



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: April 15, 2025 @ 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: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
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/87928450420>

Meeting ID: 879 2845 0420

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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@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Edwin.Hoopes@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

The meeting was called to order at 3:00 p.m. by Clerk Angela Tangney. Also, in attendance were: Vice-Chair Louise Foster, Commissioners Abodeely, Hearn, Kaschuluk. Commissioner Sampou arrived at 3:14 p.m. Chair F.P. (Tom) Lee was absent. Commissioner Hearn acted as Clerk for the meeting.

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

NEW* Conservation Commission meeting materials are available through Laserfiche. Links to application materials can be accessed [HERE](#).

I. REVISED PLANS

Project Type

Revisions

- A.** Christopher Bushing SE3-5888
39 Hilliards Hayway, Barnstable

Raze and replace garage

Add generator, propane tanks,
landing and stairs

Tabled from February 11 and March 11, 2025.

The applicant was represented by Craig Ferarri, P.E. of Down Cape Engineering.

Issues discussed:

- The revised plan dated is dated April 4, 2025.

A motion was made to approve the project with the revised plan dated April 4, 2025 .
Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney,
Nay –

- | | | |
|--|--|--|
| B. Osterville Bridge 198, LLC SE3-6165
229 Bridge Street, Osterville | Raze and replace garage
landscaping, driveway and
septic modifications | Reduce topographic changes
add entry porches and stairs |
|--|--|--|

A continuance was requested to May 13, 2025.

The revised plan was tabled to May 13, 2025.

- | | | |
|---|----------------------|--|
| C. Whileaway Realty Trust SE3-6126
175 Seapuit Road, Osterville | Raze and replace SFD | Shorten driveway/change to gravel
add 2 hoop houses, roofed picnic
area, and landscape bin |
|---|----------------------|--|

The applicant was represented by Sean Riley, P.E. of Tighe Bond.

Issues discussed:

- The fences along the hoop houses are along the garden area. There is no space underneath as it is for growing vegetables.

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

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay –

II. EXTENSION REQUESTS

Project Type

Time Requested

- | | | |
|--|--------------------------------------|-----------------------------------|
| A. 160 Peppercorn LLC SE3-5769
172 Peppercorn Lane, Barnstable | SFD, pool, driveway
and utilities | 3 years (1 st request) |
|--|--------------------------------------|-----------------------------------|

The applicant was represented by Lauren Cronin of Gregory Lombardi Design.

There were no questions from Commissioners.

A motion was made to approve the extension request for three years.

Seconded.

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

Nay –

III. REQUESTS FOR DETERMINATION

- A. E.R. Mantini Construction.** Remodel existing house, remove and replace existing sheetrock/insulation, windows, trims, roof, sidewall, new plumbing, frame second floor porch and 8' x 7' addition on existing foundation at 4305 Route 6A, Barnstable as shown on Assessor's Map 350 Parcel 049. **DA-250014**

The applicant was represented by Joe Botello of JB Designs.

Issues discussed:

- There is some development in the 50' buffer which is existing.

Public comment: None

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

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney
Nay –

Commissioner Sampou arrived at 3:14 p.m.

- B. Town of Barnstable Recreation Division.** To install Mobi-Mats at Dowses Beach to improve accessibility to the beach at 348 East Bay Road, Osterville as shown on Assessor's Map 163 Parcel 013. **DA-25016**

The applicant was represented by John Gleason, Recreation Director.

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

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

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney, Sampou
Nay –

- C. Bortolotti Construction.** Proposed septic system upgrade at 290 River Road, Marstons Mills as shown on Assessor's Map 060 Parcel 005. **DA-25017**

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

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

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

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney, Sampou
Nay –

IV. NOTICES OF INTENT

- A. Rajiv & Suruchi Lal.** To demolish existing dwelling and construct a new dwelling with all associated appurtenances at 353 Green Dunes Drive, Centerville as shown on Assessor's Map 246 Parcel 156. **SE3-6262**

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

Issues discussed:

- There is a 581 sq. ft. reduction in the 0-50' buffer.
- Some existing patio and deck is being removed, a shed, and retaining walls to the pool and around the dwelling are being removed or pulled out of the 50' buffer.

Public comment: None

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

Aye –Foster, Hearn, Kaschuluk, Tangney, Sampou
Nay –

Abodeely not available to vote.

- B. Janet and Freeland Abbott, Trustees** – To perform improvements to the existing trail including the replacement of existing footbridges, removal and restoration of invasives and screening plantings at 55 Powder Hill Road, Barnstable as shown on Assessor's Map 300 Parcel 050. **SE3-6268**

The applicant was represented by John O'Dea, P.E. from Sullivan Engineering and Robert Demelo of Demelo Bros. Inc.

