



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

Office: 508-862-4093

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: June 23, 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/88940725874>

Meeting ID: 889 4072 5874

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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

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.

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

The meeting opened with a moment of silence in memorandum of the passing of prior Chair and long-term Commission member Dennis Houle.

I. REQUESTS FOR DETERMINATION

- A. Timothy Ball.** Kitchen/interior remodel including expansion within footprint, extend left side wall of building to consume area of left side deck over driveway, replace elevated rear deck and to square off the right side, extend front porch over existing walkway, remove stone wall ring around a beech tree previously approved to be removed at 379 Lakeside Drive, West as shown on Assessor's Map 232 Parcel 048. **DA-26028**

The applicant represented himself.

Issues discussed:

- None

Public comment: None

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

Seconded.

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

Nay –

B. Patricia Jatkevicius. To install an above ground aluminum pool with integrated deck and fence at 56 Gosnold Street, Hyannis as shown on Assessor's Map 324 Parcel 025. **DA-26029**

The applicant was represented by Daryll Hope Cook of Ambassador Pools.

Issues discussed:

- A drawdown drywell pit was added to the plan.
- The deck is aluminum.
- This is flood zone only project.

Public comment: None

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

Seconded.

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

Nay –

II. NOTICES OF INTENT

A. Vida Veitas. To construct pool and cabana at 18 Winfield Lane, Osterville as shown on Assessor's Map 116 Parcel 103. **SE3-6393**

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

Public comment letter from Michael and Sandra Howard dated June 23, 2026 was acknowledged.

Issues discussed:

- The Consultant was asked how many trees will be cut. He advised they will look at the area to see if there are any that could be saved.
- The project was not staked well, and the entrance to the property was not marked for the site visits.
- In the southern corner there are a couple of trees that should be saved if possible. They are mostly old pines. They are looking more for oaks and hardwoods.

Public comment:

Molly Howard – 40 Winfield Lane. They are supportive of the applicants' desire to improve the property, but are concerned with site stability. The area is in the flood zone. They are bringing in fill. The elevation may cause drainage problems. They are concerned about the removal of most of the trees on the property.

Chair Lee advised the State has looked into performance standards in the flood zone. The consultant advised they will stabilize the slope with jute matting to minimize erosion.

Commission discussion continued:

- Some vegetation should remain instead of clear cutting.

- They are intending to re-vegetate the slope. It will not be lawn.
- The elevation change from existing to proposed was reviewed. They are bringing the elevation for the pool from elevation 10 to elevation 15.
- A question was asked if the issue runoff will be addressed with the re-vegetation.
- The consultant advised the runoff will not be more than what is existing.
- The property needs a lot of work.
- The slope will not be grass.
- It is out of Conservation jurisdiction for what they are planting in that area, however the Consultant was asked to take the run off issue into consideration.

Public comment continued:

Lee Larochelle - 11 Winfield Lane – Asked if the homeowner is eligible to build a pool in the flood zone. The answer was yes. He asked if they should be required to inventory the trees on the property. They are not working in a buffer zone area where they are removing the trees. The Chair advised only one small corner of the property is in jurisdiction. Those trees are outside Conservation jurisdiction.

Neil Sweeny – 41 Eel River Road - A building permit has not been issued yet. The house is outside of Conservation jurisdiction.
The entire length of the segment is a concern.

John Foley – 87 Eel River Road - His questions were answered.

Commissioner discussion continued:

- The stormwater runoff issue of the slope should be stabilized. The owner should look at the vegetation and tree issues.

A motion was made to approve the project as submitted. If any changes are made in the flood zone area a revised plan should be submitted.

Seconded.

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

Nay –

B. Barnstable House, LLC. Renovation of existing structure into an ADU and renovation of existing parking lot at 3010 Main Street, Barnstable as shown on Assessor's Map 270 Parcel 021. **SE3-6395**

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

Issues discussed:

- There were no questions from Commissioners.

Public comment:

Jerry Desalvatore on behalf of Elizabeth Grade – 2984-2986 Main Street – They are concerned the building is only one foot away from the property line and feel trespassing may be an issue while the work is being performed. There is also a concern that all the vegetation will be cut.

The Consultant advised the footprint of the building will not change and they will not go onto abutters property while doing the work.

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

Charlie Bloom commented that an ADU cannot be built if it is an area zoned only for a single house. There has to be a person living in the primary residence at least 10 months of the year.

