



**Town of Barnstable
Conservation Commission**
230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation@barnstable.gov

MINUTES – CONSERVATION COMMISSION HEARING

DATE: August 11, 2026 @ 3:00 PM

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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: <https://barnstable.cablecast.tv/internetchannel/watch-now>
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/82858493332>

Meeting ID: 828 5849 3332

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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@barnstable.gov, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Edwin.Hoopes@barnstable.gov. 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

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 Vice-Chair/Co-Clerk Angela Tangney, Co-Clerk Bill Hearn, Commissioners Abodeely, DeMelo, Kaschuluk and Sampou.

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

I. OLD & NEW BUSINESS

A. Amendments to Chapter 701 – Property Use Violations.

Issues discussed:

- The amendment will add four additional properties that do not allow hunting. Long Beach and Lumbert Pond are already no hunting areas. They are added in because it is not in the current regulation. Part of Bridge Creek parcel and the Childs property are also being added.
- The State is reviewing for archery season that the set backs for archery will be much less than the current 500 feet.

- This will ban all hunting, including archery, not just hunting with firearms, so the set backs should not come into play.
- If the set backs are changed for archery this should be reviewed for all public lands.
- Below the high-water mark at Long Beach hunting is allowed because it is considered fishing and fowling.

A motion to accept the changes as recommended.

Seconded.

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

Nay –

II. REVISED PLANS	Project Type	Revisions
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- | | | |
|--|---------------------------------------|--|
| A. Lev Ludin SE3-6177
21 Scottsdale Road, Centerville | Addition, remove tree,
landscaping | Add path, rinse station,
and propane tank |
|--|---------------------------------------|--|

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

Issues discussed:

- The revised plan is dated August 10, 2026.
- At the site visit the plantings looked good.
- Stones were used for the demarcation line of the mitigation. There should be a more robust delineation.

A motion was made to approve the revised plan dated August 10, 2026 as submitted.

Seconded.

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

Nay –

- | | | |
|---|--------------------------|----------------|
| B. Courtney & Melissa Palmer SE3-6230
621 Main Street, West Barnstable | Construct Pool and Fence | Add pool patio |
|---|--------------------------|----------------|

Items were taken out of order. The representative for this hearing was late for the meeting.

The applicant was represented by Paul Shea of Independent Environmental Consultants.

Issues discussed:

- Revised plan is needed for delineation with demarcation of the mitigation area, and the height of the rock wall.
- A question was asked if the mitigation could be spread out across the setback line.
- They could be spread out toward the area to the west.
- The size of the plants should be considered.
- There should be no mowing. The area should be left to grow wild.

A motion was made to approve the revised plan subject to receipt of a revised plan showing the relocation of the mitigation area spreading it to the west and the height of the rock wall added.

Seconded.

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

Nay –

- | | | |
|--|---|--|
| C. Hyannisport Club SE3-6116
2 Irving Avenue, Hyannisport | Pickleball Courts, New Septic
Underground Drainage, Parking
Lot | Additional hardscape,
vegetation clearing |
|--|---|--|

The applicant was represented by Kieran Healey of BSC Group.

Issues discussed:

- The planting plan looks good.
- The 0-50 buffer should be protected. For this revision the applicant has done the work before being approved. A waiver is needed for approval. A waiver would only be considered under exceptional certain circumstances.
- The mitigation is on the western side there is little between the area being developed and the resource area.
- That area is already vegetated. There is no room to add additional vegetation in that location.
- Some complexity including woody vegetation should be added between the wall and the wetland.
- The increase in the 0-50 of hardscape is not clear. The area was already approved for disturbance. The consultant does not have the exact number. It is a very small area of just some steps.
- Some planting between the wetland and the tennis court should be added.
- The revised plan will be submitted to Ed for review and approval.

A motion was made to approve the revisions with a revised plan submitted to Ed for approval.

Seconded.

