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: October 20, 2026 @ 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: 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/83525775278
Meeting ID: 835 2577 5278
US Toll-free • 888 475 4499

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 Kaschuluk. Commissioner Sampou was absent.

Conservation Administrator Ed Hoopes, staff members Brady Hill, Robert Brewer, Alexa Lagrotteria and Kim Cavanaugh were also present.

I. REVISED PLANS	Project Type	Revisions
A. Maria Sarver SE3-6132 120 Harbor Bluffs Road, Hyannis	Raze and Replace SFD	Driveway and patio modifications, add retaining wall, additional mitigation

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

Issues discussed:

- Additional dimensions of the patio area, driveway area and top of retaining wall are needed on the plan.
- A drywell drainage system is being put in for the gravel driveway.

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

B.	299 Eel River Road Realty Trust 299 Eel River Road, Osterville SE3-5250	Construct/Maintain Pier, Ramp and Float	To approve existing pier lighting on the pier

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

- There were no questions from Commissioners.

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

C.	John & Elizabeth Ganey SE3-6123 251 Bay Lane, Centerville	Demolish cottage and construct new cottage	To permit as built stepping stones and walkway

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

- There were no questions from Commissioners.

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

II. WARNING LETTERS

A. 246 Ocean View LLC, c/o Victoria Bendetson – 245 Ocean View Rd, Cotuit – Map 033 Parcel 003-001 – Alteration of buffer zone to wetland resource areas – dune and coastal bank – by cutting and topping vegetation.

III. ENFORCEMENT ORDERS

A. Mackintosh, Dale & Kroiher, Jill M TRS, Mackintosh Realty Trust – 78 Smith Street, Hyannis – Map 288 Parcel 031 – Alteration of a wetland resource area – Simmons Pond – by adding an unpermitted dock.

- Homeowner could not appear before the commission. However, conservation agent Robert Brewer let the commission know that the homeowner had already removed the dock prior to the meeting upon receiving the enforcement letter, and was now in compliance.
- John Abodeely noted that the enforcement order had the due date for Notice of Intent for January 20, 2026, and it should have been 2027 rather than 2026.
- Bill Hearn inquired if the homeowner had any intentions to permit the dock. Robert let him know they did not.

A motion was made to approve the enforcement order as amended to reflect the January 20, 2027 due date.

Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Tangney
Nay –

B. Glover, Robert J & Suzanne M RS, Glover Family Revocable Trust – 185 Curtis Bog Road, Cotuit – Map 027 Parcel 016-T00 – Alteration of a wetland resource area – Patty's Pond – by adding an unpermitted dock.

- Arlene Wilson from A.M. Wilson Associates was there on behalf of the homeowner, and let the commission know that they will be retaining a surveyor to get an existing conditions plan and apply for a permit.
- Arlene noted the dock does not have a permit.

A motion was made to approve the enforcement order as amended to reflect the January 20, 2027 due date.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Tangney
Nay –

IV. ENFORCEMENT ORDER RESPONSE PLANS

A. 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.

- Angela Tanner from Crawford Land Management was there on behalf of the homeowner to present the enforcement order response plan.

A motion was made to approve the enforcement order as amended to reflect the January 20, 2027 due date.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Tangney
Nay –

V. REQUESTS FOR DETERMINATION

A. Town of Barnstable. Proposed coastal Dune restoration activities to restore areas altered during the repair of a broken water main at 121 Ocean Avenue, Hyannis as shown on Assessor's Map 305 Parcel 001. **DA-26061**

The applicant was represented by Brad Holmes from ECR.

- 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, Tangney
Nay –

B. Mark Gerlovin & Nell Geifman. To convert existing deck into a three season porch at 518 South Main Street, Centerville as shown on Assessor's Map 207 Parcel 001-001 **DA-26062**

The applicant represented himself.

- 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, Tangney
Nay –

VI. NOTICES OF INTENT

A. 132 Bay Shore, LLC. To construct a vinyl bulkhead at 1136 Craigville Beach Road, Centerville as shown on Assessor's Map 206 Parcel 088. **SE3-6420**

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

Issues discussed:

- A bulkhead does not allow for shallow habitat.
- Near high tide the marsh grass is right along the edge of where the bulkhead is going in. There is concern about what will happen to it when the work is being done.
- It is above the spring tide elevation. The work will be done from the land. It is a narrow footprint. The saltmarsh is more threatened by the seaward side than the bulkhead.
- There is no setback available during construction. It drops off drastically at the edge of lawn.
- Along the most landward edge there is a lot of "high tide" bush which may be providing protection for the marsh grass.
- There will be restoration after the project is complete.
- Where the wall ends there is a 90 degree angle of the wall. The consultant advised they could put rocks along the seaward face near the corner to help protect the adjacent property.
- The pier connection can be done without putting anything in the ground. The two foot connector is part of this project. The project would need to come back if it needs to be more significant.
- There should be no removal of saltmarsh.
- The wall could be brought in 2-3 feet to soften that corner and get it away from the marsh.
- The saltmarsh should be delineated and shown on the plan.
- A revised plan is needed to make adjustments to the corner of the wall.
- A continuance was requested to November 10th.

Public comment: None

A motion was made to approve the continuance requested to November 10, 2026.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Tangney
Nay –

Commissioner Sampou arrived at 3:51 p.m.

