



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: November 5, 2024 @ 3:00 PM

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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/84370033919>

Meeting ID: 843 7003 3919

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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 Foster, Clerk Angela Tangney, and Commissioner Hearn. Commissioners Abodeely and Sampou were absent.

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

I. EXTENSION REQUESTS

Project Type

Time Requested

- | | | |
|---|----------------------|-----------------------------------|
| A. Miodrag & Dajana Delmic SE3-5933
65 Hawes Avenue, Hyannis | Raze and replace SFD | 3 years (1 st Request) |
|---|----------------------|-----------------------------------|

The applicant was represented by John McNabola.

There were no questions from Commissioners.

A motion was made to approve the extension request.

Seconded.

Aye – Foster, Hearn, Lee, Tangney

Nay – none

- | | | |
|--|--|-----------------------------------|
| B. Taonei Mushayandebvu SE3-5968
108 Bay Road, Cotuit | Basement addition, deck,
patio modification | 3 years (1 st Request) |
|--|--|-----------------------------------|

The applicant was represented by Arlene Wilson of AM Wilson & Associates.

Issues discussed:

- Work has not started on the project.
- There is a new owner.

A motion was made to approve the extension request.

Seconded.

Aye –Foster, Hearn, Lee, Tangney

Nay – none

- | | | |
|----------------------------------|-------------------|-----------------------------------|
| C. J.M.S. Holdings, LLC SE3-5953 | Beach nourishment | 3 years (1 st Request) |
| 134 South Bay Road, Osterville | | |

The applicant was represented by Arlene Wilson of AM Wilson & Associates.

Issues discussed:

- Request is in case repair is needed after a winter storm.
- All nourishment would be above mean high water.

A motion was made to approve the extension request.

Seconded.

Aye –Foster, Hearn, Lee, Tangney

Nay – none

II. REVISED PLANS

Project Type

Revisions

- | | | |
|------------------------------------|----------------------|--------------------|
| A. Christina Corsiglia SE3-5950 | Raze and replace SFD | Replace foundation |
| 65 Waterman Farm Road, Centerville | | |

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

Issues discussed:

- During renovation they found the foundation needs to be replaced.
- The first floor will be raised approximately 1 ½ feet.
- The building will be elevated and the foundation will be replaced, the building will be lowered back onto the new foundation.

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

Seconded.

Aye –Foster, Hearn, Lee, Tangney

Nay – none

III. ENFORCEMENT ORDERS

- A. Nicholas D. Samra & Erica L. Pearson, Trs AND Whileaway Realty Trust – 205 Seapuit Road, Osterville – Map 095 Parcel 013.002. Alteration of the buffer to a wetland resource area – Isolated Vegetated Wetland – by unpermitted cutting of vegetation within the 0’-100’ buffer.

Exhibits

- | | |
|---|--|
| A | ARC Reader and Aerial photo of 205 Seapuit Rd., Osterville |
| B | Site Photos |

C Approved Plan (SE3-5924)

Sean Riley, P.E., Tighe & Bond represented Nicholas D. Samra & Erica L. Pearson, Trs AND Whileaway Realty Trust

Issues discussed:

- Self-reported by Sean Riley
- Permitting under **SE3-5924** involved construction within floodzone only (however this order expired 10/15/24). They are not allowed to work in floodzone or within 100' of a newly identified wetland until filing a new NOI and receiving new OOC to finish work within jurisdiction.
- The contractor started doing work in the southeast corner of the property which prompted the neighbor to alert the contractor to presence of a wetland in the southeast corner of the property. This wetland was not picked up by Coastal Engineering at the time of the original NOI filing and OOC (issued 10/15/2021). This wetland appeared on a plan filed in 2003 by the neighbor for a NOI on the neighbors property(SE3-4093) but it does not appear on the approved plan for SE3-5924 or on Massmapper!
- Some understory was cut within 50' of this unidentified wetland – the unidentified wetland will need to be delineated, the buffer will need to be restored (under enforcement), and a new NOI will need to be filed (with the new wetland delineation). The new NOI plan of record should state the 50' buffer is being restored under enforcement but the new OOC will need to be issued before any further construction work/alteration may occur within the 100' to the new wetland and the floodzone.

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

Seconded.

Aye – Lee, Tangney, Foster, Hearn

Nay – none

B. Sunset Lane Irrevocable Trust – 111 Sunset Lane, Barnstable – Map 301 Parcel 030. Failure to request a certificate of Compliance for SE3-5625 (Expired March 13, 2023).

- Tabled to December 3, 2023

IV, NON-CRIMINAL CITATIONS

A. Elisa Cunningham Alteration of BVW by cutting trees – 547 Main St. Osterville \$200.00

- Noted

A motion was made to adjourn the meeting.

Seconded.

Aye –Foster, Hearn, Lee, Tangney

Nay – none

The time was 3:20 p.m.