



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

DATE: May 26, 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/81018739135>

Meeting ID: 810 1873 9135

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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.

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 Abodeely, DeMelo, Hearn, Kaschuluk and Sampou.

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

I. NOTICES OF INTENT

- A. Terrie R. Zeikel, Trustee – The Terrie Zeikel Trust.** Proposed invasive species removal and restoration with native plantings at 129 Main Street, Osterville as shown on Assessor's Map 165 Parcel 078. **SE3-6384**

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting and Nick Snowden from Demello Brothers.

Commissioner Demello recused himself from the hearing.

Issues discussed:

- There is a monitoring plan included in the filing.
- Ongoing invasive management control was requested.
- Demello Brothers are the licensed applicators.

- Demello Brothers will be the invasive management contractor. A change of contractor will require approval by Conservation staff.
- Invasive removal in perpetuity would not require additional native plantings unless required by staff. The ongoing condition will be in consultation with staff.
- The original native plantings will be kept in good condition.
- Annual reports will be submitted for three years.

Public comment: None

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

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

Nay –

II. 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 continued from 4/28 and 5/19. WC Form received.**

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

Commissioner Abodeely has reviewed all the testimony and is part of the quorum under the Mullin Rule.

Attorney Brian Wall requested Commissioner Sampou clarify what he was trying to say at the last hearing. His audio was not clear. Attorney Wall also requested acknowledgement of Articles and submissions by Commissioner Sampou.

Commissioner Sampou submitted documents for the file which were also given to the Consultant.

1. TOB Open Space & Recreation Plan dated January 2026
2. TOB 2022 Southside Shellfish Habitat Rating Map
3. DMF Article – John Logan – September 2021 – Review of Habitat Impacts from Residential Dock and Recommended Best Management Practices
4. DMF letter dated 9/13/2009 1071 Old Post Road – Diane Currier
5. Massachusetts Office of Coastal Management – June 2014 Rapid Assessment Survey of Marine Species at New England Bays and Harbors
6. Artificial Marine Structures Facilities of a non-indigenous green algae in the North Adriatic Seas by Fabio Ambilies dated 2005
7. Introduction of Coastal Infrastructures as a driver of change in a marine environments dated 2009
8. Nonindigenous biota on artificial structures: could habitat creation facilitate biological invasions? by Tim M Glasby and Sean D. Connell, Michael G. Holloway and Chad L. Hewitt dated November 2006
9. Mass DEP - Bliven and Pearlman 2003 – Guide to Permitting Small Docks and Piers
10. Cheeky – World’s Largest Fly Fishing Tournament
11. 2026 Schoolie Tounament Rules
12. Arial of Child’s River, E. Falmouth vs WBACEC Shoreline
13. Email submitted by Commissioner Sampou dated May 6, 2026
14. Email submitted by Liz Lewis dated May 8, 2026 for 104 Great Bay Road
15. Superior Court Decision for Ryan Denial SE3-5312 dated 2015

Supplemental technical document for Appendix A submitted by AM Wilson was acknowledged.

Waterways Committee and Harbor Master Comments – dated 5/21/2026 were read into record.
More information was requested from the Consultant on the mooring field.

Consultant presented additional information.

Consultant requested video from the Miller hearing on the May 19th meeting be included in the file. Video files cannot be saved to Laserfiche.

Consultant Arlene Wilson addressed the Commissioners with information requested from the last meeting.

Issues discussed:

