



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

DATE: November 4, 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/85372795219>

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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/Clerk Angela Tangney, Commissioners DeMelo, Hearn, Kaschuluk, and Sampou. Commissioner Abodeely was absent.

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

I. OLD AND NEW BUSINESS

A. JMS Holdings issuance of an OOC (recvd order from Superior Court requiring OOC be issued)

Issues discussed:

- The finding and special condition number seventeen (17) were removed from the OOC.
- Commissioners can abstain from the vote if they disagree with the judge's ruling.

A motion was made to accept the revised OOC.

Seconded.

Aye – DeMelo, Kaschuluk, Lee, Hearn, Tangney

Nay –

Abstain – Sampou

II. REQUESTS FOR DETERMINATION

A. LDS Development Group, LLC. Proposed vista pruning at 640 Poponessett Road, Cotuit as shown on Assessor's Map 006 Parcel 018. **DA-25039**

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

Issues discussed:

- The vista pruning will be done consistent with the guidelines and will require consultation with staff.

Public comment:

Kathleen Barrett – 652 Poponessett Road - asked how much vista pruning will be done. She stated she was not allowed to do any vista pruning at her property. She stated this house is taller than any other houses on the street.

Kathleen was advised it will be standard vista pruning and a staff member will be consulted prior to any pruning. She was also advised she can apply for a vista pruning permit for her property.

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

Seconded.

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

Nay –

CONTINUED FROM 10/28/25 (NOT PREVIOUSLY OPENED)

B. Carl Mueller. To remove six pine trees infested by black turpentine beetle as they pose a threat to the house, and replace with six American Holly trees at 135 Point Isabella Road, Cotuit, as shown on Assessor's Map 073 Parcel 021. **DA-25037 WC Form received.**

The applicant represented himself.

Issues discussed:

- They have had eight (8) trees removed since 2022.
- With the amount of trees coming down, the property is getting close to being clear cut.
- The applicant does not anticipate any more trees coming down.
- The planting of the Holly trees is on the opposite side of where the trees are being taken down.
- Half of the Holly trees should be moved to the west side of the property.
- The location of the Holly trees will be in consultation with staff.

Public comment: None

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

Seconded.

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

Nay –

C. Michael Segreve. Proposed shed at 20 Sunset Lane, Barnstable as shown on Assessor's Map 301 Parcel 038. **DA-25038**

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

There were no questions from Commissioners.

Public comment: None

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

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

Nay –

III. NOTICES OF INTENT

- A. Timothy Klvana and Elizabeth Lyon.** Construction of a single-family house with garage, shed, septic tank, drywells, and lawn at 61 Salt Meadow Lane, West Barnstable as shown on Assessor's Map 156 Parcel 046. **SE3-6322**

The applicant was represented by Kieran Healy, P.E. of BSC Group.

Issues discussed:

- This is a new house in a forested area. A question was asked if the pool could be moved back 10 feet which would take it out of jurisdiction.
- A six-inch clearance under the fence was requested.
- They can move the pool outside the 100' buffer.
- There is concern about leaving a 6-inch gap because the fence is to keep in the dogs. The fence is outside the 50' buffer.
- If the house were rotated the back corner would also be outside jurisdiction.
- A suggestion was made for an electronic fence for the dogs.
- A question was asked why the house was put in at the angle to begin with.
- By angling the house the driveway would be closer to the street to reduce the amount of pavement.
- The house except for the porch will be moved outside of jurisdiction.
- The pool will be moved to 95' and only 5' will be in jurisdiction.

Public comment: None

A motion was made to approve the project revised plan rotating the house and moving the pool 95' from the wetland.

Seconded.

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

Nay –

- B. Jeffrey & Danielle Hamel – Hamel Family 2018 Revocable Trust.** Demolition of an existing sunroom, second-story deck, landing, and recessed exterior rinse station and the construction of a new two-story, three season room, along with the installation of a freestanding at grade rinse station and approval of an existing unpermitted fire pit at 71 Sunset Lane, Barnstable as shown on Assessor's Map 301 Parcel 024. **SE3-6326**

The applicant was represented by Briony Angus of Tighe & Bond.

Issues discussed:

- This is a long narrow lot.
- They are requesting a waiver as they feel it is a mitigation constrained site.
- There is lawn going all the way to the resource. Some mitigation could go in the lawn area so it should not be considered a mitigation-constrained site.
- The amount of mitigation required needs to be put on the plan.
- In-lieu fees are not something that is usually accepted.

- A waiver is requested for the rinse station and the firepit.
- A total of 160 sq. ft. of mitigation is required.
- Lawn right down to the resource area is not a good situation. Even a narrow woody mitigation area between lawn and top of bank would be a good idea.
- There are some nonnative plantings seaward of the fence that they could remove and put in native plantings. Some of the nonnative plants serve as a buffer.
- A continuance was requested to 11/18/2025 to put together a mitigation plan.

Public comment: None

A motion was made to continue the application to November 18, 2025.

Seconded.

