

Town of Barnstable Conservation Commission

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MINUTES - CONSERVATION COMMISSION HEARING

DATE: August 1, 2023 @ 3:00 PM

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Remote Participation Instructions

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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 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 3:00 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk George Gillmore, Commissioners Abodeely, Hearn, Sampou and Tangney.

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

I. OLD & NEW BUSINESS

- A. Craigville Beach Article 97 Declaration Regarding Proposed Sewer Pump Station: The Conservation Commission will consider and vote whether to recommend to the Town Manager that the land that will be occupied by a proposed sewer pump station at 997 Craigville Beach Road, Craigville, Map 206 Parcel 013, is surplus to municipal, conservation, and open space needs.
 - Assistant Town Attorney Charlie McLaughlin addressed the Commissioners with details of the project and the procedural issues.
 - All members of the Commission are present for the vote.
 - This parcel is in front of the Craigville Beach bath house.
 - The sewer pump station will be underground.
 - Some of the supporting infrastructure will be above ground. There will be public input on the appearance and design of the structure.
 - The Conservation Commission is being asked to say that this project will not be deleterious to conservation wetland resources.

A motion was made to recommend to the Town Manager that he can declare the property located at 997 Craigville Beach Road, Centerville, Map 206 Parcel 013, is surplus to municipal, conservation, and open space needs.

Seconded and voted by roll call.

Aye -Abodeely, Foster, Gillmore, Hearn, Lee, Sampou

Nay

Tangney - Abstain

II. REVISED PLANS

Project Type

Revisions

A. Cuming Family GST Exempt Trust 150 Hummock Lane, Cotuit SE3-6003

Construct pool, patio Reduce scope of improvements replace septic, addition, pool, wall & steps

The applicant was represented by Raul Lizardi from Cape & Island Engineering.

Issues discussed:

- Details of the revised plan were reviewed.
- The area where the shed is being removed will be replanted.

A motion was made to approve the revised plan as submitted.

Seconded and voted by roll call.

Aye -Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

III. EXTENSION REQUESTS

Project Type

Time Requested

A. Carlton & Christine Sands SE3-5661 4 Bay Shore Road, Hyannis Raze & Rebuild SFD

3 years (1st request)

There was no representative available.

A motion was made to approve the extension request.

Seconded and voted by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

B. Richard Mr. Jr. & Nonnie Burnes SE3-5502

Vegetation Management

3 years (2nd request)

1635 South County Rd., Marstons Mills

Vista Creation

The applicant was represented by Chuck Rowland of Sullivan Engineering and Consulting and Caitrin Higgins of Wilkinson Ecological Design.

Issues discussed:

- The extension request is for maintenance of the area.
- Caitrin Higgins addressed the Commission. The extension is to do additional planting.
- It is a magnificent property.

A motion was made to approve the extension request.

Seconded and voted by roll call.

Aye -Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

C. Vineyard Wind, LLC SE3-5681 857 Craigville Beach Road, Centerville Install submarine electric cables & onshore duct bank system

3 years (1st request)

The applicant was represented by Elizaeth Marsjanik of Vineyard Wind.

Issues discussed:

- The work is almost complete.
- There are some minor works that still need to be completed in the fall.
- Some dewatering may need to be done.

A motion was made to approve the extension request.

Seconded and voted by roll call.

Aye -Abodeely, Foster, Gillmore, Hearn, Lee, Sampou

Nay -

Abstain - Tangney

IV. REQUESTS FOR DETERMINATION

A. Henry Blair. Proposed addition with associated septic system. Minor grading within the 100' buffer to a coastal bank and septic piping within the 100' buffer to an isolated vegetated wetland at 2580 Main Street (Rte 6A), Barnstable as shown on Assessor's Map 258 Parcel 016. **DA-23043**

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

There were no questions from Commissioners.

There was no public comment.