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

Nay –

- | | | |
|--------------------------------|-------------------|---------------------------|
| D. Michael F. Schulz SE3-6044 | SFD, Pool, Cabana | Extend fence and as built |
| 299 Eel River Road, Osterville | | path from pier to shed |

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

Issues discussed:

- The path will be wood chips and will be less than 4’ wide.

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

Seconded.

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

Nay –

- | | | |
|---------------------------------------|--------------------------|-----------------------------|
| E. Mark A. & Scott E. Crosby SE3-6027 | Demolish and rebuild SFD | To approve as-built patio, |
| 30 Crosby Circle, Osterville | | add generator, gravel along |
| | | driveway |

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

Issues discussed:

- None

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

Seconded.

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

Nay –

III. WARNING LETTERS

- A. Davis, Laura – 743 Old Post Rd., Cotuit – Map 054 Parcel 011 – Alteration of a wetland resource area – Cotuit Bay – by docking a vessel on and allowing that vessel to sit upon the intertidal zone of Cotuit Bay.

- Noted

IV. ENFORCEMENT ORDERS

- A.** Franzblau, William & Weiss, Rachel and Centerville Realty Trust – 75 Old Farm Road, Centerville, Map 231, Parcel 023 – Alteration of a buffer to a wetland resource area – Wequaquet Lake – by adding unpermitted hardscape – patio.

- Homeowner Scott Weiss appeared and was represented by Dan Ojala, Down Cape Engineering.
- Homeowner understands, replaced deck in-kind with pavers for safety without knowing he needed permit.
- Licensed dock landing has been there per Ojala.

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

Seconded.

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

Nay –

- B.** Cowell, Adam & Meredith – 152 Marstons Lane, Yarmouth Port, Map 350, Parcel 030 – Alteration of a buffer to a wetland resource area – vegetated wetland – by adding unpermitted hardscape – basketball court.

- Both homeowners appeared and were represented by Lynne Hamlyn of Hamlyn Consulting and Cynthia Boisvert, a land surveyor.
- Homeowners understand what's being asked of them, unaware of wetland regulations.
- Patio/court put in for five children to run around.
- Hamlyn gauged Commission's likelihood of after-the-fact NOI passage, though the Commission could not directly comment.
- Hamlyn also suggested this may be a mitigation constrained site.
- Commissioners considered likelihood of vernal pool status at this isolated wetland.
- Commissioners were open to looking at this on a site-specific basis, though precedent may be relevant.
- Boisvert asserted that the wetland lacked evidence other than the 1960 subdivision plan and work in 1971 and earlier did not have buffers marked.
- Boisvert called into question accuracy of wetland boundary and its presence altogether.
- Agent Hill pushed back on that assertion: MassMapper showed the wetland, enforcement had been done here previously, and he had previously observed stereotypical wetland characteristics here.
- Agent Hill also mentioned 1971 and earlier projects cited by Boisvert were prior to the Wetlands Protection Act and would not have buffers.
- Administrator Hoopes pushed back on suggestion of vernal pool status, as there is currently no evidence of vernal pool evidence here.
- Administrator Hoopes also pushed back on mitigation-constrained status request, noting green lawn that could be replaced with mitigation for wildlife habitat.

A motion was made to accept the enforcement order as presented.

Seconded.

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

Nay –

Chairman Lee was not available to vote.

- C.** Farrell, Michael F & Nancy A – 28 Lakewood Drive, Centerville – Map 212 Parcel 022 – Alteration of a wetland resource area – Wequaquet Lake – by adding an unpermitted dock.

Chairman Lee returns.

- Dock owners Michael Farrell and Mollie Miller appeared.

- There are actually four dock owner families, with several others having access rights to the right of way the dock exists in.
- Original pressure-treated lumber dock permitted in 1991, replaced with seasonal aluminum dock.
- Farrell said the dock was lengthened so the boats don't ground out as the lake water level continues to drop over the years.
- There is no known owner of the right of way.

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

Seconded.

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

Nay –

D. Lins, Guilherme – 1044 Old Falmouth Road, Marston's Mills – Map 149 Parcel 155 – Alteration of a buffer to a wetland resource area – vegetated wetland – by altering soils and destroying vegetation.

