



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

DATE: September 23, 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.

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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 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. JMS Holdings discussion item from legal (recvd order from Superior Court requiring OOC be issued) – Expecting something from legal on this.

Issues discussed:

- A suggestion was made to add a finding regarding granting of a waiver for the 30 inch depth requirement under the vessel at the direction of the court so it does not set a precedent.

A motion was made to approve the revised Order of Conditions SE3-6084 with the amended finding.
Seconded.

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

- B. BLT Request for letter of support – Woodland Bogs CPA/CR

Kelly Grant, Director of Land Conservation for Barnstable Land Trust, addressed the Commissioners.

Issues discussed:

- A question was raised whether there will be any recreational use restrictions. The area is not appropriate for hunting. All State Regulations will be followed.
- Ongoing maintenance and care of the property will be done by Barnstable Land Trust.

A motion was made to approve the request and authorize the Chair to prepare the support letter.

Seconded.

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

Nay –

C. BLT Request for letter of support – Mill Pond CPA/CR

Kelly Grant, Director of Land Conservation for Barnstable Land Trust, addressed the Commissioners.

Issues discussed:

- None

A motion was made to approve the request and authorize the Chair to prepare the support letter.

Seconded.

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

Nay –

II. REQUESTS FOR DETERMINATION

A. **Irene Clary.** Proposed deck expansion at 70 Connors Road, Centerville as shown on Assessor's Map 251 Parcel 023. **DA-25031**

The applicant represented herself.

Issues discussed:

- The current deck is enclosed all the way to the ground.
- The area under the deck is storage for paddle boards and kayaks.
- A condition should be added that the added deck extension should not be enclosed above or below the deck without prior Conservation approval.
- If grass doesn't survive there should be some crushed stone added to prevent runoff.
- It is a high deck 8-9 ft so the grass may survive.
- The applicant offered artificial turf as a solution.

Public comment:

Roberta Mauch – 80 Greenwood Avenue, Hyannis. She is concerned about artificial turf being used in close proximity to the lake.

A motion was made to approve the project as a negative determination with the condition that the deck extension may not be enclosed underneath without Conservation staff approval.

Seconded.

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

Nay –

- B. Steven Mojo.** Reduce the height of the undergrowth near the pond to 2-4 feet to re-establish the previously existing view corridor at 1179 Main Street, Cotuit as shown on Assessor's Map 019 Parcel 130-002. **DA-25032**

The applicant represented himself.

Issues discussed:

- The undergrowth should be cut in an undulating fashion at 4'.
- There should be a meeting with staff before the vista pruning is done.

Public comment:

A motion was made to approve the project as a standard vista pruning with an undulating height at 4' and consultation with staff.

Seconded.

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

Nay –

III. CONTINUANCES

- A. Tobias Welo.** To repair/reconstruct sandbag array originally authorized and constructed under SE3-2677 & SE3-2678, provide beach nourishment and on bank planting as needed at 25 & 35 Cove Lane, Osterville as shown on Assessor's Maps 052 and 053 Parcel's 009 and 012-002. **Continued from 8/5 WC Form received. SE3-6311**

The plan was just received by Commissioners. A suggestion was made to continue the project to give Commissioners time to review the plan.

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

- The consultant would like to present the project with an understanding that the matter will be continued.

Public comment: None

A motion was made to continue the project to October 7th, 2025.

Seconded.

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

Nay –

The consultant requested any questions be sent to her in advance so she can be ready for the next hearing.

- 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 9/9 for NHESP.**

The NHESP letter was received and read into record.

Issues discussed:

- None

Public comment: None

A motion was made to close the public hearing and authorize staff to issue the Order of Conditions.

Seconded.

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

Nay –

C. Town of Barnstable – Department of Public Works. Construction of a new sewer pump station with precast concrete structures, control panel, standby generator, and approximately 580 feet of 4-inch force main. Site work includes utility connections, sidewalk and paving improvements, and temporary dewatering during below-grade construction with treated groundwater discharged to Aunt Betty's Pond at 45 Mitchells Way Map 308 Parcel 273-002 and 268 Stevens Street, Hyannis Map 308 Parcel 017. **SE3-6308. Continued from 9/9. WC Form received.**

The applicant was represented by Rob Steen, Town of Barnstable DPW, Kelly Collopy and Mike Tiue of Town of Barnstable DPW, Ziad Kary and Callie Thompson of Apex Engineering.

