



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: December 9, 2025 @ 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.

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.

Remote Participation Instructions

<https://townofbarnstable-us.zoom.us/j/82607364719>

Meeting ID: 826 0736 4719

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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 Edwin.Hoopes@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Edwin.Hoopes@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

Conservation Commission meeting materials are available through Laserfiche. Links to application materials can be accessed [HERE](#).

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were Commissioner Bill Hearn acting as Vice-Chair/Clerk, Commissioners Abodeely, DeMelo, Kaschuluk and Sampou.

Conservation Administrator Ed Hoopes, Conservation Agent Brady Hill, and Administrative Assistant Kim Cavanaugh were also present.

I. OLD & NEW BUSINESS

A. Annual Sandy Neck Report

Nina Coleman Director of Natural Resources presented the annual report to the Commissioners.

Issues discussed:

- Sandy Neck is well funded.
- The Commissioners were invited to go on a site visit to see the resiliency project which is currently underway.
- The project will be a success because it is based on science.
- Earnings on investments had a large increase.
- Nina was thanked for the report.

<u>II. REVISED PLANS</u>	<u>Project Type</u>	<u>Revisions</u>
A. Pamela Randon SE3-6019 117 Eel River Road, Osterville	Construct boathouse	Relocate mitigation

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

Issues discussed:

- A question was asked if some of the mitigation could go closer to the coastal resource.
- The consultant advised there are a couple large older trees in that area that provide a lot of shade. Finding locations for mitigation around the roots would be difficult.

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

B. Anthony Pelletier SE3-6202 18 Nelberth Terrace, Hyannis	Reconstruct jetty, boat ramp platform, revetment	Replace ramp
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The applicant was represented by Roy Okurowski, P.E. of WRS Engineering.

Issues discussed:

- The old materials will be removed.
- Staff is in approval of the project.

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

III. WARNING LETTERS

- Tom Frederick, Joan K Frederick Tr., and Joan Frederick Trust - 25 Jubilation Way, Osterville – Map 098 Par 063. Alteration of a wetland resource area and the buffer to a wetland resource area – vegetated wetland – by cutting vegetation.
 - No questions from Commissioners
- Margaret H Rowland - 1692 South County Rd, Osterville – Map 098 Par 013. Alteration of a wetland resource area and the buffer to a wetland resource area – vegetated wetland – by cutting vegetation.
 - No questions from Commissioners

IV. ENFORCEMENT ORDERS

- James E Hawley Jr - 259 Main Street, West Barnstable – Map 134 Par 013. Alteration of a buffer to a wetland resource area – vegetated wetland - by adding unpermitted hardscape including a patio and paver walkway AND failure to request a Certificate of Compliance for SE3-4947.

- The applicant appeared with Attorney Paul Revere
- The violator understands what is required under the enforcement order
- An issue was raised about who would be able to work on this as the individuals who handled the previous filing on the property have changed companies or retired

A motion was made to approve the enforcement order as written.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

V. REQUEST FOR DETERMINATION

A. **Andrei Yarmalovich.** To construct 22' x 8' front porch at 33 Island View Road, Hyannis as shown on Assessor's Map 325 Parcel 179. **DA-25044**

The applicant was represented by Carlota Bogen.

Issues discussed:

- There were no questions from Commissioners.
- There is a wetland across the street to the north and east of the property.

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

B. **C.J. Riley Builder, Inc.** Raze and replace single family dwelling with decks, stoop, stairs and associated utilities, appurtenances, and landscaping at 686 South Main Street, Barnstable as shown on Assessor's Map 186 Parcel 037-001. **DA-25045**

The applicant was represented by Chuck Rowland, P.E. of Cape & Islands Engineering.

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

C. **Yachtsman Condominium Trust.** Hand pulling of invasives on the dune/beach area behind unit #140 at 500 Ocean Street, Hyannis as shown on Assessors Map 324 Parcel 040-ODJ. **DA-25046**

The applicant was represented by Thomas Doherty and Dan Scioletti.

Issues discussed:

- A qualified professional should be hired to do the project.
- A landscaper would be sufficient. Does not need to be a CERP Certified professional.
- Knapweed is being pulled.

- The Conservation Administrator will be notified and approve the contractor.
- This will be done annually for five years.

Public comment: None

A motion was made to approve the project as a negative determination and allow the permit to go for five years.
Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

VI. NOTICES OF INTENT

A. Diego L. Ghia Ayala. Proposed modular retaining wall and buffer zone restoration at 67 Huckleberry Lane, Marstons Mills as shown on Assessor's Map 102 Parcel 188. **SE3-6338**

The applicant was represented by Justin Lamoureux, P.E. of Strong Tree Engineering.

Issues discussed:

- This project is the result of an enforcement order.
- The date of the revised plan is 12/4/25.
- Demarcation is needed along the landward side of the mitigation/restoration area.
- The driveway is not being changed.
- The retaining wall is going back into the same footprint as the prior wall.
- The entire house is mostly in the 0-50' buffer.
- A question was raised if the mitigation could go closer to the resource. It could be taken from the right area closer to Huckleberry Lane. The consultant was agreeable to moving some of it.
- The grade of the wall and elevation was discussed. The driveway will pitch to a drywell. The back of the wall will have a drain.
- There will be mulch only along the dripline of the restoration area.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the new location of the mitigation, adding demarcation for the mitigation area and annual reports for three years.
Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

B. Gregory Labun & Elain Gershman. After the fact filing for construction of a patio at 12 Pond Street, Centerville as shown on Assessor's Map 230 Parcel 088. **SE3-6336**

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

Issues discussed:

- The project is a result of an enforcement order.
- The plan is a good one considering the circumstances.
- Along the lower boundary there is a fence. The mitigation is going all the way to the fence.
- The area going toward the beach looks like some sand was added. The mitigation is going all the way to the tree area.

