



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

Office: 508-862-4093

E-mail: conservation @ town.barnstable.ma.us

MINUTES – CONSERVATION COMMISSION HEARING

DATE: January 6, 2026 @ 6:30 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/83978294657>

Meeting ID: 839 7829 4657

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@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.

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were Vice-Chair/Clerk Angela Tangney, Commissioners Abodeely, DeMelo, Hearn, Kaschuluk and Sampou. Commissioner Sampou arrived at 6:37 p.m.

Conservation Administrator Ed Hoopes and Administrative Assistant Kim Cavanaugh were also present.

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

I. REQUESTS FOR DETERMINATION

A. John P. McGuiness. Proposed vista pruning at 522 Shootflying Hill Road, Centerville as shown on Assessor's Map 193 Parcel 028. **DA-26001**

The applicant was represented by Kevin McCarthy of Triple Crown Tree.

Issues discussed:

- There will be a meeting with staff before any work is done.

Public comment: None

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

Seconded.

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

Nay –
Commissioner Sampou arrived at 6:37 p.m.

B. Dana Hornig. Proposed 375 sf addition to existing residence at 65 Thatcher Holway Road, Marstons Mills as shown on Assessor's Map 148 Parcel 004. **DA-26002**

The applicant was represented by Michael Rockwell of The House Company.

Issues discussed:

- A revised plan was requested showing the drywell locations.
- The applicant was thanked for protecting the buffer.

Public comment: None

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

Seconded.

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

Nay –

C. Stephen Picard. Vista pruning and vine removal at 256 Indian Trail as shown on Assessor's Map 337 Parcel 021. **DA-26003**

The applicant was represented by Kieran Healy, P.E. of BSC Group.

Issues discussed:

- This is a standard vista pruning project.
- There will be no tree removal.
- The "Tree of Heaven" is not going to be removed.
- Staff recommended it be removed.
- It would be difficult to replant a tree in that location.

Public comment: None

A motion was made to approve the project as a negative determination allowing the removal of the Tree of Heaven.

Seconded.

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

Nay –

D. Robert & Janice Dunkley. To raise the roof approximately 4' over dwelling and to replace 156 +/- SF of roof between dwelling and garage at 211 Cedar Tree Neck Road, Marstons Mills as shown on Assessor's Map 076 Parcel 025. **DA-26004**

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

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, Tangney

Nay –

E. James P. & Monica A. Shay. To modify and expand the existing patio at 44 Dale Avenue, Hyannis Port as shown on Assessor's Map 286 Parcel 011. **DA-26005**

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

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, Tangney

Nay –

F. Michael Thiel. To build concrete stairs and new foundation under existing deck and sunroom to exit basement at 190 Holly Point Road, Centerville as shown on Assessor's Map 232 Parcel 035. **DA-26006**

The applicant represented himself.

Issues discussed:

- The foundation will be dug by hand and the material will be brought around to the front of the house to be loaded into dump trucks for removal.

Public comment: None

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

Seconded.

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

Nay –

G. E.J. Jaxtimer. Proposed second floor single family dwelling living space over existing garage at 1450 & 1500 Osterville – West Barnstable Road, Marstons Mills as shown on Assessor's Map 127 Parcels 035, 036, & 007-001. **DA-26007**

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

Issues discussed:

- The site description in the application was not clear.
- There is an existing septic system large enough for the project.
- There was no one living year-round on the property before this project.
- The lower section will remain garage bays and will have two bedroom living space above.
- This may be a Board of Health issue.
- A septic permit has already been issued for the project.

Public comment:

Kris Clark – Town Councilor

This parcel was presented for acquisition but was passed over because it was too wet for residential development. It has been used as a tree farm. There was a cease-and-desist order on this property in the past. There should be good oversite of the proposal given the history of the Town violations.

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

Seconded.

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

Nay – Sampou

II. NOTICES OF INTENT

A. Brian and Nicole Connolly. To construct a boardwalk above Mean High Water for access to the water and salt marsh restoration at 169 Salten Point Road, Barnstable as shown on Assessor's Map 301 Parcel 003.

The applicant was represented by Mark Dibb of Cape and Islands Engineering.

