



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: September 8, 2026 @ 6:30 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/86345526218>

Meeting ID: 863 4552 6218

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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 6:30 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were Vice-Chair/Co-Clerk Angela Tangney, Co-Clerk William Hearn, Commissioners, Abodeely, DeMelo, and Sampou. Commissioner Kaschuluk was absent.

Conservation Administrator Ed Hoopes, and Staff member Kim Cavanaugh were also present.

I. OLD & NEW BUSINESS

- A. Public comment and Commission vote on change to Town of Barnstable Regulation Chapter 704-5(D) Request to Pay Fees In Lieu of Mitigation.

Issues discussed:

- The proposal is to change the fee from \$3.50 to \$25 per sq. ft.

Public Comment:

Arlene Wilson – Feels public notice should be given before a final Commission vote on this issue. She feels \$25 is too much. Some of the other Towns that have a high fee only assess it for the actual area of the alteration, not using the mitigation calculation. Most people who need the relief are not wealthy people. The Commission should consider the impact on an average person.

Lynne Hamlyn – Also feels there should be public notice given. She feels it maybe should be based on impact not mitigation costs. Lynn gave an example that a 100 sq. ft. patio would cost \$1,050 with the increase it will cost \$7,500. She questioned if the Commission can even do this. She is questioning if it can be changed under a regulation and not a by-law.

Commission response is this has existed in the regulatory form for many years. It is a regulation change not and ordinance change.

John O’Dea – Advised the cost of approval for a 100 sf addition on a small property that has been in the family for many years can be more than the cost of the addition itself.

Issues discussed: Continued

- A public notice should be done.
- There are not many situations where an in-lieu fee is accepted.
- The way the in-lieu fee is figured was discussed.
- The regulation states the fee is calculated using the mitigation calculation, not the actual alteration to calculate the fee.
- It could be changed to just the actual alteration not the amount using the mitigation calculation.
- It would be more than \$25 per sq ft for the mitigation vs. the in lieu fee.
- The basis of the \$25 amount was based on actual costs of mitigation as stated by several landscaping and land management companies in 2022 and establish a price that will remain in effect into the future.
- For many years there was a very low price per sq. ft.
- The vote from the Commission will be on the \$25. If accepted tonight a public notification can be put out for a future meeting for additional public comment and vote.
- No vote was taken.

II. REQUESTS FOR DETERMINATION

A. Mary Abel. Upgrade of failed septic system at 46 Great Bay Road, Osterville as shown on Assessor’s Map 093 Parcel 014. **DA-26040**

The applicant was represented by Pete McEntee of Engineering Works.

Issues discussed:

- This is a flood zone only project.
- This project was approved by the Board of Health in July.

Public comment: None

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

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

B. Peggy Andrianopoulos. Repair to existing stairs to Prince Cove in same footprint and height at 162 Baxters Neck Road, Marstons Mills as shown on Assessor’s Map 075 Parcel 021. **DA-26041**

The applicant was represented by Max Rescigno.

Issues discussed:

- They are replacing everything the same as it is currently.

Public comment:

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

Seconded.

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

Nay –

C. Austin Perera. Vista pruning along Mass Audubon side of fence at 0 Rendezvous Lane, Barnstable as shown on Assessor's Map 300 Parcel 020. **DA-26042**

Austin Perera represented himself.

Issues discussed:

- This is a standard vista pruning.
- A meeting with Conservation staff would need to be scheduled before any pruning is done.
- The area will be 10 feet wide.

Public comment: None

A motion was made to approve the project as a negative determination with the standard vista pruning protocol.

Seconded.

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

Nay –

D. Travis Blaser. Proposed clearing, grading, and confirmation of wetland delineation at 174 Cobble Stone Road, Barnstable as shown on Assessor's Map 316 Parcel 064-003. **DA-26043**

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

Issues discussed:

- The area to be cleared will be less than 20% of the lot.
- It will be more than 70 feet away from the wetland.

Public comment: None

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

Seconded.

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

Nay –

E. Karen and Craig Lewis. Proposed vista pruning at 351 Hollidge Hill Lane, Marston Mills as shown on Assessor's Map 081 Parcel 015. **DA-26044**

The applicant represented herself.

Issues discussed:

- This was previously approved under the old owner.

- It is a standard vista pruning request.
- The contractor must meet with Conservation staff to go over the work that is being done.
- The area on the neighbor's property has already been done.
- The applicant may only conduct vista pruning in the approved corridor down to their property line.

Public comment: None

A motion was made to approve the project as a negative determination as a standard vista pruning the vista pruning protocol.

Seconded.

