septic system at 483 Eel River Road, Osterville as shown on Assessor's Map 114 Parcel 018. **SE3-5983**

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

Issues discussed:

- They are being asked to allow an increase of hardscape in the 0-50' buffer in return for an upgraded septic system. If the additional hardscape were in the 50 to 100' buffer it may be a consideration, within the 50' serious consideration needs to be given. A question was raised if this would set a precedent.
- The walkway to get down to the small block wall is very small and unsafe. There are trees that are close. A 4' path would not fit without disturbing the trees.
- There is part of the pier on the marsh that needs to be moved.
- Alternative mitigation areas were discussed.
- The addition will not have a lower level.
- The block wall may be removed and be part of the foundation of the addition.
- There is a reluctance to approve additional hardscape in the 50' buffer.
- Alternate locations for the addition to bring it out of the 50' buffer were discussed.
- If the addition were moved it would require entrance through a bedroom.
- Mitigation could be eliminating the walkway on the side of the house with the wall.
- There are other places around the house that could be considered for additional living space. It was suggested the applicants look at some alternatives.
- No matter where the addition goes it will be in the 50' buffer. Commissioner would like to see a nitro system be considered as some mitigation.
- A nitro system would be better than accepting in lieu fees.
- Flagstones between the house and boardwalk should be removed and some plantings put in. The flagstone steps do not serve a purpose.
- The wood deck at the back of the house can be accessed around the other side. Access is not needed on both sides. It would reduce the hardscape.
- There was continued discussion of nitro systems and mitigation calculations.
- There was further discussion on reducing the hardscape and consideration of an in lieu fee. An in lieu fee would not be considered.
- A suggestion was made to put the issue of nitro systems and possible mitigation calculations on an agenda for discussion.
- Barnstable Clean Water Coalition gave a tour of the houses they are doing. The figures are dramatic how much nitrogen is being removed using the nitro system.

- Other options should be considered.

There was no public comment.

A continuance was requested to May 24, 2022.

A motion was made to approve the continuance to May 24, 2022.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou

Nay

- B. **Peri S. Wentworth.** Construction of additions and deck on existing house; construction of in-ground pool and pool house; modify driveway and landscape amenities including view corridor creation at 16 Walley Court, Hyannis as shown on Assessor’s Map 324 Parcel 020. **SE3-5990**

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

Issues discussed:

- There were no questions from Commissioners.
- The mitigation calculations were checked and reviewed.
- The plan dated 4/30/22 will be revised to show the change in the mitigation calculations.

There was no public comment.

Verification that correct mitigation calculations were done was given by the Chair.

A motion was made to approve the project subject receipt of a revised engineering plan and landscaping plan showing the correct mitigation calculations and demarcation for the 50’ buffer.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou

Nay

A five minute break was requested at 6:44 p.m.

Commissioner Sampou left the meeting at 6:48

Meeting resumed at 6:51 p.m.

- C. **Philip Scudder – Hyline Cruises.** Installation of a timber walkway upon the footprint of an existing gravel/shell-surfaced walkway and the installation of a sanitary pump-out facility at 120 and 134 Ocean Street, Hyannis as shown on Assessor’s Map 326 Parcels 065 and 066. **SE3-5986**

The applicant was represented by Brad Saunders of GEI Consultants.

Issues discussed:

- A question was raised if permission was given from DPW. There is already an existing tie into the system.
- It will be a wood boardwalk. A tropical hardwood.

There was no public comment.