Issues discussed:

- The alternative analysis should be submitted to Conservation staff.
- There was a lot of information submitted with NOI that was not relevant.
- Many extremely well written public comment letters raising a lot of serious questions that need to be addressed were submitted on the project.
- One comment letter had information about PFAS regarding dumping ground water into Betty's Pond.
- The consultant stated they did not have time to prepare a response to this comment that was received, but they will provide a response.
- The consultant was asked to address the comments received regarding the impact on the buffer zone and pond recourses.
- The dewatering basin is abutting the 50' buffer but is outside of it. There is significant vegetation that all appeared to be healthy.
- After the stop of work there was no significant impact.
- Seasonal fluctuation of the water table in the wetland system is normal. There appears to be temporary impacts at this time.
- If there is any damage to the resource areas, there should be a condition that will require corrective action.
- Tom Cambareri brought up the PFAS subject in his comment letter. He feels DEP should be contacted to address any legal restrictions on PFAS.
- The project last approximately eight weeks. A question was raised about how long the water will be pumping nonstop.
- The pumping will take approximately two weeks.
- There was a question on why discharge to the stream was mentioned as "not preferred".
- It would be a direct discharge to the stream which has different regulations under EPA and DEP rules. It would create more of a concern for scour and erosion. Dissipation in the dewatering basin helps slow the energy of the water. Going directly into the stream would provide less filtration and more energy entering the stream.
- A question was raised whether there was any damage to trees when the work was done at Phinneys Lane and the 725 Main Street projects. There have been no reports of dying trees related to the projects.
- There was continued discussion on the PFAS issue.
- The regulations of PFAS are on drinking water only.
- The PFAS across town are pretty universal, so what is being pumped into the pond would not be any worse than what is already in the pond.
- A question was raised whether there is reason to suspect excessive PFAS contamination at this location.
- Every septic system contributes to the PFAS contamination. It shouldn't be very high or a serious concern.
- There is a four-page letter from Tom Cambieri that says there is a well very near the site that the levels of PFAS were very high.
- He suggested it was from a deep ground water flow.
- He is referring to the drinking water standard which is different from a traditional environmental background standard.
- There were ten comment letters received.

Public comment:

Tom Cambareri – 62 Joan Road, Centerville. Hydrogeologist working in this area for many years. This dewatering project is closer to impacted wetland areas than the other projects. The Hyannis Creek area was not included in the filing. The attention was given mostly to Aunt Bettys pond. He stated the total amount of water that was pumped was 12 million gallons over 9 days. The same pump rates over 8 weeks would amount to 72 million gallons of water. It would be nice if some of it could be put back in the stream. The wetland areas need to be identified as being impacted from the drawdown. The recovery rate after 12 million gallons of water were taken out was about nine days after the drawdown. The monitoring was inadequate. Some data should be submitted from the last time this was done before it was shutdown. The monitoring program needs to include Hyannis Creek. There should be a number of wells used to monitor water levels. The issues cannot be ignored. The impacts on the wetland system really need to be looked at. Measuring PFAS in 21 ponds in the Town found the highest concentrations were in Hyannis Creek and in Aunt Bettys Pond. He feels they are from the Fire Training Academy and the Airport. It was said that there are already high concentrations of PFAS in these areas so maybe it doesn't make a difference. That needs to be determined under the regulations by an LSP. A pre-sample of PFAS should be taken from the wells that are going to be pumped. The regulations do not allow concentrations over the GW1 limit in a potentially productive aquifer, which is what Cape Cod is. It's not just drinking water; it's potentially productive aquifer threshold that needs to be recognized. There needs to be LSP opinion and DEP concurrence.

He would like to see recognition of Hyannis Creek for monitoring and the wells, pre operational sampling of PFAS in the pumping system, and LSP opinion and DEP concurrence.

Commission discussion continued:

- Chair Lee asked the consultant about the GZA report where it mentioned the 900 gallons per minute flow rate and then mentioned the flow rate could be 30% higher. There were issues in July about getting the correct flow rate. There needs to be a proper measurement of the flow rate.
- There will be a flow meter installed at the discharge header from the three wells before it goes into the frack tank.
- The construction activity will be approximately eight weeks. The dewatering is going to alternate between the wet well being the deepest structure and for the pump station. Once the structure is set and tested they start backfilling and go up to the next level, which is the gravity manhole adjacent to the wet well which is about seven feet higher. A lot of the activities will take place simultaneously.
- A question was raised whether the contractor could work longer hours to reduce the time line.
- They will not be doing dewatering for eight straight weeks.
- They will be reducing the number of pumps as the project progresses.
- The hugely high estimate of 72 million gallons of water being pumped out is not accurate.
- The initial pumping of 900 gallons per minute would be for approximately a week. As they backfill, the pump rate will be reduced as they project gets higher. They do not know how much it will be reduced. They feel it would be reduced to two pumps running instead of three or maybe even only one pump.