Issues discussed:

- A revised plan should be submitted removing the 25' buffer line and adding a limit of work line.
- There should be a 5' limit of work line and should be included in the construction protocol which will be approved by the Conservation Administrator.
- The split rail fence should be a little higher as people may just go over it.
- A sign could be posted saying that it is a salt marsh restoration site.
- The boardwalk will have grated decking to allow more light to penetrate which is an improvement to slats and will allow 65% light penetration.
- The height of the boardwalk should be kept lower.
- There are times when water goes well above the mean high-water line and ice could destroy it during very high tides.
- The boardwalk will be a 3' wide above grade boardwalk which will have an effect on the salt marsh but may be better than people trampling over it.
- The height of the board walk is proposed at 4 ½' which meets DMF standards.
- With that height there will be an almost 100% light penetration.
- There is an aesthetic issue with the height.
- The boardwalk is only 3' wide so a railing will be needed.
- A suggestion of a 3' high boardwalk was made.
- A 2' high boardwalk would not need a railing and would be more aesthetically pleasing.
- It would allow the marsh grass to regrow over the muddy foot path that is currently there.
- The marsh grass is mainly spartina patens which grows lower than alterniflorus.
- The majority of boardwalks approved in the area have been 2' high.
- There needs to be a limit to visual impacts to the great marsh.
- There are electricity and water lines on the plan that should be removed.
- The sections near the house (3 sections) are higher growing plants so the boardwalk could be higher with railings in those sections.
- A 3' high boardwalk would still require railings and be too tall for the area.
- A 2' high boardwalk would still allow for growth of the salt marsh but greatly improve aesthetics.
- Special conditions for the project were reviewed.
- A revised plan showing the removal of the 25' buffer line and add a 5' work limit line on each side of the boardwalk should be submitted.
- A construction protocol should be submitted four weeks before construction.
- Any disturbance to the saltmarsh area shall be restored by the contractor.
- ECR will be the consultant on the project. Any change in consultant will need written notification to staff and approved by Conservation Administrator.
- A sign will be posted saying "no trespassing – salt marsh restoration site" and removing the Conservation Resource Area signs.

Public comment:

Gordon Starr

The Audubon walkway is taken out every winter. He questions if the boardwalk is necessary. They are not crossing the salt marsh to swim. There is not enough water to swim. There is a public Town Way to Water at the end of Rendezvous Lane where people want to be able to go and look out toward Sandy Neck. There definitely should not be a railing. The visual vista should not be changed at all.

Consultant advised the applicant would prefer a boardwalk vs walking through the marsh. There is a lot of restoration being made with this project.

A motion was made to approve the project with the above conditions and annual reports for three years.
Seconded.

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

Nay –

B. Niloufar Khoobehi and Hamid Salamipo. To construct a swimming pool and cabana at 21 Windrush Lane, Osterville as shown on Assessor's Map 093 Parcel 067. **SE3-6343**

The applicant was represented by Thomas Bunker, RLS of BSS Design.

Issues discussed:

- This is a flood zone only project.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

C. AFT Osterville, LLC. To demolish the existing single family dwelling and construct a new dwelling with pool and all associated appurtenances at 22 Manor Way, Osterville as shown on Assessor's Map 116 Parcel 128.

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

Issues discussed:

- There is a Town of Barnstable only isolated wetland. Not a State isolated wetland.
- The corner of the pool could be pulled outside of the 50' buffer.
- Staff feels this is a unique situation. There should be a 50' buffer to the wetland. The regulation says State AND Local Chapter 237 regulations.
- Given the situation the wetland is most likely water run off from the golf course and roads. A waiver could be considered and some mitigation offered.
- The backside of the pool could be a planted area. They did not provide a landscape plan because they were not aware it was in a buffer zone.
- The pool could be pulled out of the 50' buffer and the leach pit could be relocated.
- The pool could be reduced in size to get it out of the 50' buffer.
- A suggestion was made to reduce the pool size and plant mitigation behind it.
- The regulation may need to be modified to clarify "AND".
- Commissioner Sampou will look at the vernal pool to see the value of it.
- Mike Coutu of Sudbury Design advised there are setbacks involved in the location of the pool.
- A continuance was requested to January 20-2026.

Public comment:

Catherine Kelley abutter is concerned about the wetland and they are in a flood zone. She is concerned about water being displaced and heading toward her house. The resource area is always wet. There are drywells throughout the plan but she has concerns. The consultant will look at the plan. Everyone in the area has a sump pump.

A motion was made to approve the continuance request to January 20, 2026.

Seconded.

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

Nay –

D. Oyster Harbors Yacht Basin Realty Corp. Proposed replacement of (3) 4,000 gallon fuel tanks with (2) 10,000 gallon fuel tanks and all associated appurtenances at 122 Bridge Street, Osterville as shown on Assessor's Map 093 Parcel 009.

