



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

DATE: June 24, 2025 @ 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: <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/81727503430>

Meeting ID: 817 2750 3430

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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.

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 Louise Foster, Clerk Angela Tangney, Commissioners Abodeely, Hearn, Kaschuluk and Sampou.

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

I. OLD AND NEW BUSINESS

A. Commission discussion and vote on project guidelines.

Issues discussed:

- The current guidelines started were developed in 2011 with two minor changes since.
- They have worked very well for the most part.
- Staff supports maintaining the current guidelines.
- A few simple conditions could be added for RDA applications.
- An RDA cannot be conditioned.
- There are many homes where there is lawn and/or no vegetation in the 0-50' buffer that should require mitigation for any work within jurisdiction.
- Some recent RDAs were issued positive determinations so an NOI would be submitted for mitigation.
- The RDA could be changed from 400 sq ft to 150 sq ft.
- The applicant should know in advance it could be denied.
- It is rare that an applicant must file a NOI after filing an RDA.

- The guidelines may not need to be changed. The gray area is because it is determined on a case basis.
- The staff should make clear to applicants that the Commission is very protective of the 50' buffer.
- The staff should be supported on their views of the guidelines.
- The authority of an RDA is whether the project has a negative effect on the environment.
- Some applicants may choose to do their projects without filing for any permitting as it is very expensive to file a NOI for a minor project.
- There are a lot of people coming into the office asking questions. Many times, the applicant will change their project to add things that were not discussed with staff.
- The guidelines currently allow a shed to be put in the 0-50' buffer. That should be changed.
- If there is a lot of lawn down to the 50' buffer a positive determination should be issued.
- The goal should be to make resources better.
- The addition of something small where there is no buffer should require mitigation.
- If there is a buffer it should come in as an RDA.
- They are all site specific.
- If the project does not create a negative impact, it is critical to approve it as an RDA.
- A proposal was made to change the guidelines to not allow a shed in the 0-50' buffer as an RDA, it should be an NOI.
- The square footage of the project determines whether it is an RDA or NOI.
- The current guidelines specify a shed needs to be on Sono-tubes and less than 200 sq. feet to qualify as an RDA.
- If the shed is more than 200 sq ft or on a concrete slab it is a NOI application.
- The shed issue should be tabled.

A motion was made to continue the current permitting guidelines.

Seconded.

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

Nay –

II. REQUESTS FOR DETERMINATION

- A. J Nicholas and Susan C. Vandemoer.** Proposed three bedroom septic upgrade at 49 Lakeside Drive East, Centerville as shown on Assessor's Map 252 Parcel 098. **DA-25022**

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

Issues discussed:

- The project was approved by the Board of Health.
- It will stay a 3-bedroom home.

Public comment: None

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

Seconded.

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

Nay –

- B. Frederick Jones.** Proposed septic system upgrade at 4312 Main Street/Route 6A, Barnstable as shown on Assessor's Map 351 Parcel 031. **DA-25023**

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

Issues discussed:

- The home is for sale but the septic did not pass the inspection.
- A pool was removed without permitting.
- An enforcement order will be issued.
- Staff recommends approval of this RDA and use the enforcement process to add a buffer strip.
- This project was approved by the Board of Health.

Public comment: None

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

Seconded.

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

Nay –

III. NOTICES OF INTENT

- A. Harold C. Coxall Jr.** To lift the existing single-family dwelling onto a new foundation, additions, pool, pool house with living space, and bank restoration with mitigation plantings at 265 Sea View Avenue, Osterville as shown on Assessor's Map 138 Parcel 020. **SE3-6279**

The applicant was represented by Charles Rowland, P.E. of Cape & Islands Engineering and Matt Lautenberger of Wilkinson Ecological Design.