- C. **Giles and Constance Moore, Birch Realty Trust.** Proposed construction of a 318 sf addition to an existing single family dwelling and restoration of disturbed area to original site conditions at 76 Nyes Neck Road, East, Centerville as shown on Assessor's Map 233 Parcel 035.**SE3-6394**

The applicant was represented by Darren Meyer of Meyer and Sons.

Issues discussed:

- There is concern about increasing hardscape in the 0-50' buffer.
- The house would not be permitted today. It seems contrary to allow an expansion.
- It is a mitigation constrained site.
- A question was raised what could be done to better the rest of the property for habitat or vegetation.
- They have offered an in-lieu fee.
- There is no area that they could plant with mitigation that would be beneficial.
- A question was asked whether there is any invasive control that could be done.
- The consultant feels the impact of the project to the area will be minimal.
- There is no vegetation being removed for the project.
- The area to the south near the septic is mostly grass.
- Some mitigation could go there.
- Mitigation is preferred over an in-lieu fee.
- The owner advised they have already put three trees in that area.
- The area closer to the pond side in front of the house could take some vegetation.
- The grass area is over the leach field.
- A wildflower meadow could be planted over the septic field. It would not be mowed or fertilized.
- This could be approved subject to receipt of a revised plan showing some mitigation and approved by staff.

Public comment: None

A motion was made to approve the project subject receipt of a revised plan adding the mitigation area for the staff to review and approve.

Seconded.

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

Nay –

III. CONTINUANCES

- A. **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. **SE3-6388 Continued from 6/9. WC Form received.**

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

Issues discussed:

- This area of town does suffer from nitrogen overload. The Consultant was asked if they would consider some sort of IA system.
- The property is over 10 acres.
- A question was raised if the new septic is going to be closer to the river. It will be outside of the 100' buffer.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

- B. 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. **SE3-6389 Continued from 6/9. WC Form received.**

The applicant was represented by Matthew Farrell P.E. of J.M. O'Reilly & Associates.

A revised plan dated June 15, 2026 was submitted.

Issues discussed:

- The consultant was thanked for submitting a great revised plan. All issues were addressed.
- A comment email from Mrs. Dugas of 30 Sunset Lane dated June 17, 2026 was acknowledged.

Public comment:

George Prana - 17 Sunset Lane abutter to the north. He is concerned about the size of the house. Only part of the house is in Conservation jurisdiction.

A motion was made to approve the project with the revised plan dated June 15, 2026.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

Commissioners Sampou and Kaschuluk were not eligible to vote.

- C. 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. **aSE3-6390 WC Form received.**

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering & Consulting, and Dan Soliene Project Landscape Architect.

Issues discussed:

- The mitigation requirement was reviewed.
- Commissioner Abodeely advised he is a neighbor. He is not an abutter. The bank is very well vegetated. It is a beautiful property.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

The Commission took a five minute break.

- D. 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, 5/19 and 5/26.**

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

Supplemental information submitted since the 5/26 meeting from Arlene Wilson, Brian Wall and Commissioners Hearn and Sampou was acknowledged.

Issues discussed:

