



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

E-mail: conservation@town.barnstable.ma.us

MINUTES – CONSERVATION COMMISSION HEARING

DATE: August 12, 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/85043558859>

Meeting ID: 850 4355 8859

US Toll-free • 888 475 4499

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.

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

The meeting was called to order at 3:00 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were Clerk Angela Tangney, Commissioners Abodeely, Hearn, Kaschuluk and Sampou.

Conservation Administrator Ed Hoopes was present, along with Conservation Agent Brady Hill, and Administrative Assistant Kim Cavanaugh.

I. OLD AND NEW BUSINESS

- A. Vote by the Commission to authorize Edwin Hoopes, Conservation Administrator, to affix the digital signature of each Conservation Commission member, as applicable, to the Order of Conditions, Certificate of Compliance, Determination of Applicability or other order or decision, as applicable.

Issues discussed:

- None

A motion was made to authorize Edwin Hoopes to affix the digital signature of each Conservation Commission member, as applicable, to the Order of Conditions, Certificate of Compliance, Determination of Applicability or other order or decision, as applicable.

Seconded.

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

Nay –

II. REVISED PLANS

Project Type

Revisions

- | | | |
|--|---|---|
| A. Luongo Real Estate LLC SE3-6171
222 Fifth Avenue, Hyannis | Raze and replace SFD
add garage and pool | Eliminate patio, add wing walls, modify
steps, patio, and walkways |
|--|---|---|

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

Issues discussed:

- The color-coded revisions on the plan were appreciated.

Public comment: None

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

Seconded.

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

Nay –

- | | | |
|--|----------------------|--|
| B. Town of Barnstable DPW SE3-6157
Gosnold Street, Hyannis | Roadway improvements | To replace eight concrete block
drainage structures |
|--|----------------------|--|

The applicant was represented by Paul Graves, Town of Barnstable DPW.

Issues discussed:

- This is an improvement to the existing drainage structures.

Public comment: None

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

Seconded.

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

Nay –

III. WARNING LETTERS

- A.** Charles P. and Carole J. Pieper - 721 Old Post Rd, Cotuit – Map 054 Parcel 011-002. Violation of on-going conditions of a Certificate of Compliance for file SE3-4271.

Exhibits

A – Complaint photo and COC excerpt (SE3-4271)

- Boat was removed from dock promptly.

- B.** 264 Route 6A LLC – 981 River Rd, Marstons Mills – Map 045 Parcel 002. Alteration of a buffer to a wetland resource area – cranberry bog - by cutting vegetation.

Exhibits

A - July 16, 2025 Visit Photos

- Homeowner will be contacted soon to ensure compliance.
- C. David, Gregory, and Elizabeth Rose Tufankjian, Trs. and Rose T Realty Trust – 235 Prince Ave, Marstons Mills – Map 076 Par 015. Alteration of a buffer to a wetland resource area – Prince Cove and swamp – by cutting one tree and removing soil to install a stone garden lining.

Exhibits

A - Site Photos

- Homeowner agreed to conditions of warning letter on-site.

IV. ENFORCEMENT ORDERS

- A. Robert J Remmes IV & Thomas P Remmes - 536 Shootflying Hill Rd, Centerville - Map 193 Parcel 029. Alteration of a 50' buffer to a wetland resource area – Lake Wequaquet - by adding unpermitted hardscape including a patio and firepit.

Exhibits

A - ARC Reader and aerial images of 536 Shootflying Hill Rd, Centerville

B - Site photos from June 26, 2025

C – Drone photos from homeowner

- Commissioners expressed concerns about unpermitted patio's close proximity to lake.
- Homeowners said they intend to file NOI and mitigate for patio.

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

Seconded.

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

Nay –

- B. Gregory Labun & Elaine Gershman - 12 Pond St, Centerville – Map 230 Parcel 088. Alteration of a buffer to a wetland resource area – Melody Pond - by adding unpermitted hardscape - patio.

Exhibits

A - ARC Reader of 12 Pond St, Centerville

B – Aerial images of 12 Pond St, Centerville

C – Site photos from June 27, 2025

- John O'Dea of Sullivan Engineering addressed the Commission, agreed with the enforcement order.
- Homeowners were new to the area and didn't understand the regulations.

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

Seconded.

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

Nay –

- C. Cheryl A Kayes - 128 Saint Francis Circle, Hyannis – Map 291 Parcel 228. Alteration of a buffer to a wetland resource area – pond - by adding unpermitted hardscape - house addition.

