



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

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**MINUTES – CONSERVATION COMMISSION HEARING**

**DATE: May 12, 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: <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/89665830286>

**Meeting ID: 896 6583 0286**

**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](mailto: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](mailto: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 6:30 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were Vice-Chair/Clerk Angela Tangney and Commissioners DeMelo, Hearn, Kaschuluk and Sampou. Commissioner Abodeely was absent.

Administrator Ed Hoopes was also present along with Conservation Assistant Katherine Pawlak.

**I. REQUESTS FOR DETERMINATION**

- A. Mark Beyer** – Proposed pruning of approximately 20-30 trees. The work will involve selective trimming of upper canopy growth reducing 4 to 5 feet from the top portions of selected trees at 130 Clamshell Cove Road, Cotuit as shown on Assessor's Map 005 Parcel 011. **DA-26023**

The applicant was represented by Roberts Landscape & Construction Design

Issues discussed:

- The project is to shrink down top of canopy that is overgrown as well as some broken branches to clean it up.
- This is a standard vista pruning, not topping trees.

- The upper canopy will be thinned but not topped.
- There was a question as to whether or not we could approve the pruning area as a box rather than a set vista corridor.
- Generally, vista corridors are required, however sometimes it depends on the project/site.
- Topping of trees is not permitted, standard vista pruning guidelines to apply.
- The applicant will need to meet with staff prior to conducting the maintenance to go over what can be cut adhering to our vista guidelines.

Public comment: None

A motion was made to approve this project as a negative determination with the condition that the applicant or contractor has to meet with staff prior to any cutting to go over the vista pruning requirements for the trees.

Seconded.

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

Nay –

- B. Christopher Gibson – Christian Camp Meeting Association.** To repair 10-20 feet of foundation adding structural elements to the foundation wall to prevent further deterioration and instability at 25 Prospect Avenue, Centerville as shown on Assessor’s Map 226 Parcel 019. **DA-26024**

The applicant was represented by Lars Jensen – Structural Engineer

Issues discussed:

- This is an urgent foundation repair because of existing conditions.
- There will be no increase of footprint.
- The existing foundation didn’t sufficiently support the building and there was a risk of structural failure.
- A letter was submitted to building department requesting immediate shoring.
- This repair will be going through all departments for permitting process.
- They were experiencing constant leakage. The repair will be addressing this as well.
- This is not a proposed patio.

Public comment:

Dede Danforth who resides at 6 Butler Avenue in Centerville and is an abutter to the project wanted to know when work will take place and how long it will take.

- The consultant noted that the shoring work had already happened and the building has been made safe at this point. They are estimating concrete and prep will happen within 3-4 days, the facilities will finish up with wood framing and cladding within a week or two. After that it will be landscaping work which is minor.

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

Seconded.

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

Nay –

## II. CONTINUANCES

- A. 107 Channel Point Road, LLC.** Proposed replacement of existing concrete seawall with vinyl bulkhead sheeting and extend 20’ at 107 Channel Point Road, Hyannis as shown on Assessor’s Map 326 Parcels 078. **SE3-6373**  
**Continued from 4/14. WC Form received.**

The applicant was represented by John O’Dea – Sullivan Engineering & Consulting, Inc.

Issues discussed:

- DMF letter dated 5/1/26 was received and made four recommendations. The consultant has no objections to these.
- Consultant asks the Commission to use DMF’s language/verbiage in their recommended condition for time of year.
- In regard to time of year restriction - in the event of an emergency it could be possible for portions of work to be done without going on beach.
- DMF letter dated 5/1/26 recommended conditions were read into record.
- There should be a construction protocol submitted by the contractor.

Public comment: None

A motion was made to approve the project with conditions from DMF letter dated 5/1/26 and construction protocol prepared by the Contractor.

Seconded.

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

Nay –

**B. Bluefield, LLC.** To permit a proposed seasonal ramp and float at 571 Old Post Road, Cotuit as shown on Assessor’s Map 054 Parcel 018. **SE3-6245 Continued from 4/28/26. WC Form received.**

The applicant was represented by John O’Dea – Sullivan Engineering & Consulting, Inc.  
And David Lawler - Lawyer

Issues discussed:

