



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: November 18, 2025 @ 3:00 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/89568063179>

Meeting ID: 895 6806 3179

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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 Chair F. P. (Tom) Lee. Also, in attendance were Vice-Chair/Clerk Angela Tangney, Commissioners Abodeely, DeMelo, Kaschuluk and Sampou. Commissioner Hearn was absent and Commissioner Sampou left the meeting at 4:10 p.m.

Conservation Agent Brady Hill and Administrative Assistant Kim Cavanaugh were present.

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

I. REVISED PLANS

Project Type

Revisions

A. AAR Legacy, LLC SE3-5905
671 Old Post Road, Cotuit

Replace timber bulkhead
with stone bulkhead, replace
beach house, deck and stairs

Beach house deck expansion and
rinse station dimensions
**Continued from 10/14/25 WC Form
Received**

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

Issues discussed:

- The rinse station was removed and replaced with deck as well.
- The beach house is grandfathered. It would not be allowed to be built with today's regulations. There can be no expansion of the footprint when grandfathered.
- The deck expansion is adding footprint to the beach house.

- The beach house is below the bank and above the beach. It is not in a resource area.
- The applicant is willing to provide mitigation for it.
- It would be difficult to approve this and not a similar project in the future.
- There is a consistency issue.
- There has been several rebuilt beach houses in previous meetings that were not allowed to be expanded.
- This is an after the fact request. It should have been approved prior to doing the work.
- It is for the cantilevered portion of the deck which was extended to rest on the wall and the expansion of the rinse station.
- The elevation of the bulkhead was approved to be raised approximately 1'9".
- If the deck was rebuilt in the existing location, it would be lower.
- The deck is better resting on the bulkhead rather than putting in concrete footings for the deck to be built in the same footprint.
- They would have to go down four feet to install footings.
- The elevation of the deck is not the issue; it is the expansion of the deck.
- The contractor, Carey Grover was asked why he didn't come back and ask for permission before he did the work.
- He felt resting the deck on the bulkhead made more sense than installing footings and it was a good solution.

A motion was made to deny the revised plan.

Seconded.

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

Nay –

The consultant asked if the rinse station is also a concern. It was approved as 4x4 and is now 3x8. It is the expansion the Commission is opposed to.

II. WARNING LETTERS

- Estate of Susan J Ganz & Bryan Ganz Pers. Rep. – 141 Bay Ln, Centerville – Map 186 Par 007. Failure to comply with the ongoing conditions of a Certificate of Compliance for SE3-3832.
 - Still waiting to hear from violators.
 - Conservation Commissioners have long dealt with homeowners ignoring ongoing conditions of Certificates of Compliance.
 - Noted that COCs are hard to enforce, may require enforcement orders for continued noncompliance if necessary.
- John T Ganey & Elizabeth M Ganey Trs. and John T Ganey & Elizabeth M Ganey Revocable Living Trust – 251 Bay Ln, Centerville – Map 166 Par 057. Failure to comply with the ongoing conditions of a Certificate of Compliance for SE3-4404.
 - Presented concurrently with previous warning letter.

III. ENFORCEMENT ORDERS

- William Luciano & Teresa Luciano Gallagher – 67 Sea Meadow Cir, Centerville – Map 246 Par 229. Alteration of a 50' buffer to a wetland resource area - vegetated wetland - by cutting vegetation including seven trees and a row of shrubs AND failure to comply with the ongoing conditions of two Certificates of Compliance (SE3-2733 and SE3-3901).

Exhibits

A – ARC Reader and Aerial Photo of 67 Sea Meadow Cir, CV

B – Clips of Approved Plans for SE3-2733 and SE3-3901

C – Google Street View Image vs Site Photos

D – COCs for SE3-2733 and SE3-3901

E – Note from Homeowners

- Miscommunication noted about the total number of trees and shrubs that were taken out.
- Some of the trees were diseased according to violator.
- Violators were unaware of wetland permitting obligations and were worried for the health of their child and their house.
- Violators worried about cost and timeframe of replacement trees, but Agent will follow up with them.

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

Seconded.

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

Nay –

B. Kevin T & Graham T Werner - 3826 Main St/RTE 6A, Barnstable – Map 335 Par 018. Alteration of a buffer to a wetland resource area - vegetated wetland - by adding unpermitted hardscape – gravel driveway.

Exhibits

A –ARC Reader and Aerial Photos for 3826 Main St/RTE 6A, Barnstable

B – Clip from Most Recent Plan with Buffers

C – Site Photos (old and new)

- Violator understood enforcement order and thought it fair.