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

Nay –

C. Kathleen A. Street. To construct an addition to the existing dwelling at 161 Bay Lane, Centerville as shown on Assessor's Map 186 Parcel 009. **SE3-6324**

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

Issues discussed:

- There is an undisturbed buffer.
- The kayak rack dimensions are 4' x 8'.
- The addition is landward of the house.

Public comment: None

A motion was made to approve the project as submitted with annual reports submitted for three years.

Seconded.

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

Nay –

IV. CONTINUANCES

A. Steven and Wendy D'Angelo. To remove an existing ramp and float system and permit a new pier, ramp, and float at 108 Long Beach Road, Centerville as shown on Assessor's Map 206 Parcel 005. **SE3-6289 Continued from 9/9.**

A continuance was requested to November 25, 2025 without testimony.

A motion was made to approve the continuance request.

Seconded.

Aye – Kaschuluk, Lee, Hearn, Tangney, Sampou

Nay

DeMelo is ineligible to vote.

B. Emily Dawn Kunze, Trustee. To repair or replace permitted bulkhead, replace wood landing and shed, and bank vegetation restoration at 200 North Bay Road, Osterville as shown on Assessor's Map 073 Parcel 011. **SE3-6320 Continued from 10/14/25.**

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

Waterways and Harbor Master have no objections to the project.
Comment letter from Town Shellfish Biologist dated October 14, 2025 was read into record.
DMF letter dated October 14, 2025 was read into record.

Issues discussed:

- Extending the bulkhead out two feet will take away more access for fisherman and shell fisherman.
- The bulkhead should be put in the same location or landward of the existing posts.
- The consultant advised it is easier to bump it out. The water is bumping against the bulkhead most of the time.
- The technique for replacing the bulkhead was discussed.
- Commissioners would like to see the sheeting vibrated down into place behind the existing bulkhead.
- If installed in front of the existing bulkhead, the bump out would be approximately 24 inches.
- There are going to be many of these types of projects requested going forward.
- There are going to be places where the shellfish habitat has far less value than other locations.
- The Commercial shellfish grant holder was consulted on the methodology for the replacement.
- Chris from Beacon Marine said they could install the sheeting right behind the existing bulkhead.
- The projects going forward will be looked at as site specific locations.
- There is a difference between a project that serves the public good and private residences.
- The taking of public lands by putting a bulkhead further out is problematic.
- The bulkheads in some areas have made it impossible to access the shoreline.
- Consultant asked if the DMF time of year restriction could be waived if a silt fence were installed.

Special conditions were reviewed.

- A construction protocol should be required at least 4 weeks prior to a preconstruction meeting.
- Written notification if there is a change in consultant from Sullivan Engineering.
- Revised plan showing the new bulkhead in the existing location.
- Silt fence so they can waive the time of year restriction.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the bulkhead installed in the existing location and the above conditions.

Seconded.

Aye –Kaschuluk, Lee, Hearn, Tangney, Sampou

Nay –

DeMelo is ineligible to vote.

C. New Rushy Marsh Realty LLC. Proposed pond dredging within an existing pond on a residential lot at 1541 Main Street, Cotuit as shown on Assessor's Map 017 Parcel 007. **SE3-6313 WC Form received.**

The applicant was represented by Sean Reardon, P.E. of Tetra Tech.

Issues discussed:

- Consultant was thanked for submitting the requested information.
- The mud will be put on the side of the pond to drain and then will be joined with the excavated soil from the restoration area and used in another location on site.
- The bank will be restored after the mud is moved.
- It was requested that no fish be kept in the pond so it will be a good amphibian breeding area.

Public comment: None

Special conditions of the project were reviewed:

- A bathymetry plan will be submitted after the project is complete.
- The name of the contractor shall be submitted to staff prior to the start of work.
- Monitoring reports shall be submitted for three years.
- Restoration of the BVW that will be temporarily impacted during dredging.

A motion was made to approve the project with the above conditions.

Seconded.

Aye –Kaschuluk, Lee, Hearn, Tangney, Sampou

Nay –

Commissioner DeMelo is not eligible to vote on the project.

- D. Terrie R. Zeikel, Trustee.** Proposed construction of a bulkhead along existing boathouse, extend boathouse platform and timer boat dolly ramp at 129 Main Street, Osterville as shown on Assessor's Map 165 Parcel 078. **SE3-6318 Continued from 10/14/25 AND 10/28 . WC Form received.**

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

- Waterways and Harbor Master have no problems with the project.
- Shellfish biologist letter dated October 14, 2025 requested a mat be installed to disburse the weight of the equipment and the spot of the barge be marked out so it lands at the same location each time.

Issues discussed:

- The consultant was thanked for listening to the concerns and submitting the revisions.
- A temporary ramp will be used for the dolly to bring up the dinghy, and a small sailboat and will be put away when not in use.
- The equipment used for the project will be delivered from the water.