- Commissioner Sampou read a statement into record, Exhibit 1 regarding; the Consultants attempts to address concerns that have led to prior denial of dock projects in the past; the Commissions requirement to assess each application on a case by case basis; reasons for the articles he previously submitted; comments and analysis on six ecosystem and/or recreation related topics pertaining to the expansion of the Randon and Madden projects. Commissioner Sampou stated the net effect of allowing these two dock extensions over highly significant habitat and in an easily accessible shoreline will most certainly have major negative ecological and recreational effects.
- More information was requested from the Consultant on the mooring field.
- The Miller project on Poponessett Bay was much different than these projects. It is on Poponessett Bay, which is well known to be extremely muddy with only a 1 or 2 shellfish rating. The exact area of the project was rated a 6 which was protecting the softshell clams which are in close along the shoreline not out where the boat would be. The area in Poponessett Bay is not stocked by the Town.
- Liz Lewis and the shellfish committee did not have any issues with the Miller project.
- There are a lot of adult hardshell clams at this location.
- There is a much different habitat in this area vs. the Poponessett project.
- The Consultant said the shellfish rating has improved over time even with the current docks. The area has not improved. The most recent ratings were done differently.
- Most properties in the area have docks.
- The regulations were put into place because of the damage done by the grandfathered docks with the 12” depth.
- The motor boats have done a lot of damage on eel grass in the bays.
- A report dated 1988 was read into record by Commissioner Hearn. He will submit the document from Woods Hole symposium.
- They are asking for the pier to be 14’ longer, waiver on the 30” rule to 12”, and the pier going from non-motorized to motorized.
- No other Town departments are approving this application.
- The existing pier is a permanent pier without a motor boat.
- The consultant was asked if they would consider just extending the pier without ripping out the original pilings to minimize disturbance in the substrate.
- They would but the existing piles are closer together contrary to everyone’s recommendations.
- The law says “not likely to have unacceptable significant or cumulative effects on the wetland resources protected by the regulation”.
- The regulation says some of the resources are wildlife habitat, shellfish, fisheries, recreation (including navigation), aesthetics and aquiculture values.
- The Commission is bound by that.
- The shellfish rating map lists the area a 10.
- The consultant study states it is a 3 or 4.
- The shellfish biologist feels the consultants study was not accurate because the properties were combined.
- Consultant advised that they looked at the entire area on both properties for the survey.
- The study was extended to include the piers to both sides.
- The study was done using a grid so they can isolate the area near the piers.
- Their consultant found no softshell clams at the Madden site.

- The Shellfish Biologist found some softshell clams at the Madden site.
- The boat and the float are seaward of where the softshell clams would be.
- There were no juvenile clams found.
- The Town stocks the area with shellfish.
- There have been 4 studies over 14 years in the area.
- The consultant's shellfish study addresses habitat as well as animal count.
- The Rogers pier on Old Post Road was allowed on the condition that follow-up studies would be done for three years looking at the bathymetry of the area to see if having a properly operated boat had any impact on the bottom and sediments.
- The study showed there was no impact. He still has a large boat at his pier.
- The issue of properly operated boats was discussed. Many people purchase boats and do not know very much about how to operate them. The State now requires all boat owners to take a Boater Safety course.
- The NOI contains some additional studies on bathymetry and turbidity.
- A question was raised whether the studies were site specific relative to this location.
- There needs to be some more evidence submitted by the applicant refuting the Harbor Master and Waterways Committee comments relative to navigation.
- There is also an issue with the number of boats with heads in the mooring field which could lead to a closing of shell fishing in the area. A small boat could still have a head.
- There is a document included in the consultants appendix regarding how the State decides if areas should be open or closed. It is based on the density of boats and the number of boats that have heads.
- Based on the number of boats, the Town was able to determine the area along the shoreline is far enough away from the mooring field to remain open.
- If this project is approved it is unknown if the area would be allowed to remain open to shell fishing.
- The Consultants' opinion is that it would remain open.
- The consultant was asked if she is aware of any problem with invasive species in Barnstable.
- She advised no. In particular the JMS Holdings project the dockmaster at Oyster Harbors Marina was asked if there were boats that were operated in other areas that were bringing any tunicates to the piles in the area. He responded no.
- They are currently being documented on the floats in Sandwich. The floats are removed in the winter, and they die before they are put back in the water.
- They are sometimes found on floats but not on piles.
- There is a lot of conflicting information on this application.
- More information is needed relative to if these are site specific surveys and the navigation issue.
- The shellfish study for this specific location is not sufficient as it does not include the area of the extension of the pier.
- The required depth is determined by regulation using the shellfish rating maps and the survey by the applicant.
- This area should be protected using the 30" rule.
- Softshell clams can live subtidal.
- A rake would not be able to reach them in a subtidal area.
- Regarding the Consultants' comment about tunicates in the area, Commissioner Sampou agrees. However, he feels no one that the Consultant talked to has the expertise to identify the 30+ other invasive species that may be in the area.
- The Rogers pier study showing that larger boats have no effect on bathymetry or turbidity is not part of the record.
- Dr. Newberg said it has a low value shellfish rating.
- Paul Caruso gave the area a high value shellfish rating.
- Liz Lewis gives it a high value shellfish rating.
- Some information about the mooring field in the area is needed to confirm what the impact would be if the pier extension were approved.
- The shellfish study should be re-done to include the pier extension area.