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

Seconded.

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

Nay –

C. Michael Martin - 27 Folsom Ave, Hyannis – Map 324 Par 059. Alteration of a wetland resource area – flood zone – and alteration of a buffer to a wetland resource area – salt marsh – by adding unpermitted hardscape – deck expansion, driveway expansion, and stone wall.

Exhibits

A –ARC Reader and Aerial Photos for 27 Folsom Ave, Hyannis

B – Site Photos (October 22, 2025)

- Violator intends to comply with enforcement order, did not intend to violate.
- This property acts as a rental property and was added to after an extreme weather event.
- Basic process of the NOI was explained to the violator.
- Noted that after-the-fact filings may face more scrutiny during permitting.

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

Seconded.

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

Nay –

D. Damian Moniz – 50 Skating Rink Rd, Hyannis – Map 291 Par 176. Alteration of a wetland resource area - vegetated wetland - AND alteration of a buffer to a wetland resource area – vegetated wetland - by adding fill, cutting vegetation, and adding unpermitted hardscape - fences, gravel drive, and sheds - for a parking lot and work area.

Exhibits

- A – ARC Reader for 50 Skating Rink Rd, Hyannis
- B – Aerial Photos for 50 Skating Rink Rd, Hyannis
- C – Aerial Photos for 50 Skating Rink Rd, Hyannis (cont.)
- D – Aerial Photos for 50 Skating Rink Rd, Hyannis (cont.)
- E – Clips from 1985 and 2006 Plans Showing Wetland
- F – Site Photos (October 24, 2025)
- G – Site Photos (October 30, 2025)
- H – Site Photos (October 30, 2025, cont.)
- I – Key Notes

- Clarification was requested on why there were two different enforcement orders for the same property and violation (homeowner and actual violator were both enforced).
- Violator who actually performed the work explained his need for extra space as a motive for this violation and apologized.
- Violator also took all the blame for the violation and asked for leniency for the homeowner.
- Homeowner was unable to communicate at the meeting when first questioned.
- The potential cost of restoration, especially the need for a CERP, is debated amongst the commissioners due to the violator's financial position.
- Sampou left the meeting.
- Commissioners weigh options of allowing Conservation staff to come up with alternatives to a CERP versus brainstorming alternatives during an upcoming meeting amongst commissioners.
- Commissioner's personal assistance in violator's obligated restoration is discouraged.
- Clarification was required about differentiating the motions for the two enforcement orders.
- Homeowner rejoined meeting and asked for procedural clarification per order amendment.

A motion was made to approve the enforcement order with the changes of "Enforcement Order Response Plan should be prepared by a Certified Ecological Restoration Practitioner **or other alternatives approved by the staff.**"

Seconded.

Aye – Abodeely, DeMelo, Lee, Tangney

Nay – Kaschuluk

E. Thales Albino - 50 Skating Rink Rd, Hyannis – Map 291 Par 176. Alteration of a wetland resource area - vegetated wetland - AND alteration of a buffer to a wetland resource area – vegetated wetland - by adding fill, cutting vegetation, and adding unpermitted hardscape - fences, gravel drive, and sheds - for a parking lot and work area.

- Presented concurrently with previous enforcement order.
- Citation will be issued to violator.

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

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

F. Julian & Gillian Cox – 1251 Race Ln, Marstons Mills – Map 064 Par 005-001. Alteration of a buffer to a wetland resource area – Mystic Lake – by regrading and adding unpermitted hardscape – retaining walls AND failure to comply with the ongoing conditions of a Certificate of Compliance for SE3-3386.

Exhibits

- A – ARC Reader for 1251 Race Ln, Marstons Mills
- B – Aerial Photos for 1251 Race Ln, Marstons Mills
- C – Site Photos (November 5, 2025)

D – Clip of Plan from SE3-3386

E – COC for SE3-3386

- Violator understood violation and wanted to stop the ground from deteriorating, also took responsibility.

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

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

Commissioner Sampou left the meeting at 4:10 p.m.

IV. REQUEST FOR DETERMINATION

A. Theresa Carson. To remove an existing shed and asphalt tennis court and construct a single family dwelling at 101 Bay Shore Road, Hyannis as shown on Assessor's Map 325 Parcel 113. **DA-25040**

The applicant was represented by Robert Braman of Braman Surveying.

Issues discussed:

- This project is flood zone only.
- There were no questions from Commissioners.