Public comment: None

Special conditions of the project were reviewed:

- A construction protocol will be submitted at least four (4) weeks before start of work. The landing spot of the barge should be submitted as part of the construction protocol.
- The access path will be put on the plan.
- A mat will be installed in the intertidal area.
- Preconstruction meeting will take place after the protocol is submitted.

A motion was made to approve the project with the October 22nd revised plan date and the above special conditions.

Seconded.

Aye –Kaschuluk, Lee, Hearn, Tangney, Sampou

Nay –

Commissioner DeMelo was not eligible to vote on the project.

The Commission took a 10 minute break.

CONTINUED FROM 10/28/25 (NOT PREVIOUSLY OPENED)

- E. Sarah T. Connolly, Trustee** – To demolish an existing single-family dwelling and detached garage and construct a new dwelling with all associated appurtenances and to replace beach house, walkway, stairs and bank vegetation restoration at 789 South Main Street, Centerville as shown on Assessor's Map 185 Parcel 014. **SE3-6323 WC Form received.**

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting and Caitrin Higgins from Bartlett Tree Experts.

Comment letter from James and Livia Monteforte was acknowledged.

They were advised the view is not protected under Conservation. It would be a zoning issue.

Issues discussed:

- The area along the side of the beach house is heavily vegetated. This plan will add two more access points. The access on the side adversely affects the vegetation and the slope.
- The beach house is in the resource.
- The planting plan addresses the three access points.
- Three access ways are not necessary.
- The restoration plan is mitigation for the entire project.
- The lawn removal is to meet the minimum requirements. Everything else is to cover the increase in footprint of the beach house.
- On the eastern side there are some steps already there and were permitted many years ago. They are totally overgrown and not safe.
- They should avoid the eastern side walkway steps.
- There is a beneficial habitat improvement with the plan.

Public comment:

Livia Monteforte – 782 South Main Street, Cotuit stated the structure is being completely taken down and being rebuilt. She asked if they could move it westward. It would improve the public view and bring it out of the vista like was done with 61 Salt Meadow.

Livia was advised that under the 61 Salt Meadow it was moved because it was between the 0 and 50' buffer. This house is out of the 50' buffer entirely. The project still has to go in front of the zoning board. There will be some discussion with the project team about moving it.

Special conditions of the project were reviewed:

Annual reports will be submitted for three years.

There will be an ongoing condition for invasive management.

A revised plan will be submitted showing the removal of the eastern stairs to the beach house.

A motion was made to approve the project with the above three conditions.

Seconded.

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

Nay –

- F. Frederick B. Jones.** Proposed gravel driveway at 4312 Route 6A, Barnstable as shown on Assessor's Map 351 Parcel 031. **SE3-6321**

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

Issues discussed:

- The gravel driveway and parking area is very large in the 0-50' buffer.
- A question was asked if the size of the driveway could be reduced.
- It could be reduced a little. They could reduce by 5' on each end.

- In the location of the shed that is going to be removed there is an area that is washing out that is going directly into the wetland. It was requested that some grading be done to correct it.
- A slight berm was suggested.
- The WC Form for this continuance was not received. The order will not be issued until the Form is received. The consultant advised he will submit the form.

Public comment: None

Special conditions were reviewed:

- A revised plan to be submitted reducing the size of the parking area by 5' on each end and create a berm for the water runoff in the shed area.
- Annual reports to be submitted for three years.
- Submittal of the WC Form.

A motion was made to approve the project with the above conditions.

Seconded.

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

Nay –

V. AMENDED ORDER OF CONDITIONS CONTINUED FROM 10/28/25 (NOT PREVIOUSLY OPENED)

- A. Zennon L. Mierzwa.** To amend Order of Conditions SE3-6255 to permit the installation of two Art sculptures, add pool fence, chain link fence, remove existing shed, replace existing stone wall with a concrete wall, replace steppingstone walk, and sitting areas at 251 Green Dunes Drive, Centerville as shown on Assessor's Map 245 Parcel 033. **WC Form received.**

The applicant was represented by Jose Pichardo, P.E. of Green Seal Environmental.

Issues discussed:

- The steppingstones will be replaced with the same type of steppingstones just new ones. They are currently cracked and overgrown.
- The additional trees should be added to the annual reports for three years.
- There is a lot of change for an Amended Order. This level of change may require a new NOI in the future.

Public comment: None

A motion was made to approve the Amended Order with the new trees and additional mitigation area added to the annual reports for three years.

Seconded.

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

Nay –

VI. CERTIFICATES OF COMPLIANCE

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

A. SE3-5750	David & Diane Munsell 3075/3077 Main Street, Barnstable	(COC, ez*)	Move existing building 2', construct new attached dwelling.
B. SE3-6129	William & Mary Beth Eddy 6 Daffodil Lane, Barnstable	(COC, ez*)	Single-family house, Pool (not done), carriage house

(not done), gravel driveway,
Underground utilities.

A motion was made to approve A. and B.

Seconded.

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

Nay –

A motion was made to adjourn the meeting.

Seconded.

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

Nay –

The time was 8:51 p.m.