- This is a remand from Barnstable superior court.
- Mr. Lawler thanked the Commission for all the work they do for the town.
- No changes were made to the conditions that Ed Hoopes submitted.
- Mr. Lawler asks the Commission to approve what the court asked it to approve.
- The parameters of the project were gone over. Existing outhaul & set of stairs down the revetment, proposing to remove portion in marsh and replace the system with a ramp and two floats. Decrease in length but does include two float stops.
- Zoning map that shows dock in pier overlay district should be included in file for the record.
- The area has a shellfish rating of 10/10. This will be a non-motorized seasonal pier.
- This approval is only for conservation, not for zoning or building.
- The plan being shared at the meeting is revised site plan dated 3/20/2025.
- Conditions will include they will need to remove the existing outhaul from the mean low water at about 46.5 feet away, will need a construction protocol prepared by contractor at least 4 weeks prior to preconstruction meeting, notify Natural Resources at least 21 days prior to construction, notify conservation staff at least one week prior to construction, work shall occur during the offseason from October 15<sup>th</sup> through December 31<sup>st</sup> or first week of January, dredging shall not occur between January 15<sup>th</sup> and May 31<sup>st</sup>, no motorized boat is allowed for this seasonal pier, and pier shall be deployed seasonally between April 1<sup>st</sup> and October 31<sup>st</sup>.
- DMF letter has not been received, Mr. Lawler will double check on this.
- Make sure they notify DMF and have them do a review for the project. Approval is subject to receipt of DMF letter. They will need to incorporate their comments into the Order of Conditions.
- Commissioner Sampou read a letter received by Conservation Commission on 5/25/2004 regarding a different project in Cotuit Bay. The first four paragraphs were read which expressed concerns over Cotuit Bay, and how they were in support in of the zoning ordinance from Barnstable.
- The letter urged that Cotuit Bay be preserved as a public recreation area.
- A copy of the letter was requested to be sent for the record for the filing.

- Applicant will still need to get approval from zoning or building commissioner.
- It was noted that the chairman of the shellfish committee and Shellfish Constable had previously stated concerns about the impacts of this dock on shell fishing.

Public comment: Jan Kandreck the Barnstable Town Attorney addressed the Commission. The basis of the determination by the judge has to do with the fact that the commission relied cumulative effects without citing evidence of cumulative effects. They were unable to argue in a way that tied the concerns with factual support, so the court will not uphold the determination. The judge ordered that the Commission shall issue an Order of Conditions approving the Notice of Intent. Respects the concerns of the Commissioners, but failure to issue an order of conditions would result in contempt.

- The Commission returned to discussion.
- A cumulative effect can only be measured after its accumulated, the intent of the law was to protect that from happening.
- To determine when an accumulative effect would have occurred for current/proposed projects would be in the future.
- Concern was noted how it is going to be too late 10 years from now when the data is there to show we should have stopped projects now from happening.
- It is a lot of gray area.
- The regulations may need to be reviewed and revised to address these concerns for future projects.
- The Commission is bound by the Court's order.

A motion was made to approve project with the Conditions that they will need to remove the existing outhaul from the mean low water at about 46.5 feet away, will need a construction protocol prepared by contractor at least 4 weeks prior to preconstruction meeting, notify Natural Resources at least 21 days prior to construction, notify conservation staff at least one week prior to construction, work shall occur during offseason from October 15<sup>th</sup> through December 31<sup>st</sup> or first week of January, dredging shall not occur between January 15<sup>th</sup> and May 31<sup>st</sup>, no motorized boat is allowed for this seasonal pier, pier shall be deployed seasonally between April 1<sup>st</sup> and October 31<sup>st</sup>, and subject to receipt of DMF letter with their recommended conditions incorporated into conditions.

Seconded.

Aye – DeMelo, Hearn, Kaschuluk, Lee, Tangney

Nay –

Abstain - Sampou

### **III. CERTIFICATES OF COMPLIANCE**

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

<b>A. SE3-5245</b>	<b>Wind River Environmental Inc. 357 Lakeside Drive West, Centerville</b>	<b>(COC, ez)</b>	Construct septic tank & leaching system; site grading, driveway relocation.
<b>B. SE3-5443</b>	<b>Richard P. Callahan, Trustee North Bay Realty Trust II 138 Bridge Street, Osterville</b>	<b>(COC, ez*)</b>	Repair/replace wall; replace/expand shed.
<b>C. SE3-5730</b>	<b>Douglas &amp; Tina Crook 115 Bog Road, Marstons Mills</b>	<b>(COC, ez*)</b>	Construction of a single-family home, accessory building, septic.

A motion was made to approve A-C

Seconded.

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

**V. MINUTES**

**A. April 28<sup>th</sup> 2026**

A motion was made to accept the minutes.

Seconded.

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

A motion was made to adjourn the meeting.

Seconded.

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

**The time was 7:11 p.m.**