



# **Town of Barnstable Conservation Commission**

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## **MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: January 20, 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/81072541239>

Meeting ID: 810 7254 1239

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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@town.barnstable.ma.us](mailto: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](mailto:Edwin.Hoopes@town.barnstable.ma.us). Comments should be submitted at least 8hrs prior to the hearing.

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/Clerk Angela Tangney, Commissioners Abodeely, DeMelo, Hearn, Kaschuluk and Sampou.

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

## **I. OLD AND NEW BUSINESS**

A. Kyle Pedicini, Town of Barnstable Planning & Development Department, seeking Barnstable Conservation Commission Letter of Support for the 2026 Town of Barnstable Open Space and Recreation Plan.

Kyle Pedicini addressed the Commissioners.

Issues discussed:

- The letter should state the Commission had an opportunity to review and comment on the Open Space Recreation plan.
- The plan was last updated in 2018. The State wants it updated every seven years.
- This will supply some potential grants and funding sources from the State.
- The Conservation Commission appears to have a large role in this plan.
- The Open Space Committee will be responsible for monitoring progress of the goals.

A motion was made to authorize the chair to sign a letter of support for the 2026 Town of Barnstable Open Space and Recreation Plan.

Seconded.

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

Nay –

## II. REQUESTS FOR DETERMINATION

**A. Christine Scanlon.** Proposed vista pruning to view kettle hole behind property at 127 Shell Lane, Cotuit as shown on Assessors Map 019 Parcel 158. **DA-26007**

The applicant represented herself along with Pete Childs.

Issues discussed:

- This is a standard vista pruning request.
- There are no variances requested for the project.
- There is just one view corridor requested.

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 –

**B. Commonwealth of Massachusetts – Cape Cod Community College.** Installation of solar canopy structures over existing paved parking lot(s) at 2240 Iyannough Road, Hyannis as shown on Assessor's Map 236 Parcel 005-B00. **DA-26008**

The applicant was represented by Stuart Clark, P.E. of Green Seal Environmental.

Receipt of an abutter letter from Daniel and Michelle Santaniello was acknowledged.

Issues discussed:

- There were no questions from Commissioners.
- The abutter letter was well written but many of their points were not relevant to Conservation jurisdiction.
- Commissioner Sampou commented on the importance of having a Commissioner with a law background.
- Commissioner Abodeely was thanked for his input.

Public comment:

Ed Wirtanen abutter at 2119 Main Street, West Barnstable is concerned about the noise during construction. There are already multiple canopy's at the Community College. He does not see any negative impacts to the project.

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

Seconded.

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

Nay –

## III. NOTICES OF INTENT

**A. Jim Griffiths – Hyannis Entertainment, LLC.** To install an underground grease trap for kitchen waste just outside the footprint of the existing cinema building at 793 Iyannough Road, Hyannis as shown on Assessor's Map 293 Parcel 024. **SE3-6350**

The applicant was represented by Justin Lamaureaux, P.E. of Strong Tree Engineering.

Issues discussed:

- It will be an 8,000 gallon grease trap.
- The grease trap will collect kitchen grease before it gets into the sewer. It will be pumped annually.
- There are currently two grease traps that service other restaurants nearby.
- A leakage test will be done.
- The revised plan is dated January 12, 2026.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

**B. Cheryl Kayes.** Proposed lawn removal, invasive species management and mitigation plantings for after-the-fact above ground pool, construction of addition, patio and firepit at 128 Saint Francis Circle, Hyannis as shown on Assessor's Map 291 Parcel 228. **SE3-6352**

The applicant was represented by Jennifer Crawford of Crawford Land Management.

Issues discussed:

- This is an after the fact filing.
- The shape of the mitigation area could be a rectangle rather than a trapezoid which would allow for more mitigation.
- It is an even 12' distance off the BVW.
- The addition to the house is not as much of a concern as the additional hardscape of the pool and patio in the 0-50' buffer.
- The invasive species management is not the best way of achieving the mitigation requirement.
- A pool in the 0-50' is not normally approved.
- It seems to be an insufficient mitigation package.
- In order to fully mitigate the project, there would be no back yard left.
- The pool is a small 12' above ground pool.
- The pool is also used for physical therapy for the youngest child.
- An extra mitigation area was discussed.
- The pool could be moved a little closer to the house.
- There is a deck with stairs along the side of the pool.
- Consideration should be given to moving the pool.
- Some more information about the ability to move the deck and the pool will be sought by the representative.
- This is a small site.
- Moving the pool toward the side of the house will be difficult for the family to see the kids in the pool and could be a safety issue.
- The Kayes family addressed the Commissioners. They can put some mitigation near the side of the pool.
- The dimensions of the pool should be put on the plan.
- A continuance was requested to February 10, 2026.

Public comment: None

A motion was made to approve the continuance request to February 10, 2026.  
Seconded.