Exhibits

A - ARC Reader of 128 Saint Francis Cir, Hyannis
B – Aerial photos of 128 Saint Francis Cir, Hyannis
C – Site photos from June 30, 2025

- Noted that removal of addition may do more damage than permitting it would.
- Addition to the house has a full foundation.
- Homeowners apologize for not understanding the regulations.
- Commissioners note that a vast majority of enforcement cases have no malicious intent and are just misunderstandings, and they understand that.

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

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

- D. Linda Sohmer Kameron & Robert Sohmer, Trs., 193 7th Avenue Realty Trust – 193 Seventh Ave, Hyannis - Map 245 Parcel 047. Failure to request a Certificate of Compliance (SE3-5156).

Exhibits

A - Excerpts from OOC for SE3-5156

- Questions surfaced about policy when it comes to enforcement after the expiration of an Order of Conditions without requesting a Certificate of Compliance, but said scenario is immediately enforceable.

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

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

- E. Margareth DeCastro Ribeiro & Dilmar Ribeiro – 120 Cobble Stone Rd, Barnstable – Map 316 Parcel 063-001. Alteration of a buffer to a wetland resource area - vegetated wetland - by cutting vegetation including two trees.

Exhibits

A - ARC Reader and aerial images of 120 Cobble Stone Rd, Barnstable
B – Conversation on BLDR-24-633
C – Call Record from November 4, 2024

- Homeowner attempted to speak but a technological malfunction prevented it.
- Homeowner will be contacted for comment and informed they'll be able to speak at the hearing for the determination request they file.

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

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

V. REQUESTS FOR DETERMINATION

- A. James Sullivan.** To trim shrubs along road and path at 44 Bayview Road, Osterville as shown on Assessor's Map 093 Parcel 052. **SE3-2528**

Commissioner Kaschuluk has recused himself from the project.

The applicant represented himself.

Issues discussed:

- The height of the shrubs will remain approximately the same, but no less than 4'.

Public comment: None

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

Seconded.

Aye – Abodeely, Lee, Hearn, Tangney, Sampou

Nay –

VI. NOTICES OF INTENT

- A. Kathy Lavinder, Trustee.** Construction of 1 story 22' x 16' addition and 4' x 20' covered entry to north side of existing dwelling with associated mitigation plantings at 489 South Main Street, Centerville as shown on Assessor's Map 206 Parcel 063. **SE3-6302**

The applicant was represented by Arlene Wilson of A.M. Wilson Associates.

Issues discussed:

- The mitigation area was not marked for the site visit. 3/4ths of the mitigation area is already high vegetation, including shrubs, pitch pine and grasses.
- The consultant advised the area has not been mowed recently. Last fall and prior the area was meadow grasses. The pitch pines must have come up recently.
- The pitch pines are at least 5 years old. A question was raised if a mitigation area should be put in a place that is currently working as a mitigation area.
- There is some lawn there.
- There is a big drop off on the left side of the mitigation area.
- The mitigation area could be moved to the corner where there is currently lawn down the steep hill.
- A demarcation should be required for the mitigation area.
- The consultant was asked to make sure mitigation areas are marked for future site visits.
- Annual reports should be required for three years.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the new location of mitigation area with demarcation, annual reports for three years and dimensions for the proposed additions.

Seconded.

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

Nay –

- B. Roy Catignani – Conserv Group, Inc..** Renovation of existing 3-bedroom, one-story single family dwelling to proposed 5-bedroom, two-and-one-half story single family dwelling with balcony all elevated on piles, extending existing seashell driveway and landscape improvements at 51 Hawes Avenue, Hyannis as shown on Assessor's Map 323 Parcel 005.

The applicant was represented by Brenden Reali, P.E. of Atlantic Design Company.

Issues discussed:

- The dwelling is connected to Town sewer. It should be shown on the plan.
- This is a flood zone only project.
- An architectural drawing should be submitted for the file.
- The footprint is about the same.
- In addition to lifting the house, a second story is being added.
- The DEP # has not been issued.
- A continuance is needed to receive the DEP number.

Public comment: None

A motion was made to approve the project with a continuance to August 19th for receipt of the DEP number. A revised plan is not required.

Seconded.

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

Nay –

C. Kenneth G. Morton, Trustee. To reconstruct licensed wood groins at 373 Sandy Neck, Barnstable as shown on Assessor's Map 338 Parcel 001. **NHESP Letter Received SE3-6303.**

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

Issues discussed:

- The NHESP letter is dated July 15, 2025. The comments from NHESP were acknowledged.
- The DMF letter is dated May 6, 2025.
- Shellfish Committee, Harbor Master, and Waterways Committee have not submitted any comments.
- A continuance is needed for receipt of the above comments.

Public comment: None

A motion was made to continue the application to August 19, 2025.

Seconded.

