



# Town of Barnstable Conservation Commission

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## MINUTES – CONSERVATION COMMISSION HEARING

**DATE: June 23, 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 June 23, 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/91818749377>

Meeting ID: 918 1874 9377

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](mailto: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](mailto: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. by Chair F. P. (Tom) Lee. Also in attendance were: Vice Chair Louise R. Foster, Clerk Dennis Houle, Commissioners George Gillmore, and John Abodeely. Larry Morin joined later in the meeting.

Conservation Administrator Darcy Karle assisted.

### I. OLD AND NEW BUSINESS

**State Land Grants Application** at 830 Wakeby Road, Marstons Mills, Map 013 Parcel 003.

Janet Milkman of BLT and Mark Robinson, Executive Director of the Compact of Cape Cod Conservation Trusts, presented the application.

Conservation restriction 15.8 acres in Barnstable.

Town would own it and BLT would hold the Conservation Restriction.

A motion was made to request the chairman to support the State Land Grant application.

Seconded  
Roll call  
Voted unanimously.

A motion was made to ask the Chairman to write letter to Town Council in support of the purchase of 830 Wakeby Road.  
Seconded  
Roll call  
Voted unanimously.

## **II. NOTICES OF INTENT**

**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.

The applicant was represented by Matthew Farrell from J.M. O'Reilly & Associates and Jim Haggerty from Reef Builders.

Issues discussed:

- SE3 number has not been received from DEP.
- It is not a grandfathered site. Should a waiver be allowed to add hardscape in the 50' buffer?
- Would not need to move it very far to get it out of the 50' buffer.
- The proposed plan is better than what is existing and would correct some issues.
- Plan for storm run-off was discussed.
- A suggestion was made to pull the fence landward and use the existing fence as the demarcation for the meadow.
- The dock is permitted and the SE3 number should be put on the plan.
- The new plan is better but would be even better if just moved slightly to get out of 50' buffer.
- There is no information on if the chain link fence is permitted. Fence was existing when owners bought property.
- Would like a low split rail fence along the mitigation area to keep it separate from the lawn area. It will be added to the revised plan.
- If they want keep the chain link fence it will have to be adjusted to let small animals pass or prove that it was permitted.

### **Public comment:**

Ronald Catignani – 190 Connors Road. Abutter.  
Mr. Catignani commented that the 50' buffer is sacred. Water should be captured before it goes into the lake.

Timothy Kalkus – Applicant

Mr. Kalkus stated the property has been in his family for 75 years. They want to be protectors of the environment. He feels they went to extreme levels to try to get as much of the project out of the 50' buffer. The fence was put in by his uncle many years ago.

A finding was proposed that the commission will grant a waiver to allow reconstruction of the deck and a portion of the porch within the 50' buffer given the improvements to the site that are being made, the location of the existing carriage house, the improvements to the storm water run-off on the site, and other mitigation that is being provided.

Seconded  
Roll call  
1 nay  
5 aye  
Finding carries

Based on the finding a motion was made to approve the project subject to submission of a revised plan that will show the roof run off and septic design, the location of the vegetated swale, record the SE number for the dock on the plan and include the location of a split rail fence for demarcation of the meadow. In addition, supply the locations in the chain link fence across the waterfront which will allow for bottom sections to be raised 6 inches in order to provide the passage of small animals. This does not have to be done along the sides but between the resource area and the upland. Not all sections have to be raised but alternative sections or every third section just to provide a passage for small animals. In addition will be approving the Order of

Conditions, however will continue the matter until July 7th in order to receive the SE number and consider any comments from DEP.

Seconded

1 nay

5 aye

Motion carries.