Public comment continued:

Angela Rutzick – Co-President of Save Twin Brooks. They have concerns about the dewatering activities. Damage to local wildlife has already been observed. PFAS levels should be reviewed by a licensed professional. She would like answers if Aunt Betty's Pond is located in a flood zone, is it the headwater of Stewart's Creek, will continued dewatering increase the overflow from the pond into the drainage system which is what occurred in July and August. She asked if the pump water could be retained and discharged back into nearby wetlands instead of being lost. They request the project not move forward until the questions are answered.

Brian Hughes - Vice President of Save Twin Brooks. Similar projects in cities like Seattle have used the practice of pumping the water back into nearby wetland area successfully to protect nearby water resources during construction. This practice is standard in many sensitive resource areas. The plan is hand drawn, unstamped and not to scale. Professionally prepared wetlands delineation is legally required. Hyannis brook may be misclassified. If it is perennial, abutter notification was inadequate and not compliant. The GTA dewatering plan

states the system should be re-evaluated if groundwater removal fails. After millions of gallons of water was removed in July the site was still unstable. The water could contain PFAS and should be reviewed by a professional. That analysis is missing from the NOI. They request a continuance of the hearing until a completed full groundwater recharge plan, LSP and DEP review of the discharge, Certified stamp of wetlands mapping, Complete reassessment of the stream classification and formal responses to all previous public comments.

Minnette Boesel - 160 Marston Avenue – The Harbor Village Homeowner Association has a sewer pump station. The DPW does a great job in the area. The property has wetlands on all sides. There are increased problems with phragmite and invasive species in the area. They used to be able to put in a row boat and go around the pond. They cannot do that anymore. Keyes beach was closed multiple times over the summer for contaminants. The lot where the pump station is going was a car lot for many years which may contain many contaminants. She walked down Pleasant Way with several people from Twin Brooks and it was staggering to see that the wetlands that were there are gone. The residents stated that the area had water up to above their thighs and now it's gone. Aunt Bettys Pond is the most contaminated on Cape Cod. The culvert going out to the ocean is too small and does not allow the proper flow in and out. They would like the wetlands restored.

Lisa Daluz – 90 Mitchell's Way, Hyannis. The whole thing is heartbreaking and dumb. There are other places this could be done. The water from the wetland has been completely sucked out. She is putting out water for the birds. It is insensitive and parts of it are illegal. She wants it fixed.

Juliet Farrell – It was stated earlier that there was not impact which is not true. There is a great impact. The wetland has not recovered from the last attempt. There is no mitigation plan to repair the eco system that has been damaged. The fresh water is fragile and needs to be protected. There was a permit hung on the fence for the dewatering that was not the correct permit. It should be properly permitted. The Town is being sued because of the housing project. There is a claim the sewerage treatment plant is currently discharging water with nitrogen levels that exceed the legal limit. She questioned doing all this environmental destruction to add more sewage to a system that is already overburdened. At 900 gallons per minute 19 million gallons of water are being removed. She does not understand how the dewatering works. It seems the project would have to be continually stopped if the water goes down more than 4 inches. It will take a lot longer than eight weeks to complete.

Roberta Mauch – 80 Greenwood Avenue – This is not the right location for this pump station. Can they consider another location. It is the Conservation Commissions duty to enforce order. There should be consequences and an enforcement order should be issued. They made a mistake and they should be penalized.

Eric Schwaab – 157 Melbourne Road, Hyannis. Asked if his request for an enforcement order was considered.

Chairman Lee advised the project was authorized by himself and the Administrator so there is no reason to issue an enforcement order.

Eric Schwaab - He is concerned the project is heavily conflicted. He feels there are many on the Commission that should not be part of the quorum because of a conflict of interest. His enforcement order request included a request for a third party administrator to be hired by the Town to properly evaluate the concern of the residents. They do not have confidence that the DPW will handle it correctly. He alleged there were no procedures to stop the pumping at the previous attempt at dewatering. He feels a third-party administrator should be hired for project to have an independent monitoring plan prepared, to properly evaluate how much damage has already been done, and if pumping is resumed there needs to be someone qualified to shut down the DPW if the problem persists. He does not feel the DPW can self-regulate this project. The amount of damage that has already been done is significant.

Commission discussion continued:

- The consultant was asked if wetlands survive seasonal droughts. Yes. This summer there is extreme drought. Wetlands are not necessarily wet year-round. Many wetland areas around the Cape are currently dry. It is happening around the Cape not just at this site.
- The draw-down at this site is temporary.