Issues discussed:

- The revised plan is dated June 23, 2025.
- There seems to be only 2,500 sq ft of new plantings. The rest is invasive removal.
- There is no assurance that the area will not revert back to invasive species.
- Invasive species removal should not get full credit for additional mitigation.
- Invasive species should only get half credit.
- There is a proposed porch in the 50' buffer that is currently an enclosed porch.
- The porch is being reduced in size.
- The entire porch is within the footprint of the existing porch.
- 331 sq. ft. of hardscape has been removed from the 50' buffer.
- It is an existing house. To move it out of the 50' buffer would create zoning issues.
- There is a lot being added to the 50 – 100' buffer.
- The area labeled spa looks like a rinse station. It will be a hot tub.
- The invasive treatment area will be replanted.
- Some additional mitigation could be added to the left side under "Lot B" in line with the work limit line on the right.
- Mitigation could also be added to the right side. Another 5 ft could be added so they are even on the left and right sides of the stair case.
- Ongoing invasive management should be added as a special condition.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing additional mitigation on right side to equal the left side with annual reports for three years, and an ongoing condition for invasive species management.

The areas where there is invasive removal should be heavily re-planted.

Seconded.

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

Nay –

- B. Sheryll J. Harkins.** To demolish the existing single family dwelling and construct a new single family dwelling, a pool, patios, and all associated appurtenances at 38 Sand Point Road, Osterville as shown on Assessor's Map 073 Parcel 018. **SE3-6285**

A continuance was requested to July 8, 2025.

A motion was made to approve the continuance request to July 8, 2025.

Seconded.

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

Nay –

- C. Stanley Davitoria.** Proposed seasonal pier/dock at 55 and 61 Beechwood Road, Centerville as shown on Assessor's Map 252 Parcels 182 and 008. **SE3-6282**

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

Issues discussed:

- The NHESP letter dated ????? was read into record.
- Staff reminded the consultant there is an open Order of Conditions that needs to be closed out SE3- 5739.

Public comment: None

A motion was made to approve the project as submitted and applicant should submit the request for a Certificate of Compliance for SE3-5739.

Seconded.

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

Nay –

- D. Olga Shemanyuk.** Proposed addition and expanded patio area to an existing single-family dwelling at 30 Lauren Drive Marstons Mills as shown on Assessor's Map 101 Parcel 062. **SE3-6283**

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

Issues discussed:

- The NHESP letter dated June 19, 2025, was read into record.
- The previous project with the completed stairs does not have the mitigation completed yet.
- It should be conditioned for this project with a timeline.
- The previous project was issued a COC in August 2023 SE3-5814.
- There are some plantings but not what was required. They may have died.
- Permanent markers will be put in for demarcation.
- This project should be approved and then an enforcement order should be issued.
- There is a concern that it could happen again.
- A temporary irrigation system should be added.
- There can be an enforcement order and fines if they do not comply.
- A question was raised whether we can hold this Order of Conditions until the prior mitigation gets done.
- The OOC must be issued within 21 days of the close of the hearing unless there is a revised plan pending.
- The OOC could specify the old and new mitigation planting is put in before the project can begin.
- It should be dealt with under enforcement.
- A condition in this order is a great way to make sure it gets done.
- This project should be looked at on its own.

Public comment: None

A motion was made to approve the project as submitted but both mitigation areas shall be planted before construction can begin.

Seconded.

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

Nay –

Abstain - Foster

E. Christopher Pike. Proposed raze and replace single family dwelling and reconstruction of existing paths at 882 Main Street, Cotuit as shown on Assessor's Map 035 Parcel 084. **SE3-6284**

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

Issues discussed:

- There were no questions from Commissioners

Public comment:

DJ MacKinnon - 910 Main Street – He is in support of the project

Terry Eastman - 884 Main Street – She saw that six trees are to be removed and is wondering why only two are being replaced.

The consultant advised there are a couple of trees that will be in the way. They are replacing them in the 0-50' buffer. There is a view corridor that should not be blocked. With all the invasive removal and mitigation plantings there is enough mitigation to not require the other trees to be replaced. These trees are outside the 50' buffer.

Arlene Wilson – The NOI narrative talks about five trees being removed and the plan says six being removed. There are two trees that look like one in the back.

The line to the septic system is running through a cluster of trees. They will run it around them.