**Moss Hollow Enterprises LLC.** Proposed demolition of the existing single-family and construction of a new single-family dwelling with all associated appurtenances including a deck, driveway, grading, utilities, landscaping and mitigation at 145 Salten Point Road, Barnstable as shown on Assessor's Map 301 Parcel 001. **SE3-5795**

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

Issues discussed:

- SE3 number has been issued. There were no comments from DEP.
- Fill will be brought in to raise the new building to get it above the flood elevation.
- This is the first application that has an impact on potential guidelines. The Commission has been waiting for the State to develop guidelines.
- By filling the VE zone and diverting water, there may be an impact to the neighboring properties.
- The project will not make the water higher on abutting properties. It will help improve the property to the west. The water is coming over the walls already on the abutting properties. Swales have been created in other areas in order to divert away from neighbors.
- Some water will be diverted toward the street but a swale has been added to help.
- Proposed mitigation may not survive the splash over. The plantings should be monitored.

There was no public comment.

A motion was made to approve the project as submitted with a requirement of annual reports for 3 years to ensure the mitigation plantings have survived and any that have not will be replaced.

Seconded

Roll call

Voted unanimously.

### **III. CONTINUANCES**

- A. Jack Yunits, Commissioner, Barnstable County.** Proposed site capping plan and Phase II stormwater management improvements located within the 100-foot Buffer Zone to wetland resource areas at 155 South Flint Rock Road, Barnstable as shown on Assessor's Map 313 Parcel 007. **SE3-5772 Continued from 3/31. Additional request for continuance to 8/18.**

Continuance was requested by Roger Thibault Assistant County Administrator because of COVID-19 related finances. A hold was put on many of their projects. Continuation is for finance related purposes. Continuance request letter was forwarded to Elizabeth Jenkins, Dan Santos and Karen Nober.

Commission felt this is a very sensitive issue that needs to be addressed. It is time sensitive.

Roger Thibault of BETA Group stated they are looking for other financial resources. Formal first step in process was sent to MASS DEP for financial assistance.

There was no public comment.

A motion was made to continue to August 18th without testimony.

Seconded

Roll Call

Voted unanimously.

- B. Town of Barnstable Conservation Program.** Proposed implementation of an aquatic management program that includes treatment of aquatic invasives with Sonar at Long Pond, Centerville. **SE3-5778 Continued from 4/28 for the sole purpose of NHESP review. Continued from 5/26.**

Colin Gosselin from Solitude represented the applicant.

Comments have not been received by NHESP.

No treatment has been started. Only tubler sampling has been done.

A motion was made to continue to July 7th.

Seconded

Roll call

Continuance approved.

- C. Charles J. Murphy, Trustee.** Construction of a stone retaining wall at 122 Point of Pines Avenue, Centerville as shown on Assessor's Map 230 Parcel 063. **SE3-5791 Continued from 6/9.**

A continuance was requested until July 21st.

A motion was made to continue until July 21st.

Seconded.

Voted unanimously.

**IV. CERTIFICATES OF COMPLIANCE** (ez = no deviations, staff recommends approval) (\* = on-going conditions)

- |    |   |          |                |   |
|----|---|----------|----------------|---|
| A. | Kelly<br>150 East Bay Road, Osterville      | SE3-4908 | (coc, ez)<br>- | Construct stairs & boardwalk (not done)<br>Manage invasive plants *<br>East Bay |
| B. | Trotto<br>94 Starboard Lane, Osterville     | SE3-5262 | (coc, ez)<br>- | construct addition; invasive plant management *<br>Bumps River                  |
| C. | Kariotis<br>63 Pirates Cove, Oyster Harbors | SE3-4780 | (coc, ez)<br>- | construct single family dwelling (not done)*<br>BVW near Cotuit Bay             |
| D. | O'Shea<br>104 Moco Road, West Barnstable    | SE3-5384 | (coc, ez)<br>- | replace stairs, decks, & walls leading to water *<br>Garretts Pond              |

A motion was made to approve A-D.

Seconded

Roll call

Voted unanimously.

**V. MINUTES**

- A. June 9, 2020

A motion was made to approve the June 9th minutes as amended.

Seconded

Roll call

Voted unanimously.

A motion was made to adjourn.

Seconded

Voted unanimously.

The time was 7:45 pm.