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

Issues discussed:

- Bruce Garrett from Dependable Petroleum Service explained the process of removing and replacing the tanks.
- The Chair asked if there is a possibility of replacing the underground tanks with above ground tanks.
- Above ground tanks require more setbacks. The piping from the tank to the dock would have to be underground anyway. There is no real advantage to doing above ground tanks.
- A construction protocol should be submitted prior to any work being done.

Public comment: None

A motion was made to approve the project subject to receipt of a construction protocol for removal and installing the new tanks to staff for approval.

Seconded.

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

Nay –

The Commission took a 5 minute break.

E. Kevin J Haspel Flaherty. Alteration of an existing building as an accessory dwelling unit at 739 Route 149, Marstons Mills as shown on Assessor's Map 101 Parcel 004.

The applicant was represented by Robert Perry of Cape Cod Engineering Inc.

Issues discussed:

- They will be adding a second stairway to the other side of the building that is not shown on the current plan.
- A portion of the existing building is in the 50' buffer.
- The buffer is heavily wooded and vegetated.
- The cantilevered work is not affecting the resource.
- There is no opportunity for onsite mitigation.
- This is an unusual case where mitigation really is not needed.
- A revised plan showing the second set of stairs should be submitted.
- The NHESP letter dated January 5, 2026 was read into record.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the second set of stairs.

Seconded.

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

Nay –

F. Diego Baveloni, Pristine Cape Cod Homes, Inc. To demolish dwelling and shed at 23 Pleasant Hill Lane, Hyannis as shown on Assessor's Map 308 Parcel 019. **SE3-6344**

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

Issues discussed:

- No trees are being removed.
- There were many emails received regarding this project.
- This project is only to remove the house and shed.
- Any more work done on this property would require a new NOI.
- There were 23 public comment emails received on this project.

Public comment:

Eric Schwaab – The fact that this is being considered a river was disputed previously. They would like all other projects in the area updated regarding the status of the river. The State lists it as a perennial river. The question is the boundary of the resource area. There is a resource area across the street and the trees are significant and border a ridge line which could be threatened if the 200-year-old roots are cut. They would like to see the work line fenced and if possible have the tree stubs protected.

Jeffrey Deluz – Is concerned about a large building being put on this property.

He was advised that this project is only to remove the house and the shed. He stated he was turned down for installing solar panels because he could not cut down any trees. This is a single home district in a residential area and he would like it to remain that way.

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

G. Julie Wolf. Site improvements to include construction of a front porch, walkway and steps, expand garage, reconfigure deck, replace retaining wall and driveway, mitigation plantings, restoration work, and vegetation management at 268 Indian Trail, Barnstable as shown on Assessor's Map 337 Parcel 024.

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

Issues discussed:

- The DEP number has not been issued.
- A revised engineering plan should be submitted to add some dimensions for additions.
- The vista pruning area is being reduced from what has been previously done.
- The native shrubs will not be trimmed to lower than 5'. It will be a natural undulating cut.
- The trees (black cherry and cedar) will be allowed to grow higher than 5'. They will be trained to grow laterally.
- Some limbs can be trimmed from the black cherry but the tree will not be removed.
- It will be standard vista pruning.
- A revised plan shall be submitted showing additional dimensions on the proposed improvement, annual reports for three years, Crawford is the site professional and any change in the site professional will require written notification to staff for review and approval.
- A continuance is needed for issuance of the DEP number.

- A continuance was requested to January 13, 2026.

Public comment: None

A motion was made to approve the project with above conditions with a continuance to January 13th for issuance of the DEP#.

Seconded.

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

Nay –

III. CONTINUANCES

A. Steven and Wendy D'Angelo. To remove an existing ramp and float system and permit a new pier, ramp, and float at 108 Long Beach Road, Centerville as shown on Assessor's Map 206 Parcel 005. **SE3-6289 Continued from 11/25/2025. WC Form received.**

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

Issues discussed:

- They are only going to replace the piles.
- No other changes will be done.
- The revised plan is dated December 24, 2025.
- No comments have been received from the Waterways Committee.
-

Public comment:

Dan Bailey – Attorney for abutters on each side. He appreciates the changes that have been made to the plan.

The proposed pile replacement will be 10' above the mean high. He questions if the piles need to be that high and if there should be some restriction on the size of the vessel.