- The assessment of the density of the hard and softshell clams in the area is confounded.
- Commissioner Hearn reviewed several models regarding determining suitability to support shellfish.
- The substrate type helps determine suitability.
- The silt content of the area is 10-15% of the area. According to the models the substrate in the area is excellent quality habitat for hard and softshell clams.
- There are shell fishing classes taught in this area. The number of animals is low because it is a well fished area.
- Liz Lewis put substantial effort in her assessments saying that the area is great quality habitat.
- DMF calls for a 40' minimum depth for floats to protect sea grass. Seagrass is something that really needs to be restored. A dock in the 12 – 20' depth is not good for shellfish sea grass restoration. This project is proposing a waiver from the ordinance that says they should have a draft of 30" from the substrate. The 30" depth requirement should be maintained.
- When Liz Lewis addressed the Commission, she stated there is concern that adding a motorized dock may change the ability for the area to remain open to shell fishing.
- Commissioner Sampou submitted a reply from Dr. Tibolt of Woods Hole Oceanographic Institute regarding the invasive species in the area.
- The docks proposed are designed so the surface area is not much larger than what is there now. The new docks will not have more of an effect on invasive species than what is there now.
- The concern is preserving the 30" rule that is in the by-law. The effect of engine motors and prop dredging effecting sediment habitat is a big concern.
- Commissioner Sampou reviewed his observations of subtitle sediment grain characteristics and cohesiveness along the shore from Bridge Street public launch to the dock at 239 Eel River Road that he did on June 19, 2026 at low tide.
- Commissioner Sampou found evidence that prop dredging seriously changes the habitat of sediment. He will submit his report for the file.
- Marine Fisheries has a 30" depth requirement for floats and 40" if there is seagrass in the area. DEP has a report that has a 30" minimum for shellfish which is consistent with our 30" regulations.
- The Consultant was asked what the boat would be. She stated the boat would be a small motorized boat. A small inflatable with a 12" draft with the prop down.
- They want to reconstruct the existing pier, extend the piers further out closer to the mooring area, and a waiver on the 30 inch rule because they feel it is not a high value shellfish area.
- Commissioner Abodeely disagrees with the letter submitted by Attorney Wall dated June 18, 2026. The Supreme Judicial Court in the case of Fafard vs. Barnstable Conservation confirmed a finding of a denial of a pier on the basis of boating and recreation approving the Commission's decision. He disagrees that under the bylaw the Commission does not have the authority to regulate recreation and navigation issues.
- Attorney Wall agrees the Town does have recreational authority. The letter was submitted due to a comment from the Commission that he felt was a navigational issue.
- There are several issues that the Commission needs to come to a decision on. The shellfish rating, the construction issue, whether temporary negative impacts would outweigh the long-term impacts, and adding a motor craft on an extended pier would interfere with recreational boating and mooring of boats in this location.
- Pier applications always are reviewed by the Waterways Committee and the Harbor Master. They both have not approved these applications.

- Commissioner Sampou said even a small inflatable will cause prop dredging and should be considered removal of good habitat.
- There was discussion on if there is more concern with the extension or from going from non-motorized to a motorized pier.
- The worst-case scenario would be the 30" rule gets drowned out. A tremendous loss of habitat will result.
- Non-motorized to motorized is the biggest concern.
- The current regulations are protecting the shellfish habitat.
- The 30" rule was developed more than 15 years ago. Prior to that there were no restrictions.
- It is critical to enforce it.
- The shell fish rating is a concern as there are shellfish in the area.
- The consultant has tried to compare this decision to one made in the Popponessett area. The projects are not comparable projects.

Public comment:

Jacob Angelo – Commercial Fisherman in Barnstable since 2015. He is on the group that makes the shellfish ratings. Around the docks the environment is degraded between the docks it could still be a good habitat. He explained how the shellfish ratings are done. Four surveys over 14 years is a small amount. A precedent should not be set for a smaller boat vs. a larger boat. It is not a good idea to extend the dock. All docks in the area will want an extension. There is a process to plant and propagate shellfish. You cannot just buy them and put them in to be dug up. He would like his comments submitted for both projects.

He was asked if the 55' to the closest moored boat was a concern. The 33' distance was a concern. Often there is a shallower area not on a chart. If a mooring drags on a southwest wind they will blow toward this shoreline.

John Townes – President BARS, also the recreational fishing representative for the Division of Marine Fisheries Shellfish Advisory Panel.

He agrees with Commissioner Hearn's assessment of the recreational shell fishing in West Bay. It is one of the best softshell clam areas on the Cape. There are many shell fishing classes and a lot of activity in this area. He referred to MGL Ch. 91 regulations that says maintain the historical right of access to fish or fowl defining private tidelands as was read. Bars objects to the two proposals on the grounds that it's a voluntary secession of public lands to private landowners. He used a scenario if he owned property that abuts a State Park, would he be allowed to make a driveway and a garage to house his snowmobile and truck on the park lands. The public owns the land below MLW. There was a reference to the fact the quahogs found are not naturally growing there. He does not believe that is real science. Regarding the applicants' kayaks. He feels launching a kayak from a dock is a ridiculous proposal. BARS strongly opposes the gifting of public waterways to private concerns. He agrees with Commissioner Sampou on the issue of boat props ruining the good habitat. The Wianno Yacht Club has a smaller dock. Requests like these are raising the opposition to all docks in a movement to create a moratorium on all docks such as what happened in Cotuit where a zoning overlay was established. He stated this is the fourth hearing on these projects.

