



**Town of Barnstable
Conservation Commission**
230 South Street
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MINUTES – CONSERVATION COMMISSION HEARING

DATE: October 7, 2025 @ 6:30 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/88926151681>

Meeting ID: 889 2615 1681

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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. REQUESTS FOR DETERMINATION

- A. Lydia Smith** – Remove hedge along the patio to reduce maintenance, control invasive plant growth and minimize the impact the impact on the surrounding resource area and replant with native plants at 30 West Bay Terrace, Osterville as shown on Assessor's Map 071 Parcel 013. **DA-25033**

The applicant was represented by Julie Esteves of Julia Garden Design.

Issues discussed:

- The hedge is being removed to reduce maintenance.
- Most of the project is within the resource area.
- Any pruning of the new native plants will be part of a future vista pruning request.
- Vista pruning is not part of this project.

Public comment: None

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

Seconded.

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

Nay –

- B. Stephen Stepanian and Darcy Vary.** Construct a 14'8" x 13'6" patio adjacent to deck and sunroom with downspout diversion from foundation at 291 South Main Street, Centerville as shown on Assessor's Map 207 Parcel 085-001. **DA-25034**

The applicant, Darcy Vary, represented herself.

There were no questions from Commissioners.

Public comment: None

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

Seconded.

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

Nay

- C. Stuart Gilson.** Construction of an elevated 20x24' second-story deck, attached to the east side of the house, connected to a 10x13.5' section on the southeast corner of the house to facilitate entry directly to the interior at 3385 Main Street, Barnstable as shown on Assessor's Map 299 Parcel 044-002. **DA-25035**

The applicant represented himself.

There were no questions from Commissioners.

Public comment: None

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

Seconded.

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

Nay

II. NOTICES OF INTENT

- A. 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**

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

Issues discussed:

- The reason for the dredging is to control algae and excessive plant growth in the pond.
- There is no known outlet for the pond.
- The origins of the pond are unknown.
- This is a significant alteration.
- Haybales could be used to help limit algae growth.
- The consultant feels the most reliable way to maintain the health of the pond is to dredge.
- The haybale's will float and as the bacteria grow, the hay will suck nitrogen and phosphorus out of the water.
- The process takes a few weeks.
- There is concern about setting precedent as this type of project has not been permitted in the past.

- There are lily pads throughout the entire pond.
- The water quality certification for the project requested by DEP has not been resolved yet. That is not something that would be addressed by the Conservation Commission.
- A wetland ecologist has not been selected for the project yet.
- The BVW delineation was done by Goddard.
- A revised Sheet C.101 should be submitted with the date of the delineation.
- There are no fish in the pond.
- There should be an evaluation from an aquatic ecologist before a decision is made.
- There are alternatives that should be considered.
- If approved monitoring reports should be submitted.
- Weed control in ponds has been a problem for a very long time.
- A continuance was requested to October 28th for submission of additional information.

Public comment: None

A motion was made to approve the continuance request to October 28, 2025.

Seconded.

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

Nay

- B. Timothy and Susanna Estella.** To replace and extend deck above existing patio, replace existing walkways, and proposed vista pruning at 186 Bay Lane, Centerville as shown on Assessor's Map 186 Parcel 026. **SE3-6314**

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

Issues discussed:

- The walkway is old brick and is permeable.
- The tree in the front of the house is split, only the portion that is leaning toward the house will be removed.
- Historically two vista corridors have been a concern.
- This property is large and has a lot of water frontage.
- Vista corridors are site specific.

Public comment: None

A motion was made to approve the project with standard vista pruning.

Seconded.

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

Nay -

- C. Dimitry Herman.** Proposed seasonal dock at 10 Nyes Neck Road East as shown on Assessor's Map 233 Parcel 023. **SE3-6312**

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

Issues discussed:

- The owner has done all mitigation on previously approved projects.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay

- D. Harold C. Coxall.** To replace the existing timber access stairs and deck in the same footprint with a drywell included in the design at 265 Sea View Avenue, Osterville as shown on Assessor's Map 138 Parcel 020. **SE3-6316**

The applicant was represented by Chuck Rowland, P.E. of Cape & Islands Engineering.

