



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: May 19, 2026 @ 3:00 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/82242796964>

Meeting ID: 822 4279 6964

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 Vice-Chair/Clerk Angela Tangney and Commissioners Abodeely, DeMelo, Hearn, and Sampou. Commissioner Kaschuluk was absent.

Conservation Administrator Ed Hoopes was present along with Conservation Agents Brady Hill and Robert Brewer, Conservation Assistant Katie Pawlak, and Administrative Assistant Kim Cavanaugh.

I. OLD & NEW BUSINESS

A. Introduction – Conservation Agent Robert (Rob) Brewer.

- Welcome Rob!

II. REVISED PLANS

Project Type

Revisions

A. Tobias Welo SE3-6311
25 & 35 Cove Lane, Osterville

Reconstruct sandbag
array/beach nourishment

Modify construction
details

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

Issues discussed:

- The change in construction details is because of a patent infringement.
- The approved array has a lesser slope than the proposed.
- On the original plan the cross sections were labeled “typical”. On the revised plan the engineer did the new sections to scale.
- The approved plan included 2” of soil be put down. The proposed does not include the 2” of soil for planting.
- The grasses and the Rosa Rugosa will grow on the raw sand.

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay –

B. Babcock Holdings, LLC SE3-6097 11 & 27 Marchant Avenue, Hyannisport	Revetment connection between existing structures. Replace stairway & platform.	To seek approval for As-Built stairs & platform, stepping stones, and restoration plantings.
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- There should be more plantings in the mitigation area.
- The sweet fern didn’t take twice. Another species should be chosen to replace the sweet fern.
- The length of the stepping stone path is approximately 15’.
- The sweet fern were not spread out. They should be spread throughout the area.
- There is not a slope in the stepping stone area.
- The area on either side of the stepping stones is beach grass.
- The plantings were moved to the side rather than spread out.
- A question was raised why they had not applied for the changes in advance of requesting the COC.
- There had been more plantings but they died.
- Conservation should have been contacted for approval.
- This is an “as built” plan.
- They will select a different species and submit a new plan with the locations.
-

A motion was made to approve the revised plan subject to receipt of a revised plan adding more and different plantings showing the locations, and adding irrigation as mandated above.

Seconded.

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

Nay –

C. AAR Legacy, LLC SE3-5905 671 Old Post Road, Cotuit	Replace timber bulkhead with stone revetment. Replace beach house, deck & stairs.	Permit existing rinse station and step. Reduce size of approved deck.
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The applicant was represented by John O’Dea, P.E. of Sullivan Engineering and Consulting.

Issues discussed:

- The deck will be reduced in size and the step will be moved landward.

A motion was made to approve the revised plan as submitted.

Seconded.

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

Nay –

III. WARNING LETTERS

- A. Jeffrey P Chandler & Robert M Luciano Trs and Chandler Luciano Trust – 56 Bone Hill Rd, Barnstable – Map 336 Par 050-001. Alteration of a 50’ buffer to a wetland resource area – vegetated wetland – by cutting vegetation – and failure to comply with approved plan of record for SE3-5737.

- Noted

- B. Robert C & Mary J Abel – 128 Long Beach Rd, Centerville – Map 205 Par 014. Alteration of wetland resource areas – dunes and flood zone – by cutting and topping vegetation.

- Noted

- C. Deborah Sosland-Edelman Tr and Cotuit House Trust Number 1 – 54 Point Isabella Rd, Cotuit – Map 074 Par 018. Alteration of a wetland resource area - flood zone – by removing trees.

- Noted

- D. Everett Tilden Diggs Jr & Colette N Spillane-Diggs Trs and Everett Tilden Diggs Jr R T & Colette N Spillane-Diggs R T – 140 Indian Trail, Barnstable – Map 336 Par 013-001. Alteration of a buffer to a wetland resource area – vegetated wetland – by removing dead trees & adding unpermitted hardscape.

- Noted

IV. ENFORCEMENT ORDERS

- A. Kayvan & Gertrude Shahabi Trs and Shahabi Family Revocable Trust – 163 Starboard Lane, Osterville – Map 166 Par 042. Alteration of a wetland resource area – flood zone – and a buffer to a wetland resource area – North Pond – by cutting vegetation.

Exhibits

A – ARC Reader of 163 Starboard Lane, Osterville

B – Aerial Photos of 163 Starboard Lane, Osterville

C – Site Photo from April 30, 2026

- Homeowner appeared before the commission.
- Homeowner noted she understands and appreciates the enforcement order and intends to comply
- Bill stated he was supportive of the enforcement order, but noted the fallen tree in North Pond could be beneficial to aquatic species by providing habitat.
- John agreed but noted the fallen tree may present a potential hazard.
- Bill disagreed.
- Brady noted that the tree removal was part of a separate request to Katie, and that the request was put on pause until enforcement could be handled and the restoration initiated.

A motion was made to approve the enforcement order as written.

Seconded.

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

Nay –

- B.** Akram E. Rafla, and S&D Boston Properties, LLC – 108 Little River Road, Cotuit – Map 054 Par 020. Alteration of a wetland resource area – coastal bank - by cutting vegetation AND alteration of a buffer to a wetland resource area – coastal bank – by cutting vegetation AND failure to comply with the ongoing conditions of an Order of Conditions.

Exhibits

A – ARC Reader and Aerial Photo of 108 Little River Rd., Cotuit

B – Site Photos from May 5, 2026

C – Excerpt of Order of Conditions for SE3-5956, Issued February 28, 2022

- Homeowner did not appear but was represented by Lauren Taylor and Katie Krogmeier of Crawford Land Management, his consultant
- Consultant noted they and the homeowner are aware of the situation and are eager to rectify the situation
- Consultant noted the mowing was done without authorization, and that homeowner is unhappy with the way the property looks as a result
- Angela wanted to clarify that homeowner was willing to work with the enforcement conditions list as written
- Consultant confirmed this.

