



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

Office: 508-862-4093

E-mail: conservation@barnstable.gov

MINUTES – CONSERVATION COMMISSION HEARING

DATE: June 9, 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/84106779653>

Meeting ID: 841 0677 9653

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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.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230 SOUTH STREET, HYANNIS, 02601

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, and Hearn. Commissioners Kaschuluk and Sampou were 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. REQUESTS FOR DETERMINATION

- A. Ken Morton.** Construction of a 2-story addition to an existing single-family residence on new basement foundation at 149 Millway, Barnstable as shown on Assessor's Map 300 Parcel 024. **DA-26025**

The applicant was represented by Gregory Milne of 41 North Architects.

Issues discussed:

- None

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

B. Paul Fitzgerald. Proposed additions to existing structures and partial re-location of existing gravel driveway at 210 Keveney Lane, Cummaquid as shown on Assessor's Map 351 Parcel 021-001. **DA-26026**

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

Issues discussed:

- None

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

II. NOTICES OF INTENT

A. Michael Martin. After the fact permitting of a deck and driveway expansion including mitigation plantings at 27 Folsom Avenue, Hyannis as shown on Assessor's Map 324 Parcel 059. **SE3-6385**

The applicant was represented by Cameron Larson, P.E. of ECR.

Issues discussed:

- There should be demarcation for the mitigation area.
- They should make sure to use a variety of different size plants.
- Native seed mix will go between the plantings.
- The mitigation area should be shown on the site plan.
- There is concern of the amount of invasives in the area. A question was raised how the invasives will be controlled so they don't take over the new plantings.
- The representative advised they will remove any encroaching invasives by hand.
- The sliding doors were put in as part of the project.
- The amount of bittersweet is a problem. Invasive control cannot be forced on an applicant, but it is encouraged. They could do an amended order to address the invasives.
- There should be no mulch between plants.
- Monitoring reports should be submitted for three years.
- Monitoring requirement could be continued with the COC request.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the demarcation on the planting plan and the engineering plan, annual reports submitted for three years, and additional monitoring of invasives in the area.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

B. Pamela T. & Jeffrey C. O’Neill, Trustees – Pamela T. O’Neill Revocable Trust. To replace and modify existing pool and patio and construct a sports court at 107 South Bay Road, Osterville as shown on Assessor’s Map 093 Parcel 066. **SE3-6386**

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

Issues discussed:

- This is a flood zone only project.

Public comment:

John Pearson – abutter at 291 Bridge Street. He is concerned about the noise pollution of a pickle ball court. Little Island echoes severely. He feels most of the neighbors feel the same way.

Vincent Perla – abutter at 29 Little Island Drive. Their guest cottage is 20’ from the proposed sports court. He is concerned about the noise. Mr. Perla was advised Conservation does not have jurisdiction regarding the noise. They would need to discuss with another Town Department. He has not attempted to speak with the home owner.

A motion was made to approve the project as submitted.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

C. Daniel S. & Elizabeth W. Lynch, Trustees – Fox Island Realty Trust. To construct a guest cottage at 132 Fox Island Road, Marstons Mills as shown on Assessor’s Map 096 Parcel 019.

A continuance without testimony was requested to June 23, 2026.

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

D. Russell and Cynthia Murphy. Raze and replace dwelling with new flood compliant dwelling, new pervious driveway and new utility connections at 14 Commerce Road, Barnstable as shown on Assessor’s Map 301 Parcel 016.

The applicant was represented by Matthew Farrell of J.M. O’Reilly & Associates.

Issues discussed:

- The mitigation is not enough for the project. The consultant feels the project is more beneficial than what is existing.
- This is a total teardown. There is a regulation if the site is mitigation constrained, they can request to pay a fee in lieu of mitigation.
- The house is being moved back and has a more pervious driveway. The resource area is on the other side of Commerce Road.
- This is a little cottage sitting in the woods.
- There could be mitigation added in the area of the front steps.
- This project merits the allowance of an in lieu fee.
- The area across the street should have some additional mitigation.
- They will not use mulch between the plantings.
- The mitigation area could be a little wider and more enhanced with vegetation.
- The right mitigation plan could be beautiful with all native plants.

- The proposed mitigation area is approximately 15' wide.
- The consultant was asked if they could add an additional 5 feet.
- They may need to re-design the stairs.
- Jim Hagerty from Reef Builders stated they can move the walkway closer to the home and add an additional 5' of mitigation.
- A revised plan is needed plus demarcation.
- Some additional types of vegetation should be added. Some cedar trees or other trees are recommended.
- Mulch under the driplines of plants can be used temporarily to get the plants established.
- Native seed mix note needs to be added to the plan.
- There is no re-grading being done on the lot.
- Vegetative Height and Species diversity needs to be considered for the mitigation area.
- There has been no DEP# issued.
- A continuance was requested to June 23, 2026.

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

E. Juliet E. Farrell. To construct a photovoltaic solar panel array at 724 River Road, Marstons Mills as shown on Assessor's Map 044 Parcel 016. **SE3-6387**

The applicant was represented by Mike Ball, P.E. of Marsh Matters Environmental.

Issues discussed:

- Under the solar array there are many shrubs including sweet pepperbush, staghorn sumac, crabapple, bayberry, autumn olive, sassafras, small black oak and white oak seedlings, bracken fern, horse birars.
- The contractor will flush cut the area and the vegetation will be managed so that it does not touch the bottom of the solar panel.
- Water will leak through the panels so there will be no run off into the bog ditch.
- Nothing will be planted under the solar array. Any vegetation that grows will be pruned back periodically.
- No maintenance or cleaning is needed for the solar panels. Nature will take care of washing it off.
- The solar panel is not considered hardscape. It should not be considered hardscape for future projects.
- There will be some excavation needed under the array and the material will be added to a burrow pit.
- The consultant advised the area of the borrow pit will be planted, possibly with blueberry, to avoid run-off.
- Any vegetation disturbed during the conduit installation should be replaced.
- There is concern of erosion on the right side under the panel array where the support posts are being put in after the excavation is done. Some jute matting should be installed and seeding should be done to stabilize the area before the support posts are put in.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the note of putting some jute matting on the right hand side of the solar panel area and any vegetation disturbed by the installation of the conduit will be replaced.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

III. CERTIFICATES OF COMPLIANCE

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

- | | | | |
|--------------------|--|-------------------|---|
| A. SE3-5991 | Richard Koch
148 Inwood Lane, Centerville | (COC, ez*) | 70 s.f. addition to existing beach shed over existing foundation. |
| B. SE3-5613 | Robin Schwartz
240 Baxters Neck Road, Marstons Mills | (COC, ez*) | Vista management & restoration plans on coastal bank, establishing 2 vista corridors. |
| C. SE3-5494 | Robin Schwartz, Trustee
Baxters Neck Road LLC.
240 Baxters neck Road, Marstons Mills | (COC, ez) | Construct addition to single family dwelling, pool, patio stairway to dock; landscaping.
(No work commenced.) |

A motion was made to approve A. – C.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

IV. MINUTES

A. April 21, 2026

A motion was made to approve the minutes as submitted.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

A motion was made to adjourn the meeting.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

The time was 7:54 p.m.