There were no questions from Commissioners.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay

- E. Monica Roper and Paul Burgess.** To rebuild existing stairs, remove invasive species on coastal bank and vista pruning at 235 and 237 Ocean View Avenue, Cotuit as shown on Assessor's Map 033 Parcels 042 and 043. **SE3-6315**

The applicant was represented by Thomas Bunker of BSS Design and Matthew Lautenberger from Wilkinson Ecological Design.

Issues discussed:

- They would like an ongoing condition of invasive management.
- There is a new boat rack at the bottom of the bank for storage of kayaks. The old boat rack should be removed.
- The removal of plants from the bank is a concern. It is heavily vegetated and is steep.
- They will not be pulling roots of plants. They will treat with herbicide after everything gets cut down to the ground. Erosion netting will be used to make sure there is no loss of sediment.
- The bank's condition should not deteriorate because of the work.
- There is concern about the size of the view corridor.
- The view corridor is the narrow strip on the plan that goes about half way down the bank.
- It is for the house which is set way back and is very high.
- They are only pruning a single cedar tree on one side. They will not be removing any trees.
- The deck halfway down the bank already exists and the deck at the top of the bank, although being increased in size, is being pulled back.
- It will be a standard vista pruning and they will meet with staff before any pruning is done.

Public comment: None

A motion was made to approve the project with standard vista pruning, ongoing condition for invasive management, annual monitoring reports for three years and removal of the old boat rack.

Seconded.

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

Nay

- F. Corey Schwartz.** To install an in-ground pool with associated facilities and mitigation plantings at 162 Starboard Lane, Osterville as shown on Assessor's Map 166 Parcel 106. **SE3-6317**

The applicant was represented by Mike Ball, P.E. of Marsh Matters Environmental and Dillon Lance with Crawford Land Management.

Issues discussed:

- An ongoing condition for invasive management was requested.
- The walk will be mowed to a four-foot path. It should be shown on the engineering plan.
- The mitigation plan is a good one. There is concern for the meadow area reverting back to lawn.
- There should be demarcation of the path.
- A single rail fence about 8-12" off the ground has been used for projects in the past.
- The vegetation on the left side of the path is very heavy.
- Only the area on the right side is grass and needs significant vegetation.
- There is a significant amount of mitigation for the project.
- Normally a pool in the 50' buffer would not be approved.
- The mitigation is spread out nicely.
- The 0-100 is essentially undeveloped except for the lawn.
- The 0-50 is from the top of a bank, not a wetland.
- The project will not destabilize the bank.
- They are replacing lawn all the way to the water with only a 4' walking path.
- The coastal bank will be restored as well.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing the 4' path with demarcation using a single rail fence, annual reports for three years, and invasive management as an ongoing condition.

Seconded.

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

Nay

III. CONTINUANCES

- A. 48 Starboard LLC.** To replace existing pier and boathouse with proposed addition of a ramp and float at 48 Starboard Lane, Osterville as shown on Assessor's Map 185 Parcel 001. **SE3-6307 Continued from 9/2. WC Form received.**

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

Issues discussed:

- The revised plan is dated September 10, 2025.
- Comments from water ways and shellfish committees were received with no objections.
- The revised plan addressed the concerns.
- This is for a non-motorized pier.

Public comment: None

A motion was made to approve the project with the revised plan dated September 10, 2025.

Seconded.

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

Nay

- B. 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 9/23. WC Form received.**

The applicant was represented by Griffin Beaudoin, Town Engineer. Ziad Kary and Callie Thompson from Apex. reviewed.

New public comment received since the last hearing date was acknowledged.

Answers to questions from Commissioners that were received prior to the hearing were reviewed.