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. Robert Aronson and Mary Kopelman. Proposed rinse station, fire pit, pergola, expansion of an existing stone terrace and a 4 foot wide path to Long Pond at 71 Sachem Drive, Centerville as shown on Assessor's Map 209 Parcel 026. **SE3-6325**

The applicant was represented by Cameron Larson, and Elaine Johnson, of Environmental Consulting & Restoration.

Issues discussed:

- Erosion controls will be along the work limit line within the 50' buffer. There is a second work limit along the edge of the pond where an additional erosion control will be installed for the planting area.
- A fence will be installed along the mitigation area.
- There is a 4' wide path that is labeled on the plan.

Public comment: None

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

Seconded.

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

Nay –

B. Highmount Fiduciary, LLC. To replace and extend the existing bulkhead at 180 Carriage Road, Osterville as shown on Assessor's Map 071 Parcel 015. **SE3-6327**

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

Issues discussed:

- The old wall will be pulled out and disposed of in an upland area.
- The toe of the existing bank will remain to serve as a natural buffer.

Public comment: None

Special conditions were reviewed:

A construction protocol to be submitted four weeks before the pre-construction meeting with Conservation staff.

Natural Resources will be informed regarding the access for construction purposes.

If a change in engineer, a written notification will be submitted to Conservation staff.

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

Seconded.

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

Nay –

C. Janet Holian, Trustee – Holian Family Trust & Janet Holian Revocable Trust. Proposed bank vegetation restoration, replacement of bank stairs, and replacement/improvement of boardwalk at 250 Windswept Way, Osterville as shown on Assessor's Map 051 Parcel 012. **SE3-6330**

The applicant was represented by John O'Dea, P.E. of Sullivan Engineering and Consulting and Stephen Lee with Wilkinson Ecological Design.

Issues discussed:

- A demarcation note needs to be put on the engineering plan.
- A question was raised if it is necessary to have a second set of stairs and roll out walkway.
- This is a shared pier.
- The roll up walkway should be removed in the winter months.
- The second stairway is already there, and is just being replaced.
- It is a good mitigation plan.
- The roll out walkway is slightly different on the mitigation plan vs the engineering plan.
- The mitigation plan is solely for the vegetation work and shows what is existing. The engineered plan is what is proposed.
- The mitigation is replacing part of the lawn.
- They are not touching the second little shared dock.

Public comment: None

Special Conditions:

Submission of a revised plan showing the demarcation line on the engineering plan.

Annual reports to be submitted for three years.

The rolling boardwalk will be rolled back in the winter.

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

Seconded.

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

Nay –

VI. CONTINUANCES

A. 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**
Continued from 11/4. WC Form received.

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

Commissioner Abodeely is not part of the quorum.

Five public comment letters were received and acknowledged.

Chairman Tom Lee stated only the Town Assessor's data base is checked when accepting applications.

Conservation is not responsible for checking the Land Court information. If the project is approved the applicant is responsible to follow through with any other State requirements or regulations. The project, if approved would only be under the jurisdiction of the State's Wetland Protection Act and local ordinances.

Issues discussed:

- The site was not found to be a mitigation constrained site.
- A mitigation plan dated November 7th, 2025 was submitted.
- The consultant was thanked for submitting a good plan.

Public comment: None

A motion was made to approve the project with the planting plan dated 11/7/2025 and annual reports submitted for three years.

Seconded.

Aye –DeMelo, Kaschuluk, Lee, Tangney,

Nay –

VII. CERTIFICATES OF COMPLIANCE

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

| | | | |
|--------------------|---|-------------------|--|
| A. SE3-6015 | Brendan J. Brazal, 90 Lake Drive, Centerville | (COC, ez*) | Reconstruct deck & screened porch. Beach nourishment & poison ivy control. |
| B. SE3-5825 | AAR Legacy, LLC 671 Old Post Road, Cotuit | (COC, ez*) | Renovation of dwelling with new foundation, rebuilding porch, additions, pool, patio & associated appurtenances. |
| C. SE3-6152 | Gordon & Jane Slaney 878 Main Street, Cotuit | (COC, ez*) | Replace existing pool, replace wood patio with stone patio, maintenance of paths, stairs and deck. |

A motion was made to approve A. – C.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay –

VIII. MINUTES

- A. October 28, 2025
- B. November 4, 2025

A motion was made to accept the minutes as submitted.

Seconded.

Aye – DeMelo, Kaschuluk, Lee, Tangney

Nay –

Abodeely abstain

A motion was made to adjourn the meeting.

Seconded.

Aye – Abodeely, DeMelo, Kaschuluk, Lee, Tangney

Nay -

The time was 5:04 p.m.