- The surface water flows in the area are intermittent. During severe drought they go dry which would preclude a fish population.
- The pump station will put 45 homes on a sewage system. This project will help the water system.
- A sewer system will help reduce the closing of beaches.
- There will be improved water quality.

Public comment continued:

Juliet Farrell – Said the water is not intermittent. It is permanent. Droughts do not make nine million gallons of water disappear in a week. This had more of an impact than a natural drought. Excess nitrogen is the cause of beach closures. Juliet stated right now the Town is being sued because the treated water from the sewage treatment plant has excess nitrogen.

Rob Steen – Barnstable DPW advised the Town is not being sued because it is not treating the wastewater to the standard. The suit is about the groundwater discharge permit. The State shouldn't have been the permitting mechanism that it was permitted under. They feel it should be permitted by the EPA. DPW/the Town tried to get a permit from the EPA but cannot get one because it is already permitted under a groundwater discharge permit from DEP. The lawsuit is not because the plant doesn't have the ability to treat nitrogen or is not treating nitrogen appropriately. It is a permitting disagreement.

Commission discussion continued:

- There was discussion on alternative locations for this pump station. It was determined this is the best location for the pump station.
- Hyannis/Stuarts Creek monitoring will be done. Conservation staff feel the triggers for a shutdown seem sufficient.
- It was determined that pumping directly into the stream would cause scour and be more detrimental and would damage the stream. That much water could not go through the culvert running under Mitchells Way.
- A question was raised whether there was any permanent damage after the initial dewatering. Conservation Administrator advised that the buffer is still very lush and has plenty of vegetation throughout. There is already initial stages of grow back.
- The wetland delineation was re-done and it is correct.
- The question of it being an intermittent stream has been reviewed several times. It stops flowing periodically. It can have pools in it. Commissioner Hearn visited the site at the Hyannis Creek crossing and believes it is an intermittent stream. It is not flowing but there is surface water and there are pools in it.
- Claims that there is significant damage are not correct. There is no evidence.
- There is a lot of concern by the neighborhood.
- There does not seem to be another alternative to the location of the pump station.

Public comment continued:

Eric Swaab – They need confidence that the DPW can regulate themselves. They would prefer an independent analysis and an independent administrator.

Maria Reid – 69 Mitchell's Way, Hyannis. Stated the National Registry says it is a perennial stream. All the streams are now dry. The water is always moving. It doesn't freeze in the winter. If it stopped flowing there would be more of a mosquito problem. There are serious issues if PFAS in the area dry up. The contaminated dust can travel over long distances. There is no water going in or out of the pond. It does not make sense that they say there is no damage there. There are a lot of health risks involved and there should be an independent study. All the ponds are now dry, and there is no water in any of the streams.

Commission discussion continued:

- Many of the public comments are not relative to the Wetland Protection Act regulations.

- A question was asked how the Town will deal with the issues that are being brought up that do not pertain to the Conservation Commissions authority/jurisdiction.
- A continuance is needed for answers to the questions.

A motion was made to continue the hearing to October 7th, 2025.

Seconded.

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

Nay

The open questions will be prepared and sent to the Consultant and will be posted in the Conservation Laserfiche files.

D. Barnstable Clean Water Coalition. Proposed Ecological Restoration Project to restore a 57-acre cranberry bog site to a more naturally functioning wetland complex at 505 Whistleberry Drive, Marstons Mills Map 061 Parcel 059, 710 River Road, Marstons Mills, Map 044 Parcel 027, 946 River Road, Marstons Mills, Map 045 Parcel 026, 948 River Road, Marstons Mills, Map 045 Parcel 011, 0 River Road, Marstons Mills, Map 045 Parcel 016 Lot 004, 110 Bog Road, Marstons Mills, Map 045 Parcel 017 Lot 001. **SE3-6310 Continued from 9/9 for DEP # only.**

The DEP number has been received.

Chair Lee and Commissioner Hearn are not eligible to vote on this project.

A motion was made to close the public hearing and authorize staff to issue the Order of Conditions.

Seconded.

Aye – Abodeely, Kaschuluk, Tangney, Sampou

Nay

IV. CERTIFICATES OF COMPLIANCE

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

A. SE3-4525	Kenneth Morton 373 Sandy Neck, Barnstable	(COC, ez)	Reconstruct wood groins, repair & extend retaining wall. Nourish Beach.
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A motion was made to approve A.

Seconded.

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

Nay

V. MINUTES

A. September 2, 2025

B. September 9, 2025

A motion was made to approve the minutes as submitted.

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 9:16 p.m.