Issues discussed:

- A second set of barriers was added for erosion control and there will be monitoring to prevent scour.
- The monitoring well #1 is very close to where C5 is.
- Public comment from Erick Schwaab was addressed by Chair Lee.
- Public comment from Robert Brennan was addressed by Chair Lee.
- The pump station is out of jurisdiction but the dewatering is in Conservation jurisdiction.

Public comment:

Larry Morin – Asked if there was anything in the plan for returning the water to the stream. The water was drained with no permitting. There is no plan for restoration of the water that was drained. This NOI deals with the sewer project. He feels the manner in which the matter was handled is unsatisfactory. The dewatering was originally allowed by Chair Lee and Administrator Ed Hoopes.

Eric Schwaab – Asked if there was going to be an enforcement order. Chair Lee advised there will not be an enforcement order issued. Mr. Schwaab stated the credentials of Tom Cambieri. Asked if before pumping starts, they could test the water in C5 and in Aunt Betty's Pond for PFAS. Also, requests the tests samples are given to a licensed professional for testing before pumping starts.

Angela Rutzick – Co President of Save Twin Brooks. They included questions in their public comment letter that she wants answered. Aunt Betty's Pond is a .02% chance in the flood zone. She wants to know if the pumped water can be recharged instead of just losing it.

DPW did not identify a viable option for returning it. There is no area large enough to infiltrate the water back into the ground. They are returning it to a wetland system which is down gradient from the site.

Callie Thompson – Apex - It is being returned to the same watershed as the Stuart's Creek.

Angela Rutzick feels it is important to do soil testing for PFAS.

Jeff Deluz - He has watched the situation since it started. He took pictures of the water running into the stream. The location of the pump is pulling from Crooks Pond and is connected to Hyannis Creek which is the wetland on 32 Pleasant Hill Lane right behind their house. There is currently no water in the area. There was no permit for the dewatering. The whole thing is a horrible idea. In the location where the pump station is proposed there was a car dealership.

Lisa Deluz – The land flooded and someone got hurt. The animals are dying because there is no water.

Roberta Mauch - 80 Greenwood Ave – She feels the Commission is very meticulous when there is a project by a resident but when it is a Town project they just pass it through.

Eric Schwabb – He has been following the Commission for 25 years. He noticed there is tremendous concern over every little detail, but when it is a Town project they just roll over it. He wants a qualified professional

opinion regarding the resumption of pumping by a third party. He does not have confidence in the contractor or the DPW. He wants a licensed site professional to evaluate the PFAS.

Commission discussion continued:

- The statement that Town projects are treated differently is not true with the exception that if a Town project proposes something that is a public benefit the Commission has given extra credibility to the project. The purpose of this project is to install sewers which is an extreme benefit and the most important thing they can provide for the community.
- A private homeowners project is specific to them and would not normally provide “public good”.
- The question for the Commission is, can the project be approved with conditions that protect the environment.
- If conditions are proposed in an approval requiring PFAS monitoring and testing the applicant will comply. There are some logistics that need to be considered. There is extra time involved in sending out the samples and receiving the results.
- The garbage from the homeless camp will be cleaned up prior the start.

Special conditions of the project were read into record.