B. Robert & Louise Sanborn. Proposed modifications and improvements to pool patio area, house patio stairs and walls and to replace a second patio with a deck at 56 Rendezvous Lane, Barnstable as shown on Assessor's Map 279 Parcel 031-003. **SE3-6418**

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

Issues discussed:

- A revised plan is needed showing dimensions of the patio area.
- The site visit was nicely staked.

Public comment:

Gene Guill of 0 Main Street. – He is concerned about the set back between 0 Main Street and 56 Rendezvous Lane. It appears the wall in the southeastern corner will be within the 15' setback.
It is an existing wall. There have been three owners that have tried to encroach on their property. They are unwilling to compromise any property rights to 0 Main Street.
Susan Guill 0 Main Street – They have two bee hives. There were survey stakes on their property two years ago. They have asked the prior owner to cease encroaching on their property. They will not forego any property rights which includes the 15' setback for construction.

They were advised this would be a zoning and building issue.

- A continuance was requested to October 27, 2026 for addition of dimensions for the patio area.

A motion was made to approve the continuance request to October 27, 2026.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou, Tangney
Nay –

VII. 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, 9/8, and 9/29.**

Commissioner Kaschuluk is not eligible to vote on the project.

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

Issues discussed:

- The mitigation required is 8,214 sq. ft. is being reduced to 5,097 sq. ft. provided is 3,989 sq. ft.
- There is approximately 1000 sq. ft difference.
- The proposed deck has been narrowed by 3'.
- The revised plan is dated October 13, 2026.
- The undisturbed 50' buffer is dense woods.
- The definition of an undisturbed buffer was discussed.
- The owners have been there 46 years.
- A question was raised if they could look back at the property. Staff could look back to see if this is an undisturbed buffer.
- This may be a disturbed buffer.
- There are no trees within the 50' buffer being removed.
- There are trees in the 50-100' buffer that will need to be removed.
- There have been activies in the area, it has been walked on, mowed, picnic tables have been placed there, the launching of kayaks, etc.
- The area is disturbed by activity and use.
- This is a much larger house than what is currently there.
- There are several large trees that will have to be removed.
- According to the Landscape Plan dated 8/25, there are trees in the 50' buffer that are being removed.
- The mitigation area in south eastern areea a note there is small shed being removed.
- Because of the relocation of the house those trees do not need to be removed. The landscape plan needs to be revised.
- The restoration enhancement plan has trees in it. They will remain. The mitigation will be ground cover and understory.
- If this is an undisturbed buffer the 1000 additional ft is not necessary. If it is a disturbed buffer the 1000 ft of additional mitigation is needed.

- The history of the property needs to be looked at.
- The house was there in 1968.
- There is a treed area in the southeastern corner. There is some openness to it. In the 1952 USGS map there is no home there. There is some open area.
- It is difficult to tell if it has been disturbed.
- A continuance was requested to look into if there is a disturbed or undisturbed buffer.
- The area between the two mitigation areas at the bottom and middle could be filled in with mitigation to get the extra 1000 sq ft of mitigation.
- The history on the property has been tracked back to 10 years before there was a Conservation regulation.
- A finding is needed on if this is a disturbed or undisturbed buffer.
- The Consultant advised he was not given authorization from the owner to request a continuance.
- There is inadequate evidence submitted to determine if it is a disturbed or undisturbed buffer.
- The consultant advised the Commission has the discretion to look at it on a site by site basis and if they feel the mitigation is not sufficient grant a waiver based on the improvements and positive impact of the project on the resource.
- When looking at the project as a whole there is no negative impact and a positive impact.
- There is a substantial move of the house away from the pond.
- Even if it is a disturbed buffer because of the positive impact a waiver could be granted for the 1000 sq. ft of mitigation still needed.

Public comment: None

A motion was made to approve the project as submitted with a specific finding that while the mitigation offered is insufficient to meet the current regulations that on this site specific basis we find that the other items being offered will cause this project to have no negative impact on the resource with the revised plan dated October 13, 2026.
Seconded.
Aye – Abodeely, DeMelo, Lee,
Nay – Hearn, Sampou, Tangney
Project is denied.

Kaschuluk not eligible to vote.

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 Continued from 8/11 and 9/29.**

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

Issues discussed:
- Revised plan is dated October 8, 2026.

Public comment: None

A motion was made to approve the project with the revised plan dated October 8, 2026 and annual reports for three years.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou, Tangney
Nay –

C. Connor O'Reilly & Raja Sinjab. Proposed addition and gravel driveway expansion at 1309 Race Lane, Marstons Mills as shown on Assessor's Map 064 Parcel 012-001 **SE3-6414**. **Continued from 10/13**

The applicant was represented by Cameron Larson from ECR.

Issues discussed:

- The demarcation markers have been added to the plan.
- The date of the plan is October 14th.
- There is no revised date on the Engineering plan.

Public comment: None

A motion was made to approve the project with the revised plan dated October 14, 2026, annual reports for 3 years and a Mass applicators license for the herbicide application.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou, Tangney
Nay –

D. 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 Continued from 10/13**

Commissioner Kaschuluk is not eligible to vote.
The revised plan is dated October 16, 2026.

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

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

A motion was made to approve the project with the revised plan dated October 16, 2026 and annual reports for three years.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Lee, Sampou, Tangney
Nay –
Kashculuk not eligible to vote.

A motion was made to adjourn the meeting.
Seconded.
Aye – Abodeely, DeMelo, Hearn, Kaschuluk, Lee, Sampou, Tangney
Nay –
The time was 4:50 pm.