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

Seconded and voted by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

V. NOTICES OF INTENT

A. William J. & Kathleen M. Fitzgerald. Proposed pool replacement/modifications at 285 Baxters Neck Road, Marstons Mills as shown on Assessor's Map 075 Parcel 010-002. SE3-6115

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting. Mike Coutu of Sudbury Design Group, and the owner William Fitzgerald were also present.

Issues discussed:

- Report of the condition of the trees done by Steve Haywood of Bartlett Tree will be submitted.
- Replacement trees will be included as part of the planting plan.
- This is the result of an enforcement order. Ed Hoopes addressed the Commissioners; the restoration can be part of the planting plan.
- A question was raised if the trees could be saved by moving the construction access.
- The trees were found to be in bad shape and should not be in close proximity to the house.
- There was discussion on location and availability for construction access.
- The two trees to be replaced are substantial. Caliper inches at breast height will be used to determine the replacement.

• A question was raised why the pool is being moved closer to the 50' buffer.

- There is a retaining wall under the pool and a raised spa. The spa is being incorporated into the pool.
- Space is needed between the house and the pool.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan showing the replacement of the two trees submitted to Conservation Agent Ed Hoopes for review and approval.

Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney Nay -

VI. CONTINUANCES

A. Bennett Daniel. Remove and replace inground pool and deck; remove and replace patio floor and amenities; construct shed; and landscaping at 744 Sea View Avenue, Osterville as shown on Assessor's Map 114 Parcel 012-002. **SE3-6106 Continued from 07/11/2023. WC Form received.**

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

Issues discussed:

- The plastic mesh being put in for access to the back yard by the landscapers is within the 50' buffer.
- There are other options for providing access for the landscapers.
- There was continued discussion of access possibilities for the landscapers.
- Demarcation bounds should be shown on the plan to show the additional mitigation.
- A regular lawn mower would be sufficient for the area that the landscapers need to access for mowing. The grading around the pool could be changed to accommodate access.
- A planting plan should be included to stabilize the area.
- Staff approval will be needed for the changes.
- Some of the trees will still need to be removed.
- A revised plan should be submitted showing the number of trees coming down and access for the lawn mower.
- The new configuration of the pool deck requires some trees to come down.
- Part of the lower lawn is in the 50' buffer. It was only supposed to be moved 4 times per year.
- No additional trees are coming down in Conservation jurisdiction.

There was no public comment.

A motion was made to approve the project subject to receipt of a revised plan to be reviewed and approved by Darcy. The revised plan should include demarcation line, minor grading change and repair of the erosion area, and a notation about mowing four times per year.

Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney Nay -

B. Linda Zarifi and Ali Aziz-Sultan – The Linda Zarifi Revocable Trust of 2018. Proposed construction of a single-family house at 326 Vineyard Road, Cotuit as shown on Assessor's Map 016 Parcel 028-002. **SE3-6110** Continuance requested to 08/01/23 **WC Form received. Continued from 7/18/2023. Continuance requested to 8/22/23. WC Form Received.**

A continuance was requested to August 22, 2023 without testimony.

A motion was made to approve the continuance request to August 22, 2023 without testimony. Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney Nay -

C. George Haseotes. Proposed landscape improvements including resource area enhancements, deck and patio reconstruction and reconfiguration, driveway improvements, and fencing at 309 Long Beach Road, Centerville as shown on Assessor's Map 185 Parcel 035. SE3-6112. Continued from 7/25/23 for NHESP Comment Only.

The NHESP letter has not been received.

A continuance was requested to August 8, 2023.

A motion was made to approve the continuance request to August 8, 2023.

Seconded and voted by roll call.

Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney Nay -

VII. MINUTES

A. July 11, 2023

A motion was made to accept the minutes as submitted.

Seconded and voted by roll call.

Aye – Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

A motion was made to adjourn.

Seconded and voted by roll call.

Aye -Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney

Nay -

The time was 4:25 p.m.