



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

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: June 16, 2026 @ 3:00 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/88629997882>

Meeting ID: 886 2999 7882

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

Conservation Administrator Ed Hoopes, Conservation Agents Brady Hill and Rob Brewer, and Administrative Assistant Kim Cavanaugh were also present.

I. WARNING LETTERS

- A. David & Lisa Larsen – 58 Nyes Point Way, Centerville – Map 233 Parcel 016 - Alteration of a buffer to a wetland resource area – Bearse Pond – by adding hardscape.

- Noted

- B.** Frank & Linda Della Rosa – 2204 Falmouth Road, Centerville, MA, Map 169 Parcel 130 – Alteration of a buffer to a wetland resource area – vegetated wetland – by adding unpermitted hardscape – shed – and by cutting vegetation.

- Noted

- C.** Thomas Carvalho – 158 Swift Ave, Osterville – Map 165 Parcel 083 – Alteration of a wetland resource area – North Pond – by cutting vegetation.

- Noted

II. ENFORCEMENT ORDERS

- A.** Burton L. Rhue Jr., Gay Ann Trs. & Rhue Family Realty Trust – 365 Hollidge Hill Lane, Marstons Mills – Map 081 Parcel 014 – Alteration of a buffer to a wetland resource area – Middle Pond – by adding unpermitted hardscape – patio.

Exhibits

A – ARC Reader of 365 Hollidge Hill Lane, Marstons Mills

B – Aerial Photos of 365 Hollidge Hill Lane, Marstons Mills

C – Site Photos from May 21, 2026

- Homeowner appeared before the commission.
- Homeowner noted he understands and appreciates the enforcement order and intends to comply and file for an RDA for the patio.
- John wanted to clarify if the 50' buffer is fully vegetated, and that was confirmed by Rob.
- Homeowner noted he has been a good steward of the pond.
- Homeowner stated the contractor informed him he didn't need a permit for the work.
- Homeowner went over the distances in relation to the buffer zone.

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

Seconded.

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

Nay –

- B.** 96 Airport Road LLC – 96 Airport Road, Hyannis – Map 294 Parcel 071 - Alteration of buffer to wetland resource - pond - by altering soils via trenching.

Exhibits

A – ARC Reader of 96 Airport Road, Hyannis

B – Aerial Photos of 96 Airport Road, Hyannis

C – Site Photos from June 4, 2026

- Property owner appeared before the commission.
- Property owner noted she understands and appreciates the enforcement order and intends to comply.
- John wanted to know the response we got from the property owners. Rob clarified that they both understood the enforcement order and intend to comply.
- Angela wanted to clarify if there was any tree removal, there was not.
- Tom wanted to clarify if the propane tank was buried, and it was.
- The property owner wanted to know if it was more disruptive to the resource pull everything out, fill it in, apply for the permit, and then re-do it if the permit was approved, rather than just fill it in and apply for a permit after the fact.

- Property owner was under the impression their contractor, AmeriGas, had all the correct permits.
- Tom asked the opinion of Rob, who agreed that it would be more beneficial to fill it back in and restore the area to original condition.
- John and Tom both agreed to finish the installation, backfill it, restore the area to its original condition, and file an after the fact RDA.
- Tom wanted to clarify the material of the propane tank, and advised the property owner to review any requirements with the Fire Department.

A motion was made to approve the enforcement subject to an amendment adding the area needs to be restored to its original condition by June 30, 2026, and to file an after the fact RDA.

Seconded.

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

Nay –

- C. Pyne, Elaine M & Elaine M Pyne Trust – 7 Scottsdale Road, Centerville – Map 229 Parcel 062 - Alteration of a wetland resource area – Long Pond – by adding an unpermitted dock.

Exhibits

A – ARC Reader of 7 Scottsdale Road, Centerville

B – Aerial Photos of 7 Scottsdale Road, Centerville

C – Site Photos from June 5, 2026

- The homeowner’s son appeared before the commission as Elaine’s representative.
- The representative noted she understands and appreciates the enforcement order and intends to comply, and let the commission know he plans on removing the dock.

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

Seconded.