Issues discussed:

- There was nothing specific submitted about how many trees will be removed or the condition of them.
- The Consultant advised they would accept a special condition to have them approved in consultation with staff.
- Unless a dead or dying tree is a hazard to a structure it should be left for habitat reasons.
- Invasive control should be an ongoing condition.

Public comment:

Elissa Warner of 45 Powder Hill Road – She is an abutter. There is a lot of wildlife in the area and some of the dead trees do support habitat. She would hate to see the habitat taken down. She asked about the procedure for applying herbicides. John O'Dea described the treatment procedures to her. Robert Demello stated they swipe with a sponge or brush, they do not spray. Protecting the water supply in the creek is of concern to her. She asked if they do any testing of the water after they apply the herbicides. The water is not tested. They can do the standard procedures for protecting the water. The chemicals used are for aquatic use and are safe. She asked if before and after testing could be done and was advised it would come with an expense.

Commission discussion continued:

- Commission concurs with Robert Demelo testing the water will not provide any useful information. The care used in the application leaves little to no concern.
- There should be a condition added, if there is a change from Demelo Bros for the project staff should be notified.
- Monitoring reports are not needed.
- The invasive removal will be done by a licensed applicator, and a change will need to be staff approved.

Public comment continued: Elissa asked if the screen plantings had to be done as it shows on the plan. It can be changed but would require a revised plan.

A motion was made to approve the project with ongoing invasive control, removal of trees in consultation with staff, the invasive removal will be done by a licensed applicator, staff will be notified if a change from Demelo Bros,. Seconded.

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

Nay –

- C. Owen McConville.** Replacement of timber walkway to the rear of an existing dwelling, within 100-feet of an inland bank at 195 Crystal Lake Road, Osterville as shown on Assessor's Map 139 Parcel 055. **SE3-6264**

The applicant was represented by Scott Fanara of Grady Consulting.

Issues discussed:

- A question was asked what the railroad ties are treated with. The Consultant was not sure.
- No creosote is allowed on the railroad ties. No CCA treated materials should be used.
- They could use cedar or other materials.
- The steps are greater than 3" diameter, they are 7x9 so CCA is ok.
- Creosote is no longer used on railroad ties.

Public comment: None

A motion was made to approve the project with special conditions.
Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney, Sampou
Nay –

- D. Christine Kromer, Trustee.** To construct a permanent above ground plunge pool partially within the existing deck, mitigation plantings and all associated landscaping grading, and utility work at 59 Bay Lane, Centerville as shown on Assessor's Map 186 Parcel 074-002. **SE3-6267**

The applicant was represented by Robert Dewar, P.E. from Bracken Engineering.

Issues discussed:

- Vista pruning is not part of this project.
- The revised plan dated 4/10/25 was received showing demarcation, the osprey pole, and the split rail fence.
- At the site visit a cutting violation was observed.
- There is nothing that can be done to correct the violation other than to let it re-grow.
- The owner understands they cannot do it again.
- There is a violation. If no enforcement order is issued it does not send a good message to the public. Something needs to be added to the record. The vegetation will come back quickly so allowing it to just regrow may be the best option.
- It should not happen again.
- A special finding and vote before the vote for approval of the project could be done.
- We don't know specifically what kind of vegetation was pruned back. If it is evergreen, it will not grow back.
- Ed Hoopes was out there. There were a couple of cedar trees that were topped. An enforcement order could be issued to replace them. The rest of the vegetation was shrubby materials that will now get bushier.
- The finding could include an enforcement order be issued, asking them to plant two new cedar trees.

Public comment: None

A motion was made for a special finding that there was an illegal cutting of vegetation and the applicant/ owner agrees to follow staff requirements on revegetation and regrowth.

Seconded.

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

A motion was made to approve the project with the revised plan dated 4/10/25.

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney, Sampou
Nay –

A statement will be issued to the owner.

- E. Elisa Redler Entine, Trustee.** The project proposes the management of approximately 19,620 SF of invasive plant management and restoration at 1694 Main Street, Cotuit as shown on Assessor's Map 017 Parcel 017. **SE3-6269**

The applicant was represented by Steven Lee from Wilkinson Ecological Design.

Issues discussed:

- A question was asked if there was consultation with NHESP. We have not received any comments back from them.

- They are not within an NHESP area, so they do not have to file with them.
- They submitted it to MEPA not NHESP.
- There should be an ongoing condition for invasive species removal.
- There was an enforcement order back in January. The owners landscaper made a path . The area is required to be left to regrow. The area is on the edge of the treatment area. They are seeking to have it naturally revegetate with invasive removal.
- The applicant would like a path. A revised plan would be needed showing the path if they want to keep it and maintain it, or they can let it revegetate.
- They could request it with a revised plan now. They would like to revise the plan to do that.
- A continuance should be requested for receipt of the revised plan.
- The path can only be 4' wide.
- A continuance was requested to April 29th for receipt of a revised plan.