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

Nay –

III. NOTICES OF INTENT

- A. William Walsh.** Convert existing covered porch to a year round living space within the same footprint at 111 Pond View Drive, Centerville as shown on Assessor's Map 229 Parcel 026. **SE3-6410**

The applicant was represented by Michael Borselli P.E. of Falmouth Engineering.

Issues discussed:

- None

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

- B. Ellen Valentgas, Trustee – Ellen Valentgas Revocable Trust.** To Permit an as-built deck and to remove three damaged trees at 154 Eel River Road, Osterville as shown on Assessor's Map 115 Parcel 010-001. **SE3-6409 WC Form received.**

A continuance without testimony was requested to 9/29/26.

A motion was made to approve the continuance request to September 29, 2026.

Seconded.

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

Nay –

- C. 749 Sandcastle, LLC.** To construct a 204 sf addition on the existing deck, a 256 sf gym structure, a sports court, and replace and modify existing pool and cabana, other minor hardscape improvements to existing patios, decks, and driveway at 749 South Main Street, Centerville as shown on Assessor's Map 185 Parcel 012-001. **SE3-6411**

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

Issues discussed:

- The project is consistent with the regulations, however vegetated buffers are very important for reducing nitrogen and nutrient run off. This property has a huge lawn with almost no buffer.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

- D. Arthur F. Barrett Living Trust.** Proposed vegetation management for invasive species to improve the long-term integrity of the resource areas at 52 Caillouet Lane, Osterville as shown on Assessor's Map 164 Parcel 012.

The applicant was represented by Angela Tanner from Crawford Land Management.

Issues discussed:

- This is a good project.
- Crawford Land Management will be the consultant for the project.
- Three years of monitoring reports are required.
- The Consultant would like approval for ongoing maintenance after the Certificate of Compliance is issued.

Public comment: None

A motion was made to approve the project with the above conditions.

Seconded.

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

Nay –

IV. CONTINUANCES

- A. 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 Continued from 8/11/26. WC Form received.**

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

The revised plan is dated August 28, 2026 and landscaping plan dated August 25, 2026.

The 50' and 100' buffers were not staked.

This is not an undisturbed buffer.

Issues discussed:

- The mitigation areas should be staked as well.
- The section for the mitigation is already a wooded undisturbed area.
- A lawn is not an undisturbed buffer.
- The boundary on the neighbor's property shows an undisturbed buffer.
- The northern corner does represent a good mitigation area.
- Enhancements are not mitigation.
- The buffer zone calculations were reviewed.
- The reason for less than the required mitigation is because they feel it is a meadow.
- The area being used for mitigation is mostly wooded already.
- They need to look at the amount and location of the mitigation.
- A question was asked if there are trees in the 0-50' buffer that are being removed.
- The landscape plan shows some trees being removed.
- There are two trees on the 50' line and 11 in the 50-100.
- They should be put on the site plan as well.
- A continuance is needed for the staking and revisiting of the site by the Commissioners, and some changes to the mitigation.
- A continuance to September 29th was requested.

Public comment: None

A motion was made to approve the continuance request to September 29, 2026.

Seconded.

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

Nay –

The Commission took a 5 minute break.

B. 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 Continued from 8/11/26. WC Form Received.**

The applicant was represented by Colin Gosselin of Water & Wetland.

All Commissioners are eligible to vote.

Issues discussed:

- This is a revised Notice of Intent.
- There was concern with the use of Diquat so they switched to Fluridone which is a systemic herbicide.
- The request is for a 5-year permit.
- The Commission only issues Orders for a 3-year period. They can come back and ask for an extension.
- Commissioner Hearn read a statement into record.
- This is a very small pond in the last stages of ecological succession and may eventually become an emergent wetland area.
- Commissioner Hearn questions if nature should be allowed to take it's course or allow the pond to be managed for aesthetic benefits.
- He feels this project is inconsistent with the regulations for an Ecological Restoration Limited project.
- For this project there is a need to provide evidence of the extent and severity of the impairment that reduces the capacity of the resource area to protect and sustain the interest of fisheries and wildlife.
- The project application provides no data and no information on the condition of the fisheries or wildlife to be benefited by this project.
- He questions how the application of herbicides that will cause rotting vegetation on the bottom reduce organic loading and where the organic load and chemicals will end up.
- He states benthic mats could be considered which were found effective in areas such as in Lake Elizabeth.
- He questions if this is the best way to manage very late ecological succession of a very small shallow pond.
- Esthetic reasoning for a property owner to see an open small body of water may be less beneficial to wildlife utilization than allowing the natural succession of the pond.
- This is a small pond which used to include fish.
- The habitat value is not clear on this project.
- The ask for the project seems to be for more aesthetic reasons than anything else.
- The consultant feels it is unfair to not save the pond because it is such a small body of water.
- Egrets and ducks have been seen in the pond recently. There is some wildlife there. The process of Ecological Restoration Projects is not black and white. It has been through DEP review. DEP had no comments on the project.
- Administrator Hoopes feels it does qualify as an Ecological Restoration Project but is not sure if there will be any benefit from it.
- Fluridone is a well understood chemical and the Wetland & Water company uses licensed applicators.
- The project may be slightly more positive than doing nothing at all.
- The ecological succession path will benefit other species.