The consultant advised the piles are set to a typical height. Historically the owner has not put a large boat on this pier. A size restriction is not normally put on a project for only pile replacement.

A motion was made to approve the project

Seconded.

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

Nay –

Hearn is not eligible to vote.

B. 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 Continued from 12/9/25. WC Form received.**

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

Issues discussed:

- The DMF letter dated December 2, 2025 was read into record.
- The Shellfish Committee and Natural Resources letter dated December 17, 2025 was read into record. They are not in support of the project.
- The ramp and float will be seasonal. The boardwalk will be permanent.
- There is a concern that this dock is not needed. There is a location very nearby to launch a kayak.
- With float stops at 2 ½' the float will be elevated off the water for much of the tide and will not be conducive for a kayak.

- The float stops are set at 12".
- There are similar docks along the area.
- The project complies with the regulations.
- The project could be approved but no allowance for a motorized vessel at the dock will be allowed in the future.

Public comment: None

A motion was made to approve the project with the condition that the dock will not be motorized in the future.
Seconded.

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

Nay –

Abstain – Sampou

C. 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 Continued from 12/9/25. WC Form received.**

The applicant was represented by Mary Rimmer of Rimmer Environmental Consulting, and Sara Grady of Mass Audubon.

Issues discussed:

- The DMF letter dated December 12, 2025 was read into record.
- The MESA review dated December 2, 2025 was reviewed.
- Commissioner Sampou volunteered to help with the project.
- There is a good set of monitoring standards that are being met with the proposed project.
- The salt marsh sparrow mounding's will be replanted if they don't revegetate on their own
- A question was raised about the longevity of the nesting islands.
- They are staked in place until they are established.
- This is a new process so there is no longevity information available.
- Special Conditions for the project were reviewed. The MESA conditions will be included, a construction protocol will be submitted at least four weeks before pre-construction meeting. The meeting will be attended with Conservation staff and Natural Resources staff. Sarah Grady will be the wetland professional for the project, any change in the wetland professional must be approved by staff. Annual reports to be submitted for three years, and any reports submitted to DEP will also be sent to Conservation.

Public comment: None

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

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

Nay –

D. Gerry Sverdlin. To construct a seasonal dock with stairs to water and invasive species removal at 1031 West Main Street, Centerville as shown on Assessor's Map 229 Parcel 061. **SE3-6328 Continued from 12/16. WC Form received.**

The applicant was represented by Roy Okurowski, P.E. of WRS Engineering and Cameron Larson of ECR.

Issues discussed:

- The NHESP letter dated December 23, 2025, was read into record.

- DMF letter dated November 25, 2025, was read into record.
- The MESA letter December 23, 2025, was read into record.
- Special conditions for the project were reviewed. The conditions listed on the MESA letter will be part of the special conditions, annual reports will be submitted for three years, and standard vista pruning.

Public comment: None

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

Seconded.

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

E. Stephen and Bernice Tousignant. To construct a seasonal dock and replace stairs and retaining wall at 1017 West Main Street, Centerville as shown on Assessor's Map 229 Parcel 060. **SE3-6341 Continued from 12/16. WC Form received.**

A continuance without testimony was requested to January 20, 2026 waiting for the NHSP letter.

A motion was made to approve the continuance request without testimony to January 20, 2026.
Seconded.

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

IV. CERTIFICATES OF COMPLIANCE

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

A. SE3-6012	Adam Hostetter 401 Ocean Street, Hyannis	(COC, ez*)	Raze and Replace single family dwelling.
B. SE3-5839	Matthew Barry 28 Folsom Avenue, Hyannis	(COC, ez*)	Demolish existing dwelling. Construct new dwelling with patio & pool.
C. SE3-6102	David & Cynthia Cowan Cowan Family Revocable Trust 79 Seventh Avenue, Hyannis	(COC, ez)	At grade-access steps (not done), and permanent elevated walkway.
D. SE3-6273	Barnstable County 155 South Flint Rock Road, Barnstable	(COC, ez*)	Installation of a Permeable Reactive Barrier at former Municipal Fire Training Facility to contain PFAS from groundwater & mitigate transport of PFAS-impacted groundwater to public drinking water supply.

A motion was made to approve A. – D.

Seconded.

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

V. MINUTES

A. November 18, 2025

A motion was made to accept the minutes.

Seconded.

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

Nay –

Hearn - abstain

A motion was made to adjourn the meeting.

Seconded.

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

Nay –

The time was 10:01 p.m.