A motion was made to approve the project as submitted.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin, Sampou

Nay

XI. CONTINUANCES

- A. **Glen Lane Nominee Trust – Amended NOI** Modification of existing pier by extending fixed section 24', reusing the existing ramp and turning the end float parallel to the channel or, in the alternative, dredging ±95 cu. yds. around the existing pier at 49 Main Street, Osterville as shown on Assessor's Map 185 Parcel 020. **SE3-5941 (Continued from 4/26 due to power outage.)**

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

Issues discussed:

- The final revised plan is dated April 4, 2022.
- The end float moved 5' to the east the westerly abutter would have enough room for navigation. Enough room would be provided for the applicants boat (Regulator).
- It appears the shellfish maps have changed. The new maps show the area as a 7. The 30" rule would apply.
- The shellfish surveys that were done both show a terrible substrate. The area to the west has no standing stock. To the east there are a few shellfish immediately under the pier.
- A little further to the east there is a sandbar. The sediment in the bar provides much better habitat and is not within the project location.
- The 30" rule would be satisfied for the regulator. The zodiac would not satisfy the 30" rule.
- Potential findings were reviewed by Arlene Wilson.
- The necessary waivers were reviewed. They are for 308 sq. ft. of float vs. 200 in the regulations. A waiver is needed for the extra 108 sq. ft. Waiver for 21 percent of the width of the waterway the regulations allow 20 percent. A waiver is needed for the zodiac and the 30" rule.
- Liz Lewis Shellfish Biologist and representing Natural Resources addressed the Commissioners.
- The habitat assessment maps show a rating of 7. This project is in the middle of the propagation program.
- The area is not completely closed to shell fishing. The regulation needs to be upheld for the regulation. The zodiac is in very shallow water. In many tides it would be sitting on bottom. The area is not conducive to lengthening the pier. This is an area that severely needs to be protected.
- The navigation issue does not appear to be a problem. The owner could put the existing float back in and tie up the two boats under his existing permit.
- The zodiac could be flipped to be perpendicular to the Regulator.
- May and June are the most prevalent months for dragging.
- The current situation is very bad. The boats need to be prevented from sitting on the bottom.
- Float stops could be installed to prevent the floats from sitting on the bottom.
- The regulation incorporating the shellfish studies are rebuttable which is why shellfish studies have been allowed to be presented.
- The current project proposal is a variance of 50 percent. A specific finding needs to be made for this application to grant the waiver.
- The zodiac should not be approved.
- If the interior float just became a walkway it could be narrower and reduced to 4 x 18 from 6 x 18 and would reduce the variance needed.
- The float could be removed and the dock extended 10'. There would be no variance required. Would reduce the need from 3 waivers to 1.
- The harvesters will not be able to turn over the bottom to improve the river.
- There was further discussion regarding extending the pier 10', eliminating the other float, and the zodiac.

- Conditions of approval were discussed. The revised plan should leave the end float in the same location, extend the fixed dock and ramp and eliminate the interior float. The zodiac is not approved until they can meet the 30” rule.
- A waiver is still needed for the 1 percent waiver change.
- The revised plan must show the vessels on it.
- They would have to come back as a revised plan request to add the Zodiac.

Public comment:

Patricia Farina – Back in 2005-2006 the Town paid BARS members to go in and fish the area to help launch a scholarship program and to clear out some of the beds because the growth was prolific. She was out with one of the commercial fisherman in 2020 and there were beautiful quahogs. This is a very valuable area.

A motion was made to approve the project subject to receipt of a revised engineering plan showing pier and ramp extension of 10’, eliminate the interior float. Being subject to the 30” rule, the zodiac would only be approved with the submission of evidence it meets the 30” rule (revised plan hearing). The engineering plan will show the berthing location of the Regulator. Draft of Regulator shall be indicted on the sign with 30” rule.

A three year bathometric survey and an as built engineering plan.

Further discussion took place on the need for survey and as built.

Motion was amended that an as built is not required however certified letter from the engineer would be required for the COC along with a bathometric survey at the end of the 3 years. Commission is granting a J4 waiver.

Amended motion was seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin,

Nay

XII. MINUTES

A. April 5, 2022

B. April 12, 2022 (Tabled from 4/26 due to power outage.)

A motion was made to approve A. and B. as submitted.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin

Nay

A motion was made to adjourn.

Seconded and voted unanimously by roll call.

Aye – Abodeely, Foster, Gillmore, Lee, Morin

Nay

The time was 7:59 p.m.