- This project seems like it might be a good study project.
- If monitoring comes back and shows no improvement, the Commission could deny the extension.
- No information has been presented as to what species are currently there that will be benefitted.
- The timeline of treatment was discussed.
- The Consultant advised they are not waiting for the plants to mature. They will start in the spring as soon as the plants start to grow.
- The plan is based on surveys and monitoring.
- Pictures will be taken every time they go out to the site.
- Killing vegetation in May or June may have a negative affect on any living thing that requires oxygen.
- The surface water was covered with algae and duckweed. Just removing them would provide open water.
- If this were a larger pond the Consultant feels the Commission would be in favor of it.

Public comment: None

Possible conditions if approved:

- Preliminary site survey to be submitted.
- Notification to Commission one month before addition of chemicals.
- Monitoring reports for three years.

Commission discussion continued:

- A suggestion was made that the motion include the applicant come back to the Commission with a report and give the Commission the right to stop the project after one year.
- There was concern that after one year, chemicals have already been added.
- They will be using best management practices. It is being used in Mystic Lake and Long Pond currently.
- It would be very important to have information on wildlife and fisheries that are currently there.
- The fish and wildlife sampling should be done pre and post treatment.

A motion was made to approve the project for one year with monitoring reports including fish and wildlife sampling reports.

Seconded.

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

Nay –

C. Danny Capasso – CRC Realty Investment, LLC. Proposed landscaping improvements including new patios, walkway and fencing as well as plantings, garden beds, and tree removal and replacement at 7 George Street, Barnstable as shown on Assessor's Map 319 Parcel 066. **SE3-6407 Continued from 8/18**

The representative was not in attendance.

Issues discussed:

- The owner has not approved providing additional mitigation for the project.
- The date of the plan being considered is June 22, 2026.
- Commissioner Hearn made statement for the record regarding how the mitigation calculations are applied to this project.
- The way the regulation is interpreted should be clarified.

Public comment: None

A motion was made to approve the project with the plan dated June 22, 2026.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay – Hearn,

Commissioner Sampou was not eligible to vote.

D. Town of Barnstable – Department of Public Works. To repair and rehabilitate the Craigville Beach Road bridge to include repairs to the bridge, associated embankments, and roadway at Craigville Beach Road Right-of-Way. **SE3-6406 Continued from 8/18**

Commissioner Abodeely has completed the evidential review and is eligible to vote.

A continuance without testimony was requested to September 29, 2026.

A motion was made to approve the continuance request to September 29, 2026.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

Commissioner Sampou was not eligible to vote.

V. CERTIFICATES OF COMPLIANCE

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

A. SE3-6097	Babcock Holdings, LLC and Cape Beach House, LLC 11 & 27 Marchant Avenue, Hyannisport	(COC, ez)	Revetment connection, between existing adjacent structures and replace stairway and platform.
B. SE3-6230	Courtney C & Melissa S Palmer 621 Main Street, West Barnstable	(COC, ez*)	Construction of an in-ground swimming pool in the backyard, and a fence.
C. SE3-6027	Mark A & Scott E Crosby, Trustees 30 Crosby Circle Realty Trust 30 Crosby Circle, Osterville	(COC, ez)	Demolish and rebuild the existing single family dwelling with all associated appurtenances.
D. SE3-6187	Susan Schink 52 Harrison Road, Centerville	(COC, ez*)	Construction of a deck and staircase.
E. SE3-6116	Hyannisport Club, Inc. 2 Irving Ave, Hyannisport	(COC, ez*)	Elevate existing 6 tennis courts, install drainage, 4 pickleball courts, septic, and parking lot.

A motion was made to approve A. – E.

Seconded.

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

Nay –

VI. MINUTES

A. August 4, 2026

B. June 16, 2026

A motion was made to accept the minutes as submitted.

Seconded.

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

Nay –

A motion was made to adjourn the meeting.

Seconded.

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

Nay –

The time was 9:21 p.m.