



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: October 3, 2023 @ 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.

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 live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <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/83840917928>

Meeting ID: 838 4091 7928

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.

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 6:30 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 Administrative Assistant, Kim Cavanaugh.

I. REQUESTS FOR DETERMINATION

- A. **Richard Cogliano.** To remove asphalt and shrink footprint of the driveway. Replace asphalt with native stone, plant new grass, hydrangeas and sea grass, remove and replace brick steps with granite steps at 1492 Main Street, West Barnstable as shown on Assessor's Map 197 Parcel 048. **DA-23047**

The applicant represented himself.

Issues discussed:

- The applicant was unable to hear the meeting.
- Darcy Karle explained the project and is in approval of a negative determination.
- There were no questions from Commissioners.

Public Comment: None

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 -

II. NOTICES OF INTENT

- A. Liam K. & Amy E. Griffin.** After the fact filing of replacement of stairs at 191 Sea View Avenue, Osterville as shown on Assessor’s Map 138 Parcel 015. **SE3-6127**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- The stairs were replaced in kind.

Public Comment: None

A motion was made to approve the project as submitted.
Seconded and voted by roll call.
Aye –Abodeely, Foster, Gillmore, Hearn, Lee, Sampou, Tangney
Nay -

- B. Graham R. & Lisa C. Walters.** To construct a pier, permit existing sandy area and to rebuild a retaining wall at 38 Washington Avenue, Osterville as shown on Assessor’s Map 162 Parcel 002. **SE3-6128**

The applicant was represented by Chuck Rowland, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- The prior Enforcement Order was reviewed.
- There are different opinions on how long the beach sand has been there.
- They are requesting to keep the sandy area and are offering some native plantings.
- When the filing came in for the house the sandy area was identified on the plan.
- It was reviewed by staff. The sand they put in was gullying and going over a retaining wall.
- As recommended by staff, they are filing this NOI for approval of the sandy area.
- It appears the lawn was removed and replaced with sand. They have not added sand to the beach.
- The area between the wall and the BVW will be allowed to grow naturally.
- This area is within the 50’ buffer.
- The reconstructed wall will be raised to contain the sand.
- Demarcation will be needed, and annual reports should be submitted.
- The guidelines for freshwater docks state they should be seasonal. This is a proposed fixed year round pier.
- At the site visit there was a lot of sand washing into the pond from the sandy beach.
- Lawn would add pesticides and fertilizers to the pond as there is no buffer between what would be the lawn area and the pond.
- There was a hose running from the pool into the lake at the site visit.
- The stairs are being replaced in kind.
- The 10” higher wall looks like they are bringing in additional sand to level the area.
- The sand should be lowered rather than bringing in additional sand.
- There is a lot of mulch on the property. There was a question about the prior mitigation planting being complied with.

- They have not requested a COC because the mitigation has not been met for the prior project.
- Some plantings could be added to the sand and lawn area.
- The pier should be a seasonal aluminum pier.
- There should be a 3-4' strip of plantings in front of the retaining wall.
- The reason this is a lake and not considered a pond is because it is approximately 40-45' deep.
- A vegetated area was made into a beach and the owners are now asking to keep an unpermitted sandy beach.
- There was a similar previous project permitted.
- If the sandy area is approved, the OOC should state the sand should stay 10" below the top of the wall. It should also state no additional sand it to be added.
- If there is an existing beach it can be maintained.
- The sand should be lower than 2-3" below the top of the wall. 10" would make the wall too high.
- A continuance was requested to October 17, 2023.

Public Comment: None

A motion was made to approve a continuance to October 17, 2023.

Seconded and voted by roll call.

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

Nay -

- C. New Rushy Marsh Realty LLC.** Construction of a patio adjacent to the existing cabana including work and mitigation planting inside the 100-foot buffer zone at 1500 Main Street, Cotuit as shown on Assessor's Map 017 Parcel 014.

The applicant was represented by Attorney Mike Ford and Sean Reardon, P.E., and Chris Dindle, Landscape Architect.

Issues discussed:

- The SE3 number and the NHESP letter have not been received.
- The location of the coastal bank needs to be revised on the plan.
- There was discussion about the coastal bank. They will submit a bank delineation plan.
- The dune restoration test area worked well. It would work well for mitigation.
- The name of the contractor for the restoration work will need to be submitted for the Special Conditions.
- Ten trees are being removed. Three holly trees are being transplanted.
- Most of the trees being removed are American Holly.
- The dune restoration test area was reviewed.
- The prior mitigation areas were reviewed.
- The proposed mitigation area is to improve a prior mitigation area.
- For the next hearing they will submit prior mitigation areas with an overlay on what the new mitigation is for this project.

Public Comment: None

A continuance was requested to October 17, 2023.

A motion was made to approve the continuance to October 17, 2023.

Seconded and voted by roll call.

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

Nay -

III. UNDER ADVISEMENT

- A. **Quarterra Multifamily Communities.** Proposed construction of multifamily apartment buildings along with a community pool, clubhouse, associated driveway access, parking areas, and storm-water management systems at 35 Scudder Avenue, Hyannis as shown on Assessor's Map 289 Parcel 110. **SE3-6124 Continued from 9/12/23**

A letter was received October 3, 2023, requesting to withdraw the project without prejudice. It will be re-filed at a later date.

A motion was made to waive the local application fee for the future filing.

Seconded and voted by roll call.

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

Nay –

A question was raised if the record from this filing can be brought into the new filing. The legal department will be consulted.

IV. CERTIFICATES OF COMPLIANCE

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

- | | | | |
|--------------------------------------------------------------------------|--------------------------|-------------|------------------------------------------------------------|
| A. Steven V. Kenney, Tr. – Dead Neck Realty Trust | SE3-5545 | (COC, ez*) | Remove tennis court & construct pool, patio, and a gazebo. |
| 160 Vineyard Rd. Cotuit | | | Coastal Bank / Coastal Beach |
| B. Micheal P. & Jill M. Stansky | SE3-5912 | (COC, ez) | Replace timber bulkhead with vinyl |
| 38 Great Bay Road, Osterville | | | Coastal Bank / Coastal Beach / Salt Marsh |
| C. Richard & Elizabeth Kniss – Kniss Family 1996 Realty Trust | SE3-5683 | (COC, ez *) | |
| Invasive Plant Management on Coastal Bank & Salt Marsh | 7 Ocean View Ave, Cotuit | | Salt marsh / Coastal bank |
| D. John & Allyn McManmon | SE3-5541 | (COC, ez) | Raze / Replace Detached Garage |
| 134 Prince Ave, Marstons Mills | | | Marstons Mills River / Wooded Swamp |

A motion was made to approve A. – D.

Seconded and voted by roll call.

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

Nay

A motion was made to adjourn the meeting.

Seconded and voted by roll call.

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

Nay

The time was 7:55 p.m.