- Homeowner Guilherme Lins appeared.
- Lins understands, brought fill in to make area flat for kids to play on
- Pulled out garden and fence, was going to use that soil to spread over fill.
- Was unaware of wetland requirements.

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

Seconded.

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

Nay –

E. McHugo, Mark J & Paula J, TRS – 198 Huckins Neck Road, Centerville – Map 252 Parcel 141 – Alteration of a wetland resource area – Shallow Pond – by adding an unpermitted dock.

- Homeowner Paula McHugo appeared.
- Dock was present prior to the McHugo's purchase of the property; were unaware it was unpermitted.
- Dock is put in seasonally.

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

Seconded.

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

Nay –

F. McDonald, Joseph D & Madeline – 75 Ocean Drive, Hyannis – Map 245 Parcel 128 – Alteration of a buffer to a wetland resource area – vegetated wetland - by removing vegetation.

- Reed McDonald appeared and was represented by Angela Tanner of Crawford Land Management.
- McDonald said the area has been a walkway for a long time, was looking to reestablish that path.
- Area is mostly invasive, some native vines.
- A permit could allow the reestablishment of the path.
- Tanner raised concerns about any replacement shrubs being inundated by vines, not sustainable.
- May be an option for homeowners to bring back before the Commission an alternative plan that could allow some clearing and/or suggest retroactive permitting.

A motion was made to approve the enforcement order as amended so that the applicant can submit a plan, working with the staff, to bring back for Commission approval.

Seconded.

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

Nay –

G. Beyer, John D & Mark C – 130 Clamshell Cove Rd, Cotuit – Map 005 Parcel 011 – Alteration of a buffer to a wetland resource area – coastal bank – by cutting vegetation AND failure to comply with the conditions of a Request for Determination of Applicability (DA-26023).

- Homeowner Mark Beyer appeared and was represented by Arlene Wilson of A.M. Wilson Associates.
- Commissioners wonder how trees can regrow after being topped while Agent Hill outlines that some may recover, but those that can't will require replacements.
- Commissioners discuss taking action against the landscaper, Roberts Landscape, or looking for a civil fine through the Town's Legal Department against the property owner.
- Commissioners and staff described this violation as egregious, intentional, and unacceptable.
- Homeowner was very concerned, didn't expect this for what he purchased from the landscaper, and retained Arlene Wilson as a consultant.
- Wilson believes this is fixable and will work with staff for resolution.

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

Seconded.

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

Nay –

V. REQUESTS FOR DETERMINATION

A. Kevin and Sonia Danahy. Proposed raze and rebuild of an existing single-family dwelling with appurtenances at 25 Harbor View Road, Barnstable as shown on Assessor's Map 319 Parcel 139. **DA-26039**

The applicant was represented by Lynne Hamlyn.

Issues discussed:

- None

Public Comment - None

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

Seconded.

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

Nay –

VI. NOTICES OF INTENT

A. Stephen Robinson. Implementation of an Aquatic Management Program to control nuisance algae and aquatic vegetation at Cove Lane Pond, 4224 Main Street, 16 Cove Lane, and 68 Cove Lane, Barnstable as shown on Assessor's Map 351 Parcels 061, 060, and 054. **SE3-6399**

The applicant was represented by Colin Gosselin from Water and Wetland.

Issues discussed:

- This is a substantial small pond with a lot of algae, possibly duck weed. There is vegetation growing around the boundary.
- Herbicide use should be done as a last resort.
- There is no fisheries, recreation etc.. use on this pond. It is mostly an aesthetic feature.
- An algicide may be helpful without using an herbicide.
- Manual skimming could also be done.
- The plants may end up coming back in a year or two using an herbicide.