Public comment: None

A motion was made to approve the project as submitted with annual reports for three years.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

C. Alicia L. Fix, Trustee – Fox Island Road Realty Trust. To construct a 12' x 20' open covered deck by tennis court and proposed relocation of driveway entrance at 61 Fox Island Road, Marstons Mills as shown on Assessor's Map 096 Parcel 014. **SE3-6337**

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

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

D. Laura Beth Trust, Trustee – 364 Wianno Avenue Realty Trust. To permit a proposed pier, ramp and float for non-motorized use at 270 East Bay Road, Osterville as shown on Assessor's Map 163 Parcel 010. **SE3-6339**

A continuance without testimony was requested to January 6, 2026.

A motion was made to approve the continuance without testimony to January 6, 2026.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

E. Mass Audubon. Enhancement and restoration of 76.5 acres of salt marsh within the Great Marsh Wildlife Sanctuary at 2450 and 1452 Main Street and 89 Shepards Way, Barnstable as shown on Assessor's Map 238 Parcel 005-002, Assessor's Map 258 Parcel 017, and Assessor's Map 237 Parcel 021. **SE3-6335**

A continuance without testimony was requested to January 6, 2026.

A motion was made to approve the continuance without testimony to January 6, 2026.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

VII. REMAND NOTICE OF INTENT

A. Remand NOI Application – SE3-6058 Shawn D. Martin, Trustee. Convert post supported pier to pile supported pier with no change in footprint at 310 North Bay Road, Oyster Harbors as shown on Assessor's Map 072 Parcel 005.

The applicant was represented by Attorney Brian Wall and Arlene Wilson of A.M. Wilson Associates.

Issues discussed:

- Commissioner John Abodeely reviewed the court decision.
- The project was to convert post supported pier to pile supported pier but they are also replacing the decking.

- The Court believes the Commission used the wrong standard. The correct standard is the applicant must prove by a preponderance of the evidence that the project will not have unacceptable significant or cumulative effects on the wetland resource values.
- The representative adequately addressed the issue of significant negative effects on the wetland resources but she did not address the issue of cumulative impact.
- An example of cumulative impact would be if there are other seasonal docks in the area that will need replacement and apply for a permanent vs. seasonal pier.
- A continuance should be requested to submit evidence that approval would not have a cumulative impact.
- Attorney Wall stated they are in agreement as to what the court standard is. There are specific design criteria in the dock regulations. Presumably if the standards are met there would not be a cumulative impact. All the standards are met with the exception of the pier being offset to the side. The location of the pier is not being changed.
- There is nothing new proposed that does not comply with the design standards. There should be a presumption that they are not unacceptably significant or adverse.
- Arlene Wilson stated there have been very few instances where the Commission has asked for that kind of analysis. There has been only one other in the Centerville River and one along the Popponesset Bay shore.
- The Commission needs to establish what area to look at for cumulative impacts.
- This is a remand. The burden of proof is upon the applicant to show no unacceptable cumulative effects on the resource values.
- There may be mostly permanent docks in the area but there needs to be evidence of that on the record.
- The Town Ordinance addresses the need to protect recreational shell fishing. Docks make it difficult for shell fishing.
- In Cotuit Bay there is a moratorium on new docks.
- New docks should be seasonal.
- The representative stated the existing pier is 6 ½ feet high and is not being changed which is high enough to not have an impact on shell fishing.
- The shellfish in this area are predominantly hard and softshell clams.
- There is a moratorium on the opposite shore which has to do with a petition from the Cotuit Village association. It had nothing to do with environmental issues.
- The cumulative effects to be considered are if seasonal piers all become permanent piers.
- The town shellfish biologist has always had the opinion that seasonal piers have less of an impact than permanent piers.
- The light penetration to the seabed will be impacted with a permanent vs. a seasonal pier.
- More information on the cumulative effect is needed.
- Piers are looked at on a site by site basis.
- It is critical to define the scope of the impact.
- A meeting should be set up to determine the area to be included for review.
- The regulation says where appropriate the applicant may be required to submit a drawing showing all docks within ½ mile of the proposed dock.
- The exact reasoning for the initial denial was reviewed.
- The findings were reviewed.
- Attorney Wall stated the findings were rejected by the court. The court said the Commission should determine whether there are unacceptable significant or cumulative effect of the proposed pier. The court made a finding there is not reduced access for fin fishing. Regarding the invasive species, the Commission allowed the elevated walkway at the JMS Holdings pier to be changed and did not mention invasive species but did so in this one.
- The impacts to recreational harvest if it is one dock is not a big deal, but at many docks it is a cumulative impact.
- A continuance was requested to define the study area and to do the study to January 20, 2026.

A motion was made to continue the remand to January 20, 2026.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

VIII. CERTIFICATES OF COMPLIANCE

(ez = staff recommends approval) (D = staff does not recommend approval) (* = on-going conditions)

A. SE3-6147	Richard Ventura 64 Commerce Road , Barnstable	(COC, ez*)	Garage addition & driveway.
B. SE3-6288	Thomas W. Schneider 191 Stoney Point Road , Barnstable	(COC, ez*)	Patio to replace area of existing lawn.

A motion was made to approve A. and B.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

A motion was made to adjourn the meeting.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou

Nay –

The time was 4:57 p.m.