Jim Weiler – 239 Old Jail Lane Barnstable . Liz Lewis reports show it is good habitat. The rationale is convenience. The convenience of the few should not outweigh the benefits to many. The impact would be gigantic to remove any shell fishing in the area. The water depth is different on the NOI submittal than from Liz Lewis' report. There is no date on the NOI submittal. Waterways Committee denied the variance.

Commission discussion continued:

- Consultant advised regarding Liz Lewis' concern between the open and closed shell fish areas. They offered to provide permanent markings that are used for those demarcations now. They have provided the report from the State that describes how areas are determined to be open or closed. She feels adding two more small boats at the Randon and Madden piers would not be sufficient to change the opening or closing of the area.

- The Consultant also advised there is no eel grass in the area and no plan to restore.
- The 40" depth does not pertain to this site because there is no eel grass.
- DMF recommends between 24 and 30" where there is good shell fish habitat. The consultant feels on the basis of their studies there is no natural set at this location. Also, the depths of water are not free board under the boat but a total depth of water.
- The consultant referred to the statement made by Jake Angelo where he said he has a 40' boat and he sometimes operates in the area at the mooring field. She feels he is causing more turbidity than these small boats would.
- She feels the bathymetric surveys that were done are accurate.
- Attorney Wall spoke regarding Commissioner Sampou's observations of subtidal sediment grain characteristics. He feels it is unfair for him to come to the meeting and not provide evidence in advance of the meeting.
- Attorney Wall also stated he feels the comments of Mr. Weiler and Mr. Townes regarding the convenience of the few vs. the benefits of the many and gifting public property to private owners are inflammatory. When a dock or pier extends from private property into public waters, they can be allowed as long as they meet the regulations and that they make accommodations for public access. He is asking the Commission to stay focused on the regulations and the standards that need to be applied to these applications.
- Commissioner Sampou advised he has been very busy and apologized for his late submittal of evidence.
- The hearing should be closed and the matter should be taken under advisement.
- If the record is closed no more evidence or comments can be submitted.

John Townes to Mr. Wall asked if a dock gets extended 400' out into the middle of a bay that it's not an obstruction of the public's way to water. He feels that is an absurd assertion.

A motion was made to close the public hearing and take the matter under advisement.

Seconded.

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

Nay –

A motion was made to come back with a finding on July 7th.

Seconded.

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

Nay –

- E. 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.**

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

The consultant reviewed the project and the short-term impacts vs. long term impacts replacing the pier vs. just extending it.

Public comment from 117 Eel River project will apply to this project as well.

Issues discussed:

- Commissioner Hearn would like his comments from the 117 Eel River Road project be included for this project as well.
- Commissioner Hearn also stated the nutrient levels may come down in the future. The mooring area is deeper and eel grass may be a possibility in the future.

- Commissioner Sampou would like his comments from the 117 Eel River Road project be included for this project as well.
- Commissioner Sampou added that the consultants comment about the State having sole determination of the public's rights to fishing, fowling and navigation is not correct. The Town By-Law is stricter.

A motion was made that the record of the prior hearing be included in this hearing as well.

Seconded.

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

Nay –

Public comment:

Jacob Angelo – Stated he grew up on the water here. It was so much better back then. He believes the area can be restored if we work hard.

The consultant stated the depths of water in the mooring basin are around 4 feet but there is no restriction on the boats. The boats on those moorings have greater drafts and are as close to the bottom as they are at the edges where there's only 3' of water. The impact on the eelgrass is because of the motor boats traveling close to the bottom. When there is eelgrass they cut the blades off. That is one of the reasons there is no eelgrass in places where there is a lot of boat traffic.

- Commissioner Sampou stated the mooring field has much soupier sediments which is incompatible with eelgrass. A depth of water at 4' is incompatible with eelgrass sprouting. He feels the consultants' assertion isn't probably the biggest reason why eelgrass is unlikely to ever come back into the mooring basin.

A motion was made to close the public hearing, take the matter under advisement, and come back on July 7th with a finding.

Seconded.

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

Nay –

IV. CERTIFICATES OF COMPLIANCE

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

A. SE3-5962	Raymond Brooks, 82 Tern Lane, Centerville	(COC, ez*)	Viewshed modification, boat house maintenance, beach nourishment & mitigation planting.
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A motion was made to approve A.

Seconded.

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

Nay –

V. MINUTES

- A. May 12, 2026
- B. May 19, 2026
- C. May 26, 2026
- D. June 9, 2026

A motion was made to accept the minutes as submitted.

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 10:15 p.m.