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: September 15, 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/89465304778
Meeting ID: 894 6530 4778
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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 William Hearn, Commissioners, Abodeely, DeMelo, and Sampou. Commissioner Kaschuluk was absent.

Conservation Administrator Ed Hoopes, Agents Brady Hill and Robert Brewer, and Staff member Kim Cavanaugh were also present.

I. REVISED PLANS	Project Type	Revisions
A. Barbara Anne Kowak-Murthy SE3-6104 21 Lookout Lane, Hyannis	Raze and Replace SFD	Changes to footprint, grading adjustments

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

Issues discussed:

- Dimensions for the deck and top of retaining wall need to be added to the plan.
- The date of the plan is April 27, 2026,

A motion was made to approve the revised plan with an additional revised plan adding dimensions for the deck and top of retaining wall.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

B.	Courtney & Paul DeHecharria SE3-6150 15 Hyannis Avenue, Hyannis	Raze and Replace SFD	Landscape changes to retaining walls and patio areas

The applicant was represented by Andrew Garulay, RLA of Down Cape Engineering.

Issues discussed:

- The engineering plan needs dimensions of the patio and the deck.
- They are proposing additional hardscape in the 0-50' buffer.
- The increase in the patio is still a reduction from the pre-existing hardscape in the 0-50' buffer, prior to construction.
- The new mitigation area should have demarcation and will not have mulch. The demarcation line needs to be added to the plan.
- Although this is adding hardscape back to the 0-50' the addition of the mitigation may be an improvement to the environment.

A motion was made to approve the revised plan subject to receipt of a revised plan adding the dimensions of the patio, deck and demarcation area.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

C.	Osterville Bridge 198 LLC SE3-6142 0 Bridge Street, Osterville	Invasive Species Removal Path, Sitting Area, Firepit	Remove Hardscape and Modify Plantings

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

Issues discussed:

- This is a new owner.
- It is an improvement to what was previously approved.

A motion was made to approve the revised plan as submitted.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

D.	Osterville Bridge 109 LLC SE3-6165 299 Bridge Street, Osterville	Raze & Replace Garage & Apartment, Landscaping, Driveway and Septic Modifications	Modify grading, building access, Retainage & Landscaping

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

Issues discussed:

- The dimensions of the decks need to be put on the plan.
- The new FEMA plan needs to be added to the file.

- The specific changes are in the area around the building. The fill height is reduced by 2 ft. and instead of a fill platform with a patio, there is a deck.
- It is outside the 100 ft. buffer. This is a flood plain issue.

A motion was made to approve the revised plan as submitted subject to receipt of a revised plan showing the additional dimensions and provide a copy of the new FEMA line.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

II. WARNING LETTERS

A. Jody Olson & Paul Thomas - 9 Mountwood Road, Marstons Mills – Map 150 Par 075. Alteration of a buffer zone to a wetland resource area – vegetated wetland – by adding an unpermitted shed.

- Noted.

B. Karim M & Yong-Son Basta – 51 Studley Road, Hyannis – Map 306 Par 008. Alteration of a wetland resource area - flood zone - by adding an unpermitted shed.

- Noted.

III. ENFORCEMENT ORDERS

A. William H & Marilyn R McClearn - 353 Phinney's Lane, Centerville – Map 230 Par 090. Alteration of a wetland resource area – Melody Pond – by adding an unpermitted dock.

Exhibits
A- ARC Reader of 353 & 365 Phinney's Lane, Centerville
B- Aerial Photo of 353 & 365 Phinney's Lane, Centerville
C- Oblique Aerial Photo of 353 & 365 Phinney's Lane, Centerville

- Homeowner was not in attendance, but had previously expressed interest in permitting a dock after removing the existing unpermitted one.

A motion was made to approve the Enforcement Order as written.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

B. Walker Cape Realty LLC – 365 Phinney's Lane, Centerville – Map 230 Par 091. Alteration of a wetland resource area - Melody Pond - by adding an unpermitted dock.

- Heard in conjunction with previous enforcement order due to the unpermitted docks being put in by the same individual who formerly owned both properties.
- Current homeowner was not in attendance, but had previously expressed interest in permitting a dock after removing the existing unpermitted one.

A motion was made to approve the Enforcement Order as written.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay

C. Jennifer Morgan Williams - 545 South Main St, Centerville – Map 206 Par 071. Alteration of a wetland resource area – marsh – by cutting vegetation and expanding an approved path.

Exhibits
A- ARC Reader of 545 South Main St, Centerville
B- Aerial Photo of 545 South Main St, Centerville
C- Aerial Photos Over Time of the Path
D- Clip of Approved Plan Showing Path for SE3-5234
E- Site Photos from August 19, 2026

- Homeowner could not attend the hearing due to a scheduling conflict.
- Agent Hill read a statement from the homeowner attesting to their intent to comply with the enforcement order fully.

A motion was made to approve the Enforcement Order as written.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay

D. Alexander C Riker - 4375 Main St./Route 6A, Barnstable – Map 350 Par 010. Alteration of a buffer to a wetland resource area – vegetated wetland – by cutting vegetation.

Exhibits
A- ARC Reader of 4375 Main St./Route 6A, Barnstable
B- Aerial Photo of 4375 Main St./Route 6A, Barnstable
C- Google Maps View of 4375 Main St./Route 6A, Barnstable (June 2024)
D- Site Photos from August 25, 2026

- Enforcement order corrected already to fix due dates.
- Property owner stated that his contractor went beyond their agreed upon scope of work, causing the violation.
- Commission discussed using the required restoration as a learning opportunity for a class at Cape Cod Tech.
- The enforcement order did not need to be amended to allow for class involvement.
- The plan for restoration will be brought back before the Commission per the enforcement order.