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

#### IV. AMENDED ORDERS

**A. Sydney Horton.** To amend existing Order of Conditions SE3-6057 for the addition of 34 lineal feet of boardwalk that was not on the original approved plan at 417 Scudder Avenue, Barnstable as shown on Assessor's Map 288 Parcel 222.

The applicant represented himself.

Issues discussed:

- The revised plan is dated 12/15/2025.
- The height and width of the boardwalk is the same as what was originally approved.
- The revised plan also shows a change from a shower to a rinse station.

Public comment: None

A motion was made to approve the amended order request as submitted.  
Seconded.

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

#### V. CONTINUANCES

**A. 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 1/06/26. WC Form received.**

There was no representative in attendance for the hearing.

A motion was made to continue the application to February 3, 2026.  
Seconded.

The motion was withdrawn to contact the representative.

The item was tabled until later in the meeting.

A request to continue the project to February 3<sup>rd</sup> was received by email.

A motion was made to approve the continuance request to February 3, 2026  
Seconded.

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

**B. 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. **SE3-6346 WC Form received. Continued from 1/6/26.**

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

Issues discussed:

- The revised plan is dated January 12, 2026.
- Commissioner Sampou looked at the wetland area. It is at a lower elevation than the existing fairway.

- It could be a vernal pool.
- The paved area is almost the same size as the house.
- The paved area allows for two spaces on each side of the driveway with the ability to turn around.
- A question was asked if the house could be moved five feet closer to the road and five feet of the paved area be removed.
- To the north and east there is wetland. The wetland area Commissioner Sampou looked at appears to get a lot of road runoff.

Public comment: None

A motion was made to approve the project with the revised plan dated January, 12, 2026.  
Seconded.

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

## **VI. REMAND NOTICE OF INTENT**

A. Remand NOI Application – SE3-6058 **Shawn D. Martin, Trustee**. Convert post supported pier to pile supported pier with no change in footprint at 310 North Bay Road, Oyster Harbors as shown on Assessor's Map 072 Parcel 005. **Continued from 12/9/25**

The applicant was represented by Arlene Wilson of AM Wilson Associates and Attorney Brian Wall.

Issues discussed:

- Arlene reviewed the Cumulative Impact Study.
- The study was done for a ½ mile radius of the locus site.
- There are 27 lots that have a zoning restriction on the docks that were not included in the study.
- The overlay district was developed because the Cotuit Village Association did not want any more piers.
- It was adopted in 2008.
- The map showing the shellfish grant is not in our file and was requested to be submitted.
- When herring are running in late April the area is excellent for striped bass fishing.
- It is important to note that a landowner owns to the low water mark. Beyond the low water mark is public. There should be no adverse effect on public activities.
- Seasonal docks are more beneficial.
- The precedent being set is something that should be carefully considered.
- The court decision found that the issue of the ability to shellfish was not an adverse impact. That it is easy to shellfish under a pier such as this.
- Every dock is an interference to fishing.
- Attorney Wall addressed the Commissioners.
- This is a remand. What the appeals court found was based upon a comparison of the merits of seasonal piers versus permanent piers. The court said that was not the right standard. The court identified the correct standard from the Regulations and the Bylaw. The proper question was whether Mr. Martin provided that the project would not have unacceptable, significant or cumulative effects on the wetland resource.
- Attorney Wall stated if the design of a pier was in accordance with the regulations that is should be presumed to minimize all of the adverse effects. He feels a dock that meets the requirements and is presumed to have minimized effects is evidence that the applicant has overcome the presumption of significant adverse effects.
- Commissioner Abodeely is concerned that this is a remand and the Commission is under the Court's remand. The Commission should not say they disagree with the court as they have authority over the Commission.
- The only thing they can look at is the cumulative impact.

- Based on the evidence presented it would be very hard for the Commission to find a significant negative cumulative impact.
- A new application can look at other aspects but this has already been lost in court.

Public comment: None

A motion was made to approve the remand Notice of Intent as submitted.  
Seconded.

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

## **VII. CERTIFICATES OF COMPLIANCE**

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

<b>A. SE3-6207</b>	<b>Susan P. Stickells, Trustee &amp; Albert A. Holman III, Trustee 149 Inwood Lane, Centerville</b>	<b>(COC, ez*)</b>	Pool & associated appurtenances.
<b>B. SE3-5863</b>	<b>Scott C. Sipple, Trustee Scott C. Sipple Revocable Trust 459 Wianno Avenue, Osterville</b>	<b>(COC, ez*)</b>	Demolish existing dwelling, construct new single family dwelling, patios, decks, walls & all associated appurtenances.
<b>C. SE3-5776</b>	<b>Benjamin S. &amp; Linda M. Butcher 105 Eel River Road, Osterville</b>	<b>(COC, ez*)</b>	Raze & Rebuild single family dwelling with pool, patios, cabana, carriage house & associated appurtenances.

A motion was made to approve A. through C.

Seconded.

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

A motion was made to adjourn the meeting.

Seconded.

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

The time was 8:36 p.m.