Public comment: None

A motion was made to approve the continuance request to April 29th for receipt of a revised plan.
Seconded.

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

Nay –

F. Ana Soler-Arrebola. Replacement of an existing wood landscape tie retaining wall with a new block wall at 114 Gosnold Street, Hyannis as shown on Assessor's Map 324 Parcel 014. **SE3-6263**

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

Issues discussed:

- There was some yard waste thrown near the edge of the wetland. It was requested that they remove it and do not put any more there.

Public comment: None

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

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

Nay –

G. Michael Botte. Proposed addition to an existing single-family dwelling as well as landscaping improvements at 22 Whidden Avenue, Hyannis as shown on Assessor's Map 324 Parcel 068. **SE3-6265**

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

Issues discussed:

- There is additional hardscape in the 0-50' buffer.
- The area near the addition is a steep sloping lawn.
- The mitigation will be well demarcated.
- The mitigation makes up for the addition.
- Granite bollards could be used for demarcation. A special condition could be added to the OOC which includes the method of demarcation. It should be maintained in perpetuity.
- It is unusual that this is a win, win situation in the 0-50' buffer.
- The demarcation should be two feet above grade.

Public comment: None

A motion was made to approve the project with special conditions to include a well-defined demarcation of the mitigation area that will be maintained in perpetuity with the revised plan dated April 10, 2025.

Seconded.

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

Nay –

- H. Richard Morse.** Proposed concrete access stairs down to the water at 65 Sunset Lane, Barnstable as shown on Assessor's Map 301 Parcel 022.**SE3-6260**

Letters of support were acknowledged.

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

The project is a cooperative effort between Mr. Morse and owners of the easement to use part of his property for stairs to the beach. Two sets of stairs are needed for privacy purposes. Mr. Morse would have to leave his property to access the stairs on the easement if approved.

Issues discussed:

- The projects stand on their own.
- The comments made and discussed on this project will be considered for the next project.
- It is awkward to get across the large rocks and the steps would be a safety and convenience issue.
- They will be concrete steps.
- The stairs will be above mean high water. The revetment will continue to protect the area.
- There will still be plenty of habitat on either side of the stairs.
- The stairs should not need to be replaced.
- The stairs will have very little impact on the environment.
- Every house in the area has concrete stairs. The applicant does not.
- The public is interested in having their own access.
- If Mr. Morse needs access for his kayak he would have to go all the way down and around to the other area.

Public comment:

Paul Revere is representing Mr. Dugas in the matter. He is in favor of the project. There is Town land to the north. The easement area will help emergency access the area. A woman complained she couldn't get to the beach because she couldn't navigate the rocks.

Letters of support were received from Robert Kearns, Corrine Thomas, Elsa Mastico, Fin Leary, Karen Kerns, Lauren Kearns, Naomi Mastico, Ronald Kearns

Robert Kearns - He thinks it is a reasonable thing to have the access stairs. He has been walking over the rocks for 25 years and thinks it would be a great safety benefit.

A motion was made to approve the project as presented.

Seconded.

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

Nay –

- I. Joseph Dugas.** Proposed stairway access to the beach at 0 Sunset Lane, Barnstable as shown on Assessor's Map 301 Parcel 023. **SE3-6266**

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

Issues discussed:

- The same letters of support were submitted for this project as well.

Public comment:

Robert Kearns. Supports the project he has been using the path for over 25 years it is essential access for safety.

Paul Revere. The Board can vote to accept the record from the prior hearing.

A motion was made for a special finding that the testimony and evidence submitted in the Morse NOI application is applicable to the Dugas NOI application and adopts that record for this NOI.

Seconded.

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

Nay –

A motion was made to approve the project as presented.

Seconded.

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

Nay –

V. CERTIFICATES OF COMPLIANCE

(ez = no deviations, staff recommends approval) (* = on-going conditions)

A. SE3-4521	David Bates 93 Salten Point Road, Barnstable	(COC, ez*)	Remove SFD, construct new dwelling with deck, retaining walls & driveway.
B. SE3-5869	Thomas Carvalho 158 Swift Avenue, Osterville	(COC, ez*)	Foundation repairs, tree removal, stone paths, invasive removal & buffer restoration, permit existing pier.
C. SE3-5841	Benjamin S. & Linda M. Butcher 105 Eel River Road, Osterville	(COC, ez*)	Replace & reconfigure pier, ramp & floats.

A motion was made to approve A. – C.

Seconded.

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

Nay –

VI. MINUTES

A. March 25, 2025

A motion was made to accept the minutes as submitted.

Seconded.

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

Nay –

A motion was made to adjourn the meeting.

Seconded.

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

Nay –

The time was 5:06 p.m.

