



**Town of Barnstable
Conservation Commission**
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MINUTES– CONSERVATION COMMISSION HEARING

DATE: March 31, 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/81653571718>

Meeting ID: 816 5357 1718

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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.

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

Conservation Administrator Ed Hoopes was present along with Administrative Assistant Kim Cavanaugh.

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

I. NOTICES OF INTENT

- A. John F. Fitzgerald, Trustee – Bluff Point 1999 Trust No. 2.** – Demolition of an existing home and construction of a new single-family home, new septic system with denitrification tank, retaining wall, screened porch, deck, patio, rinse station, invasive plant removal/native restoration plantings and associated site work at 124 Bluff Point Drive, Cotuit as shown on Assessor's Map 034 Parcel 070. **SE3-6371**

The applicant was represented by Timothy Santos, P.E. of Merrill Engineers, John Haven of LJLA, and Ian Peach of Wilkinson Ecological Design.

- There will be 12 trees removed and 12 will be replaced.
- Eight are within the 50' buffer and four are in the 50-100' buffer. All 12 are going back into the 50' buffer.
- A question was asked what the diameter of the trees being cut vs the diameter of the trees being put in. The consultant did not have that information available.

- The deck at the back of the house will be converted to lawn.
- There is a denitrification system being added for the project.
- This project will be an environmental gain.
- The house is being moved back from its current location.
- Going from hardscape to lawn is positive.
- Cat Briar Vines should also be allowed to be controlled with this project.
- There is a mitigation credit of 370 sf that was not used for this project.
- The distance from the bulkhead to the building needs to be added to the plan.
- There needs to be demarcation for the mitigation area added to the plan.
- The revised plan should have a state and town bank label.
- The lawn area should be labeled.
- They would like an ongoing condition for invasive management.
- The applicant was thanked for including a denitrification system.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the distance from bulkhead to the building, the demarcation lines, coastal bank clarifications, lawn area labeled, with an ongoing condition for invasive species removal, and annual reports for three years.

Seconded.

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

Nay –

- B. Henry Blair, Trustee – Henry E Blair & Raymond M Murphy Trust.** Maintenance dredging of Millway Marina at 275, 277, and 295 Millway Road, Barnstable as shown on Assessor’s Map 301 Parcels 063-001, 063-002, and 065-001.

The applicant was represented by Charlie Agro, P.E. from BSC Group.

- The DMF letter dated March 20, 2026 was read into record.
- The process of dewatering on a barge was explained.
- The DEP number has not been received.
- A continuance will be needed for receipt of the DEP number.
- The project has been approved by the Waterways Committee.
- No comments have been received from the Shellfish Committee.
- DMF comment says dredging should take place within 2 hours before and after high tide.
- The area is deep where the barge will be placed. The condition should be that the barge does not ground out.
- The area has been dredged before. The condition from the previous order could be looked at for wording.
- The dredging footprint from the previous dredging should be added to the file.
- A continuance was requested to April 14, 2026.

Public comment: None

A motion was made to approve continuance request to April 14, 2026.

Seconded.

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

Nay –

- C. Gary Sobel.** Proposed construction of an addition/renovation to an existing single family dwelling; after the fact repair/replacement of a wooden stairway to the beach at 546 Wakeby Road, Marstons Mills as shown on Assessor’s Map 028 Parcel 028.

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

- There were no questions from Commissioners.
- There is an additional 50' sf of mitigation owed on the project, but they are filling the 50' buffer with native plantings.
- Annual reports should be submitted for three years.

Public comment: None

A motion was made to approve the project as submitted with annual reports submitted for three years.
Seconded.

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

Nay –

II. CONTINUANCES

- A. Bayside Property Holdings, LLC and Osterville Property Holdings – One LLC.** Replacement of 550 feet of stone wall with a timber bulkhead, shoreline stabilization and vegetation management at 148 and 186 Windswept Way, Osterville as shown on Assessor's Map 052 Parcel's 002 and 003. **SE3-6370 Continued from 3/17/26. WC Form received.**

The applicant was represented by Rebecca Cherry with Tighe and Bond and Ian Peach of Wilkinson Ecological Design.