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

Nay –

D. Three Bays Preservation Inc. Management of approximately 90 SF of invasive phragmites and other sporadic state-listed invasive plants that surround the Cranberry Bog system at 946, 948 & 0 River Road, Marstons Mills as shown on Assessor's Map 045 Parcels 026, 011 & 016-004.

The applicant was represented by Stephen Lee of Wilkinson Ecological Design.

Commissioner Hearn recused himself from the project.

Issues discussed:

- The DEP# has not been issued for this project.
- A continuance was requested to August 19, 2025.
- Ongoing invasive treatment removal is requested.
- Wilkinson will be the contractor of record and notify Conservation staff if there is a change in contractor.

Public comment: None

A motion was made to approve the project with Wilkinson Ecological Design as the contractor. If any change in contractor written notification will be made to Conservation staff, invasive plant removal as an ongoing condition, for chemical treatment a licensed applicator is required and continued to August 19, 2025 for issuance of the DEP number.

Seconded.

Aye – Abodeely, Lee, Kaschuluk, Tangney, Sampou

Nay –

VII. CONTINUANCES

- A. 260 Vineyard Road LLC.** To repair and maintain existing revetment and to extend existing cobble berm at 260 & 270 Vineyard Road, Cotuit as shown on Assessor's Map 015 Parcels 006-003 and 006-004. **SE3-6297 Continued from 7/22. WC Form Received. NHESP Letter Received.**

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

Issues discussed:

- The fallen trees in the beach area may provide some natural stabilization of the bank and should not be removed.
 - There is concern about adding the 3' wide boulder strip into a beautiful undisturbed beach area.
 - The consultant advised only the trees that are hanging off the side are being requested to be removed. He feels there will be more damage if they aren't removed.
 - Cobblestones mixed with sand are being used as soft solutions in many projects.
 - There is a beach with beachgrass in the area. The proposed addition of cobble in the beach area is not a good idea.
 - The beach is undisturbed. There is not a reason to extend the cobble area.
 - The revetment is probably getting hollowed out from below and needs to be repaired.
 - Wave action on the western side of the revetment has created the most damage.
 - To the north there is a new spartina marsh developing.
 - Commissioner Sampou read the results of an AI search he did looking at coastal energy dynamics if a new spartina marsh is developing. He requested it be made part of the record.
-
- The marshes to the west have been eroded badly. This is a healthy marsh and is providing coverage to the shoreline.
 - It is not necessary to add the cobble.
 - The trees laying inland have root mass that help protect the shoreline.
 - This is not to protect a home or a residence.
 - The trees should remain.
 - The cobble should not be extended.
 - The trees they would like to remove are on the beach and no roots remain buried.
 - The cobble berm would be above the water line.
 - The consultant stated the reason for removing the trees and extending the cobble area is when the trees do fall over it will be more damaging to the embankment. They could get pulled out to sea in storms.
 - The cobble is to help prevent more erosion in the area.
 - The consultant showed a picture where the shoreline has moved significantly.
 - The consultant feels it is a soft way of trying to prevent more erosion.

- The flagging for the cobble at the site visit was extended more to the left than what the photo showed at the hearing.
- Ed Hoopes brought up a picture from today showing the developing spartina marsh, beach and the beach grass area.
- The salt marsh is building.
- Removing the trees and the roots would be a detriment to preventing additional erosion.
- The revetment repair is the most important part of this project.
- Leaving the trees is essential to preventing additional erosion.
- The 1 or 2 trees that are hanging off the bank could be topped so they don't completely tip. The ones that have already fallen should not be removed.
- A revised plan should be submitted showing no cobble extension.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan removing the 110' proposed cobble extension, and topping of some trees. Any trees should be topped to five foot lengths, the fallen trees shall remain.
Aye – Abodeely, Lee, Hearn, Kaschuluk, Tangney, Sampou
Nay –

B. Town of Barnstable Department of Public Works. Proposed maintenance dredging of Mid-Entrance Channel and Blish Point Boat Ramp Access Channel to the previously authorized depths at 307 Millway Road, Barnstable as shown on Assessor's Map 301 Parcel 064. **SE3-6296 Continued from 8/5 for NHESP.**

The applicant was represented by Jimmy Hill, P.E. of Foth Engineering.

A continuance was requested to 9/9 for receipt of the NHESP letter.

A motion was made to approve the continuance request to 9/9/2025,
Seconded.
Aye – Abodeely, Lee, Hearn, Kaschuluk, Tangney, Sampou
Nay –

A motion was made to adjourn the meeting.
Seconded.
Aye – Abodeely, Lee, Hearn, Kaschuluk, Tangney, Sampou
Nay –

The time was 5:04 p.m.