1. Baseline monitoring should start at least 1 week before dewatering process begins. Turbidity and water temperature at discharge site shall be collected at least once daily. PFAS should be tested at least once prior to initiation of dewatering process at the C-5 monitoring well, pump effluent end, and downstream at monitoring location #3.
2. Dewatering pump rate up to 900 gallons per minute (gpm) shall be monitored at least three (3) times a day during the dewatering process (at least 4 hours between monitoring data points). If a pumping rate above 900 gpm is needed, the applicant must come back to the Conservation Commission for further approval, prior to initiating the increase of the pumping rate.
3. At all monitoring locations, water levels shall be recorded at least twice a day, at least 6 hours difference between readings. This will continue daily during the dewatering process. For monitoring location #1: If the water level drops 4 inches below the baseline, 2 additional monitoring data points will be collected per day (for a total of 4 monitoring data points daily). If the water level drops ≥ 7 inches from baseline, the dewatering process will be shut off immediately and the Conservation Administrator notified by electronic mail and/or phone. For monitoring locations #2 and #3: If the water level rises less than 4 inches, there will be two (2) monitoring data points per day taken at least 6 hours apart. If the water level rises > 4 inches above baseline, there will be 4 monitoring data points per day (at least 4 hours difference between each reading). If the water level rises to the top of the culvert pipe, the dewatering process will be shut off immediately and the Conservation Administrator notified by electronic mail and/or phone. For monitoring location #4: Two monitoring data points per day during dewatering process (at least 6 hours difference between monitoring data points). If the water level reaches 2 feet or less (horizontally) from the white post next to the parking lot, the dewatering process will be shut off immediately and the Conservation Administrator notified by electronic mail and/or phone.
4. Before the dewatering process is to begin an on-site meeting with the Engineer, Contractor and Conservation Agent will be conducted. After the dewatering process has concluded, an on-site meeting with the Engineer, Contractor, and Conservation Agent will be conducted to determine if there was any damage to the wetland resource areas or the buffer to the wetland resource area. If resource or buffer damage is noted, Barnstable DPW and the contractor will be responsible for repairing the damage and restoring the dewatering site.

A condition was added that when the project is over, monitoring will be done for one to two years.

Griffin stated they expect to see the ground water return quickly. Once it has returned to the prior level monitoring will be stopped.

A motion was made to approve the project with the additional conditions added.

Seconded.

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

Nay -

- C. 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. **SE3-6311 Continued from 9/23. WC Form received.**

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

The revised plan is dated 9/25/2025.

Issues discussed:

- The bulkhead was put in as bank stabilization when the original sandbag wall was built.
- There is a project on appeal for a wave break.
- The sandbags were determined to be not a coastal engineering structure and could be authorized.
- There is a request for beach nourishment in perpetuity.
- It will be in consultation with staff. And annual inspections will also continue in perpetuity.
- The beach nourishment will be limited to the revised plan dated September 25, 2025.
- There was discussion on what would happen if the house sells to someone else who does not want to keep up the work.
- If they decide to no longer continue the project it will be an enforcement order issue.

Public comment: None

Special conditions were read into record:

If there is any change in the consultant written notification will be sent to Conservation staff for review and approval, submission of a construction protocol to be submitted three weeks prior to the pre-construction meeting, a pre-construction meeting with staff at least two weeks prior to construction. If access is by land the location of access will be submitted to Conservation Administrator, if by barge, the location will be submitted to the Conservation Administrator and the barge will be deployed to provide at least 18 inches of clearance between the lowest point of the barge and the bottom, a time of year restriction shall be between May 1st and June 30th, work shall be limited to mid tide falling and to mid tide rising, access material from the previous sandbag installation shall be removed from the site and disposed of at an appropriate facility, annual monitoring reports shall be submitted for three years for the planting and the bank protections, site inspections will be done annually to assess the need for additional sand coverage, the Conservation Administrator shall be provided with an inspection report and photographs, if additional coverage is required the Administrator will be provided with the proposed date of work and amount of material to be placed based on the September 24, 2025 plan.

A motion was made to approve the project including the special conditions.

Seconded

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

Nay

IV. CERTIFICATES OF COMPLIANCE

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

A. SE3-5899	John W. & Allyn M. McManmon 134 Prince Avenue, Marstons Mills	(COC, ez*)	Garage demolition, new two car garage, living area above & pool cabana.
B. SE3-6046	John T. & Elizabeth M. Ganey 251 Bay Lane, Centerville	(COC, ez*)	Replace fixed pier T with a ramp & a float.

A motion was made to approve A. & B.

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 9:36 p.m.