- The Consultant will super impose the location of the proposed pier on Dr. Newberg's grid to see which samples fall within the footprint of the pier and ten feet either side and isolate the results.
- Navigation information for the mooring field should be submitted.
- The Rogers pier study should be looked at.
- A continuance was requested to June 16th.

Public comment: None

A motion was made to approve the continuance request to June 16, 2026.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Kaschuluk, 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 continued from 4/28 and 5/19. WC Form receive**

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

Commissioner Abodeely has reviewed all the testimony and is part of the quorum under the Mullin Rule.

All documentation submitted for the 95 Eel River Road hearing is included for this project.

DMF Comment letter dated May 12, 2026 was acknowledged.

Waterways Committee and Harbor Master comments are the same as 95 Eel River Road and were read into record.

The mooring field information should be submitted for this project as well.

- Arlene Wilson presented a recap of the last hearing.
- Arlene would like the hearing on the Poponsesset project approval included in the file.
- Most piers in the area do not conform to the 30" rule because they were put in before the regulations were changed.
- A supplemental document dated May 21st was submitted by the Consultant.
- They will install a marker for the visual point for the edge of the shellfish area.
- They can overlay the proposed pier on the Dr. Newburg study.
- Softshell clams were found in the area indicating a native set. The location of the berth of the boat will be well beyond where softshell clams would be.

Issues discussed:

- Chair Lee requested the consultant to do the same for this project as 95 Eel River Road and super impose the location of the proposed pier on Dr. Newberg's grid to see which samples fall within the footprint of the pier and ten feet either side and isolate the results.
- This project is asking for a change to a motorized pier, extend the length of the pier, and a waiver on the draft. They are also restructuring the pier. It will be in the same footprint but will need to be removed.
- A request for clarification on the property line issue below mean low water was requested by the Chair.
- Commissioner Hearn would like his comments from the previous hearing added to this.
- The Miller project on the Poponsesset project is not the same as this project.
- Commissioner Hearn will not be available on June 16th for a continuance. He will be available for the June 23rd meeting.
- Commissioner Sampou would like his comments from the previous hearing added to this hearing.
- Invasive tunicates only make up 10 percent of invasive species in the area.

- There are articles submitted by the Consultant regarding tunicates. They are the easiest to identify.
- There are many other invasive species, not just tunicates.
- DMF has never asked the Commission to deny a pier.
- DMF is not requesting the project be approved, they are just making recommendations if it is approved.
- There has been no evidence given that softshell clams do not exist deeper than 12” of water. They are nearly impossible to get with a rake in water.
- Commissioner Sampou was asked if he is aware of any invasive species in the Town of Barnstable. He will look into it for the next hearing.
- The Consultant was asked if the pier was left intact and just extended, would that be a possibility for the applicant.
- Consultant was asked if they would be willing to take the continuance for the project to June 23rd instead of June 16th so Commissioner Hearn can be present.
- The Madden project was continued to June 16th but they will request a continuance at that meeting to the 23rd so Commissioner Hearn can be present for that as well.

Public comment: None

A motion was made to approve the continuance to June 23, 2026.

Seconded.

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

Nay –

III. CERTIFICATES OF COMPLIANCE

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

A. SE3-6081	John Wilbur 70 Bay Lane, Centerville	(COC, ez*)	Extend driveway, site drainage, walkway, pavers, shed & plantings.
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A motion was made to approve A.

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 8:55 p.m.