- The consultant advised they will be using fluoridone, not an herbicide.
- The pond is closing in with all the vegetation.
- Fluoridone is a relatively safe herbicide but it could cause water quality issues.
- The area is outside the NHESP area.
- Ponds naturally go through this process.
- Mystic Lake has a lot of recreational use.
- There will be detrimental affects to the living species in and around this small pond.
- Small ponds in their last stages should be left to natural progression.
- The consultant advised the State did not have any comments on the project.
- No invertebrates will be harmed in the treatment.
- Administrator Ed Hoopes advised this was filed as an Ecological Restoration project.
- A continuance could be requested for more information.
- The company that is presenting the project is professional and has a long history managing these projects.
- A denial would require legitimate reasons for the denial.
- A question was asked who decides what the best management practices are.
- Red Lily Pond has fish, there is a plan for herring restoration, recreational etc.
- This may cause rotting vegetation at the bottom of the pond which could cause some ecological damage.
- There are other options that could be tried before using herbicide.
- The amounts of herbicide and locations were not submitted with the application.
- They could come back with more information.
- A continuance was requested to September 8th to get additional information.

Public Comment –

Estelle Colgan – 68 Cove Lane. The neighbors would also like to see the pond stay.

A motion was made to continue the project to September 8, 2026.

Seconded.

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

Nay –

B. Keith McManus. Proposed patio, retaining walls, and other landscape improvements to existing developed property at 310 Hollidge Hill Lane, Marstons Mills as shown on Assessor's Map 081 Parcel 009. **SE3-6402**

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

Issues discussed:

- A revised plan is needed to show the dimensions of the proposed patio area and retaining wall elevations.
- Demarcation for the mitigation area should also be included.
- Monitoring reports for 1 year would be sufficient.
- The mitigation calculations were reviewed.
- The location of the mitigation was discussed.
- There is an NHESP area nearby where they are trying to stay away from.

Public Comment –

Jonathan Jacobson 340 Hollidge Hill Lane – asked if any trees or vegetation is being removed. There is no further disturbance. There is no request to add irrigation.

A motion was made to approve the project subject to receipt of a revised plan showing dimensions of the proposed patio and top of retaining wall elevation, mitigation demarcation, and 1 year monitoring report.

Seconded.

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

- C. Mark R. & Kathryn Gingerich Byrnes.** To demolish the existing dwelling, remove cottage, and construct a dwelling and all associated appurtenances at 361 Huckins Neck Road, Centerville as shown on Assessor's Map 233 Parcel 043. **SE3-6404**

A continuance was requested to September 8th without testimony.

A motion was made to approve the continuance request to September 8, 2026 without testimony.

Seconded.

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

- D. Center Lakeview Trust.** To install a swimming pool at 152 Lakeview Drive, Centerville as shown on Assessor's Map 214 Parcel 042. **SE3-6403**

The applicant was represented by Tom Bunker of BSS Design.

Issues discussed:

- A revised plan showing the dimensions of the patio is needed.
- Demarcation is needed for the mitigation area.
- Annual reports for three years will also be needed.
- The bank should be looked at. The bank is in good shape. Mitigation should be put somewhere else.
- The steep slope is vegetated but is a sparse grass type. Switch grass may be better than what is currently there.
- A request was made that the mitigation on the left side of the house be put along the base of the steep slope.
- The revised plan can be submitted to staff for approval.

Public Comment - None

A motion was made to approve the project subject to receipt of a revised plan showing the dimensions of the patio, the demarcation lines, and the revised mitigation planting area, and annual reports for three years.

Seconded.

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

VII. AMENDED ORDERS

- A. Julie Wolf.** To amend Order of Conditions to install a buried propane tank under existing lawn at 268 Indian Trail, Barnstable as shown on Assessor's Map 337 Parcel 024. **SE3-6351**

The applicant was represented by Lauren Taylor of Crawford Land Management.

Issues discussed:

- None

Public Comment - None

A motion was made to approve the project as submitted.

Seconded.

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

VIII. MINUTES

- A. July 14, 2026

B. July 21, 2026

A motion was made to accept the minutes as submitted.

Seconded.

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

A motion was made to adjourn the meeting.

Seconded.

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

The time was 5:42 p.m.