A motion was made to approve the enforcement order as written.

Seconded.

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

Nay –

- C.** Travis M Rhodes & Rachel Creutz, c/o Robert E Langway Jr. – 347 Sea View Ave, Osterville – Map 138 Par 023. Alteration of a buffer to a wetland resource area – coastal bank - by adding unpermitted hardscape – bocce court.

Exhibits

A – ARC Reader and Aerial Photo of 347 Sea View Ave., Osterville

B – Site Photos from May 7, 2026

- Homeowners did not appear but were represented by Bob Langway, their attorney.
- The attorney noted the numerous improvements and restorations made by the homeowners since they have owned it
- The attorney noted the landscaper installed the bocce court without the permission of the homeowners, was done by surprise
- The attorney noted the homeowners were remorseful of the situation, and intend to comply with the enforcement order as written

A motion was made to approve the enforcement order as written.

Seconded.

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

Nay –

V. NON-CRIMINAL CITATIONS

- A.** Arthur F Barrett - Alteration of wetland resource areas – flood zone and marsh – and buffer to marsh - by cutting vegetation and trees. - \$200.00

- Noted

- B.** Angel Maria Astudillo - Alteration of wetland resource areas – flood zone and marsh – and buffer to marsh - by cutting vegetation and trees. - \$200.00

- Noted

VI. NOTICES OF INTENT

- A. Oyster Harbors Club, Inc.** To demolish the existing golf house and cart barn and construct a new single structure to include golf house and cart storage at 145 Grand Island Drive, Oyster Harbors as shown on Assessor's Map 071 Parcel 004-001. **SE3-6383**

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

Issues discussed:

- The project will be less sq. ft. than what is currently there.
- They are going to apply for the Stormwater Management permit through DPW.
- If there is any change after approval in the site design, they will submit a revised plan request.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

VII. CONTINUANCES

- A. Stephen Madden.** To reconstruct and extend existing permanent pier, replace ramp and float, relocate kayak rack and provide electric and water services at 95 Eel River Road, Osterville as shown on Assessor's Map 116 Parcel 121. **SE-6381 WC Form received. Request to be continued to 5/26. WC Form received.**

Commissioner Abodeely has completed the evidential review process and will be part of the quorum going forward.

A continuance request without testimony was requested to May 26, 2026.

A motion was made to approve the continuance request to May 26, 2026 without testimony.

Seconded.

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

Nay –

- B. Pamela Randon.** To reconstruct and extend existing permanent pier, replace ramp and float, relocate kayak racks and provide electric and water services at 117 Eel River Road, Osterville as shown on Assessor's Map 116 Parcel 097. **SE3-6379 WC Form received. Request to be continued to 5/26. WC Form received.**

Commissioner Abodeely has completed the evidential review process and will be part of the quorum going forward.

A continuance request without testimony was requested to May 26, 2026.

A motion was made to approve the continuance request to May 26, 2026 without testimony.

Seconded.

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

Nay –

- C. Scott Miller - LDS Development Group, LLC.** Construction of a dock and float at 640 Poponessett Road, Cotuit as shown on Assessor's Map 006 Parcel 018. **SE3-6382 WC Form received.**

Commissioner Abodeely has completed the evidential review process and will be part of the quorum.

The applicant was represented by Matt Eddy, P.E. of Baxter Nye Engineering.

Issues discussed:

- The Shellfish Committee has approved the project.
- They are requesting a 12” draft instead of 30”.
- The piers on either side of this property have the 12” draft requirement.
- There were no quahogs found near the area of the float. A small strip of softshell clams were found in the intertidal area.
- There is no easy access for fisherman.
- The recommendations from the Shellfish Committee are taken very seriously. The Shellfish Committee has approved the project.
- Float stops should be added at 18”.
- An email dated May 14th from Amy Croteau to Matt Eddy regarding the Shellfish Committee comments was read into record.
- Amy requested the addition of float stops.
- This is for a motorized boat.
- The two piers on either side are also for motorized boats.
- The Regulations would allow the 12” rule if the shellfish rating is less than 6 which is the least of the high ratings.
- Shoestring Bay area is not good for quahogs. The dock would not be hurting quahogs.
- A 12” draft should not cause a problem.
- This is a site specific area where they could allow the 12” draft.
- Next to this dock there is a 3 out of 6 rating.
- A revised plan is needed showing the float stops at 18” from the bottom.
- DMF conditions using a vibrating hammer, with a slow start approach for pile driving instead of jetting to be included in the Special Conditions.
- Access stairs within the salt marsh will maintain a height of 5’ clearance at MHW.
- If barge required should be restricted to 2 hours before and after low tide.
- No time of year restriction.
- Clarification was made that the dock to the south is for a non-motorized dock.
- The Waterways and Shellfish Committee comments are agreeing to the 12” rule.

A motion was made to approve the project with the above conditions subject to receipt of a revised plan showing the float stops 18” from the bottom.

Seconded.

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

Nay –

VIII. CERTIFICATES OF COMPLIANCE

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

A. BCC-0196	George R. Valentgas 434 Eel River Road, Osterville	(COC, ez*)	Construct 3 dormers & front porch. Landscaping including retaining wall & regrading.
B. SE3-6071	Angela Y. Hahn 150 Bay Road, Cotuit	(COC, ez*)	Footpath, bank access stairs, dinghy dock with ramp, float and kayak rack. Vegetation management.

A motion was made to approve A. and B.

Seconded.

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

Nay –

A motion was made to adjourn the meeting.

Seconded.

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

Nay –

The time was 4:25 p.m.