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

Nay –

- D. WS Aurora LLC – 165 Seapuit River Road, Osterville – Map 070 Par 013. Alteration of a wetland resource area - coastal bank - by topping trees and adding unpermitted hardscape AND alteration of a buffer to a wetland resource area - coastal bank - by cutting trees AND failure to comply with the ongoing conditions of a Certificate of Compliance for SE3-3935.

Exhibits

A – ARC Reader of 165 Seapuit River Road, Osterville

B – Aerial Photos of 165 Seapuit River Road, Osterville

C – Aerial Oblique Photo of 165 Seapuit River Road, Osterville

D – Site Photo of Tree Topping

E – Extent of Previous Permission

F – Homeowner Photos

- The homeowner appeared before the Commission.
- The homeowner emphasized the vegetated nature of the property and historical pruning of trees on the coastal bank.
- A previous homeowner was responsible for the deck on the bank
- Homeowner admitted to management of storm-damaged trees and tree removals.
- Tree removed to allow Douglas fir to grow.
- Commission may entertain an after-the-fact Notice of Intent filing to keep the deck.
- Homeowner willing to permit vista pruning properly in future.
- Homeowner may combine the filings into one.
- Commission willing to reduce the replacement tree caliper to 2 inches.

A motion was made to approve the enforcement order as amended reducing the caliper of tree from 3 to 2 inches and then allowing for the homeowner to file the after-the-fact filing on the deck.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

II. NON-CRIMINAL CITATIONS

- A. Toby Leary – 96 Airport Road, Hyannis – Map 294 Parcel 071 - Alteration of buffer to wetland resource - pond - by altering soils via trenching. - \$200.00

-Noted

IV. REQUESTS FOR DETERMINATION

- A. **Timothy Friary.** Replacement of existing paved driveway and tuning tee with gravel semicircle driveway at 4305 Route 6A, Barnstable as shown on Assessor's Map 350 Parcel 049. **DA-26027**

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

Issues discussed:

- The large pine tree will remain.

Public comment: None

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

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

V. NOTICES OF INTENT

- A. **Elinor E. Svenson.** To remove the existing pool, convert a portion of the screened porch to a living space, and extend existing porch and all associated appurtenances to include modifications to the walls and patio/walkways at 265 Baxters Neck Road, Marstons Mills as shown on Assessor's Map 075 Parcel 010-001. **SE3-6390**

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

A motion was made to approve the continuance request without testimony to June 23, 2026.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

- B. **Virginia Klun.** Proposed addition to an existing dwelling at 428 Shootflying Hill Road, Centerville as shown on Assessor's Map 213 Parcel 007. **SE3-6391**

The applicant was represented by Sara Murner, P.E. of Strong Tree Engineering.

Issues discussed:

- The mitigation plan is good. A request for the quantities of plants being put in and demarcation should be added.
- There is a disturbed 50' buffer.

- All of the mitigation should be in the 0-50' buffer and spread out.
- The applicant was asked if they could get rid of the old shuffle board hardscape. It is concrete right on the beach and doesn't appear to be used.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan to be reviewed and approved by conservation staff showing the relocation of the mitigation to within the 50' buffer, the number of plants being put in, demarcation of the mitigation area and the possible removal of the concrete shuffle board pad.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

C. The House Company. Proposed deck and additions to an existing single family dwelling at 205 Scudder's Lane, Barnstable as shown on Assessor's Map 259 Parcel 007-001. **SE3-6392**

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

Issues discussed:

- The owner has done a great job of keeping the bank in good condition.
- A question was asked if there was a possibility of a request for a raze and replace.
- The Consultant advised he did not believe it would.
- If problems are found with the foundation while the work is being done they should come back to the Commission.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

VI. 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, 5/19, and 5/26.**

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

A motion was made to approve the continuance request without testimony to June 23, 2026.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

VII. CERTIFICATES OF COMPLIANCE

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

A. SE3-5767	William F. Griffin, Jr., Trustee New Rushy Marsh Realty Trust 1541 Main Street, Cotuit	(COC, ez*)	Construction of an open pavilion structure, associated hardscape & softscape features. Plantings to create a Japanese Garden. Mitigation plantings.
B. SE3-6234	Randal Green	(COC, ez*)	Seasonal dock, 4' wide path, timber

A motion was made to approve A. and B.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

A motion was made to adjourn the meeting.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

The time was 4:03 p.m.