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

IV. CONTINUANCES

A. Shannon Smith. Proposed salt marsh protection and restoration at 0 and 87 Salten Point Road, Barnstable as shown on Assessors Map 280 Parcels 014 and 015. **Continued from 5/13/25. WC Form received.**

The applicant was represented by Jen Crawford and Lauren Taylor of Crawford Land Management.

Issues discussed:

- DMF has asked for additional time to do the review. A continuance will be needed.
- This project was continued from May 13th without testimony.
- There are two letters of support from Ann Stockwell and Ralf Fahrenbach (abutters) noted.
- The shellfish biologist has not submitted any comments yet. They are planning to have it presented to the Shellfish Committee at their July meeting.
- In the narrative, nutrient pollution is blamed for the loss of saltmarsh.
- It may be a continuing problem with sea level rise.
- They are trying to create salt marsh above mean high water.
- There is a variety of grass species included in the proposal.
- There is salt marsh growing lower and salt marsh growing higher so they are hoping it will be successful.
- They may be able to stop the erosion but it may be difficult to get salt marsh growing.

- A question was raised whether this will affect the neighboring properties.
- The interventions are very minor and there are no concerns to other properties.
- If successful, the neighboring properties may want to try to improve and stabilize the marsh as well.
- The consultant has had no discussions with the neighbors, but the applicant may have.
- Small concrete blocks will be used. They are intended to be used as breakwaters. The shell bags will contain appropriately aged shells so they will not spread disease or bacteria if they are from other areas. They will be aged for at least a year.
- The oyster castles have been used before and have been monitored in similar situations.
- There was a project a couple of years ago that wanted to try this but it was not approved. They were building rock wave breakers. That was for erosion.
- This project is placing material in both the inter-tidal zone and in the high marsh which could be considered as filling it in.
- On the higher slightly depressed areas at one time there was a small boat stored in one of the upland areas but it is not known if it has any correlation.
- There are similar low areas in the vicinity.
- All work will be done by hand.
- The depressions to be filled will be less than 6 inches.
- The concrete blocks are stackable and can be moved around. They are small and can be filled with sediment. They are roughly 8" x 12".
- Concrete is not a natural substance. If it fails it will not be esthetically pleasing.
- A question was raised whether there is a downside if it does not work.
- There doesn't seem to be.
- They should know quickly if it has a hope of being successful.
- Staff is in support of the project and is excited about the potential.
- The only concern with the design is whether wave deflection may just run over the slope and cause too much action for any growth.

Public comment:

Ken Pack of 89 Salten Point Road – They are partial owners of the property. They support the project but are not waiving any rights of ownership.

Haley Tyree – 93 and 95 Salten Point - There are concerns of what the impacts may be to their shoreline. Will there be monitoring of the surrounding shoreline or just where the project is being done.

The Chair advised this project will not be voted on tonight, there will be a continuance. She should put her concerns in writing and discuss them with the consultant so they can be addressed before and/or during the next meeting.

Commissioner discussion continued:

- Because there could be an environmental impact the Commission could require monitoring reports to be submitted for surrounding properties.

Haley Tyree - She has not received the revised plan. She can see it on the Town website.

She would like any equipment needed to be stationed not on the right of way. She asked what the recourse would be if there was damage to her property.

She is wondering how the right of way to the water will still be able to be used if there is restoration going there.

The consultant advised they will address her concern at the next hearing.

Commission discussion continued:

- The Chair advised a construction protocol should be submitted regarding the location of the vehicles and equipment.
- Foot traffic is very detrimental to salt marsh peat. It may be important to lessen the foot traffic in the right of way. This may be the reason for the major loss of wetland.
- A continuance was requested to July 22nd.

A motion was made to approve the continuance to July 22, 2025.

Seconded.

Aye – Abodeely, Lee, Hearn, Kaschuluk, Tangney

Nay –

Foster and Sampou abstained.

V. MINUTES

A. June 3, 2025

B. June 10, 2025

A motion was made to accept the minutes as submitted.

Seconded.

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

Nay –

Commissioner Foster has been with the Commission for 18 years. She was thanked for her service and she will be missed.

A motion was made to adjourn the meeting.

Seconded.

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

Nay –

The time was 9:41 p.m.