A motion was made to approve the Enforcement Order as written.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay

IV. REQUESTS FOR DETERMINATION

A. Town of Barnstable Conservation – To confirm wetland resource area delineation at 77 Marsh Lane, Hyannis as shown on Assessor's Map 306 Parcel 219. **DA-26045**

The applicant was represented by Brady Hill of Barnstable Conservation.

Issues discussed:
- A question was asked if there is a potential that this is a vernal pool. It will be checked in the spring.

Public comment: None

A motion was made to approve the project as a positive determination.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney

Nay –

B. Thomas and Susan Hamilton. To replace existing deck with a new deck approximately 34' in width and falling 5 to 7' into the 100' buffer at 65 Hollidge Hill Lane, Marstons Mills as shown on Assessor's Map 081 Parcel 006-027. **DA-26046**

The applicant represented himself.

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, Lee, Sampou, Tangney
Nay –

C. Daniel and Bertha Lewis. To pave existing driveway at 269 South Main Street, Centerville as shown on Assessor's Map 207 Parcel 097-002. **DA-26047**

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

Issues discussed:

- A question was asked if they could install a runoff well.
- The water would run off into the street.
- This is a de minimis amount of hardscape.

Public comment: None

A motion was made to approve the project as a negative determination.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

V. NOTICES OF INTENT

A. Talida Flonta. New construction of a four-bedroom single-family dwelling within the 100-foot buffer zone to Bordering Vegetated Wetland at 470 Whistleberry Drive, Marstons Mills as sown on Assessor's Map 061 Parcel 055. **SE3-6413**

The applicant was represented by Darren Meyer of Meyer & Sons.

Issues discussed:

- Haybales and silt fence will be used for the work limit line.
- This is a brand new house.
- A question asked if they could add a fence for demarcation at the 50' buffer line.
- The consultant agreed that a demarcation line could be added.
- A lot of the house is within jurisdiction.
- A question was asked if the house could be moved closer to the street and further out of the 100' buffer.
- A revised plan is needed to show the demarcation line at the 50' buffer.
- A continuance is needed for receipt of the revised plan.
- A two week delay could be a problem for getting the project done.

- The risk of approving the project before the plan is received is that it would be automatically approved if the plan does not come in within the 21 days.
- The consultant advised he will get it to staff quickly.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing demarcation on the 50' buffer line.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

B. Todd Haag. Partial removal of existing driveway and patio with mitigation plantings at 33 Island View Road, Hyannis as shown on Assessor's Map 325 Parcel 179. **SE3-6400**

The applicant was represented by David Flaherty of Flaherty Environmental Services.

Issues discussed:

- This project is the result of an Enforcement Order.
- Nothing was flagged for the site visit.
- Some of the mitigation area is outside the 100' buffer.
- Most of the 760 sq ft mitigation area is already heavily vegetated.
- The three arborvitaes could be replaced with native plants.
- The 760 sq ft mitigation area could be extended toward the house. The 350 sq ft mitigation area could be split up to replace the arborvitae and replace the mulch area on the Island View Road side.
- A revised plan is needed to show the adjusted mitigation areas.
- The property next door is a jungle of invasive plants. If they tried to do invasive management it would just grow back. He is willing to put in a split rail fence to demarcate.
- The mitigation calculations were reviewed.
- It is unclear what the new hardscape is to determine the mitigation requirements.
- The mitigation calculations need to be redone and clarified.
- A note should be added to the plan with the date the wetland was flagged.
- There is concern that any mitigation added to the northern edge is going to get overrun by bittersweet.
- A 3' wide path could be left for maintenance to help with invasive management.
- Some credit could be given for invasive management in the 760 sq ft area.
- A continuance was requested to September 29, 2026.

Public comment: None

A motion was made to approve the continuance request to September 29th for revision to the mitigation areas.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

C. Town of Barnstable – Department of Public Works. Installation of public sewer infrastructure including two pumping stations to transition properties from private septic systems to municipal sewer service for multiple Town Right of Ways in the Long Pond area including 272 South Main Street, Barnstable as shown on Assessor's Map 207 Parcel 109.

The applicant was represented by Lauren Frank and Jack Troidl of ECT Engineering.

Issues discussed:

- No DEP number has been issued.

- A continuance is needed for the issuance of the DEP number.
- Dewatering will occur on site. The dewatering protocol will be submitted to Conservation staff for review and approval.
- The stormwater report is being addressed with DPW.

Public comment:

Harold Robinson – 155 Beech Leaf Island Road, Centerville – Had questions for DPW. He was advised to speak with Griffin Beaudoin of the DPW.

Daniel Lewis – 269 South Main Street, Centerville asked about the screening. The arborvitae is behind the pump station but he would like to see some on his side. He was advised to call Griffin Beaudoin of DPW to arrange for some.

A continuance was requested to September 29, 2026.

A motion was made to approve the project subject to a dewatering protocol submitted and continue to September 29, 2026 for the receipt of the DEP number only.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –

VI. CONTINUANCES

A. 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.**

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 –
Sampou was not eligible to vote.

VII. MINUTES

A. August 11, 2026
B. August 18, 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 5:09 p.m.