- The DMF letter dated March 13, 2026 was read into record.
- The depth of the existing stone undergrade is not known.
- The area of excavation was discussed.
- There are not many new bulkheads approved.
- The current stone wall is a vertical stone wall, so the new bulkhead which will also be vertical will not be a major change for habitat.
- There is concern about pulling out the existing stone wall.
- The neighboring property has a similar bulkhead. They are tying in with that existing structure.
- The bulkhead bends around to tie into the fiber rolls.
- There should not be any negative impact on the surrounding natural beach area or salt marsh.
- A sloping wall is normally better than a straight wall, but there are not large waves in this area so a straight wall would be fine.
- The energy impact of the waves on a sloping wall is less than a straight wall.
- A detailed construction protocol should be submitted four weeks prior to an onsite meeting.
- The DMF letter stated they do not recommend re-setting the stones from the four groins being removed after completion of the wall as the groins are no longer functioning.
- The consultant advised there is uncertainty in removing the entire groin and destabilizing the area of beach seaward of the bulkhead. If the stones are not put back a channel could be created between the stones that are left in place and the face of the bulkhead. Putting the stone back in place will maintain the established dynamic currently there.
- A construction protocol needs to be submitted by the contractor.
- The Consultant will be Tighe and Bond. If change in consultant, written notification will be given to Conservation for review and approval.
- They need to minimize the area of the demolition during excavation of the existing wall.
- There should be an ongoing condition for invasive species management.
- The project should be continued to get comments from the Shellfish Committee.
- A continuance was requested to April 14, 2026.

Public comment: None

A motion was made to continue the project to April 14, 2026.

Seconded.

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

Nay –

- B. Robert J. IV & Thomas P. Remmes.** Removal of brick paver patio, installation of permeable paver patio and fire pit within 50' buffer at 536 Shootflying Hill Road, Centerville as shown on Assessor's Map 193 Parcel 029. **SE3-6342 Continued from 2/17/26. Continued from 3/17/26. WC Frm received.**

The applicant was represented by Michael Malynowski of Allen & Major Associates.

- Public comment letter from Guy and Allison Tlapa dated March 29, 2026 was acknowledged.
- The proposed arborvitae have been removed from the plan.
- The existing arborvitae will remain.
- The permeable paver pathway would not have been approved if it had been applied for.
- It should be removed and replaced with stepping stones.
- The mitigation proposed would be acceptable for the patio.
- The blueberry mitigation on the right side is minimal mitigation in such a large area.
- The hydrangea are not native plants. They should be removed.
- The owner advised a steppingstone walkway would not be as stable.
- The project will create a negative impact.
- This is an after the fact filing.
- The area on the east side of the property where they are proposing mitigation is already a mitigation area which include 40 blueberries.
- Those plants did not survive. They are re-establishing that area and including it as mitigation for this project.
- They cannot use that area for this filing.
- The consultant argued that there was no condition to maintain the area into perpetuity.
- Any mitigation area must be maintained into perpetuity.
- They could add to the area behind the prior mitigation area.
- Woody vegetation around stepping stones would preserve the area better than the pervious paver walkway.

Public comment:

Guy Tlapa abutter – 547 Shootflying Hill Road. He is glad to see the 11 arborvitaes at the top of the driveway are no longer proposed . The seven around the fire pit are going to grow tall enough to obstruct his view of the lake. He was hoping that mitigation could go on the east side of the lot so his view is not obstructed.

Guy was advised views are not Conservation jurisdiction.

He would like to discuss the issue directly with the owner.

Commission discussion continued:

- The width of the pathway is larger than what is on the plan.
- The consultant asked what the Commission wants regarding the walkway.
- They would like the walkway removed and stepping stones put in.
- A continuance was requested to April 14 2026.

A motion was made to continue the project to April 14, 2026.

Seconded.

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

Nay –

III. CERTIFICATES OF COMPLIANCE

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

A. SE3-5704	Joshua Garvey 111 George Street, Barnstable	(COC, ez*)	Raze & replace existing single-family home.
B SE3-5459	Kevin & Cynthia Kett 61 Great Bay Road, Osterville	(COC, ez*)	Raze & rebuild floodzone-compliant dwelling. Retaining wall, septic, fill & re-grade.
C. SE3-6134	Jeff Ingram New Rushy Marsh Realty, LLC 1500 Main Street, Cotuit	(COC, ez*)	Patio & granite seat wall. Landscape improvements.
D. SE3-5944	Daniel Alperin & Julie A. Salomon 247 Nyes Neck Road, Centerville	(COC, ez)	Raze & Replace single-family dwelling. (No work commenced.)

A motion was made to approve A. – D.

Seconded.

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

Nay –

A motion was made to adjourn the meeting.

Seconded.

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

Nay –

The time was 8:32 p.m.