



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

**DATE: February 10, 2026 @ 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/87482529130>

**Meeting ID: 874 8252 9130**

**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](mailto: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](mailto: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 3:00 p.m. by Chair F. P. (Tom) Lee. Also, in attendance were Vice-Chair/Clerk Angela Tangney, Commissioners Abodeely, DeMelo, Hearn, and Sampou. Commissioner Kaschuluk was absent.

Conservation Administrator Ed Hoopes, Agent Brady Hill, and Administrative Assistant Kim Cavanaugh were also present.

**I. REVISED PLANS**

**Project Type**

**Revisions**

- |   |   |   |
|---|---|---|
| A. New Rushy Marsh Realty, LLC<br>1500 Main Street, Cotuit SE3-6134 | Construct patio & seat wall<br>Landscape improvements | Install washed stone mulch<br>to replace yews |
|---|---|---|

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

Issues discussed:

- The stone mulch area was not a mitigation area.
- The mitigation provided for the project is more than what is required.
- The mitigation is outside the granite wall.

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

Seconded.

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

- B. New Rushy Marsh Realty, LLC                      Construct pavilion and                      Substitute materials and layout changes  
1541 Main Street, Cotuit SE3-5767                      Japanese garden

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

Issues discussed:

- The change from sand to sedge grass was approved.
- Vegetation is important as mitigation. Sand is contrary to the interest of vegetated buffers.
- Turkey grit is a gravel and not a vegetation. Sedge grass is a better option.
- Part of the reason for the change is that there are almost too many plantings.
- The mitigation is almost a 16 to 1 ratio.
- The turkey grit will not be walked on.
- It is stone that has been tumbled and roughened.
- It matches up well with the design aesthetic.
- The turkey grit is already in place.
- The Commission strives to have vegetation in the 0-50' buffer. This looks like an extensive amount of turkey grit in the 0- 50'.
- The sedge grass was hard to find.
- Could they put some more mitigation in the grass bank area.
- Approximately 5,000 sq. ft. of additional mitigation has been added.
- Some berry bushes could be added to the grassy bank area.
- There is concern about protecting the 0-50' buffer.
- They could remove some of the turkey grit and add some berry bushes.
- The initial mitigation was already heavy.
- The positive environmental impact of the project as a whole is extensive.
- The replacement of 600 sq ft of the lawn area with some additional plantings was agreed upon.

A motion was made to approve the revised plan with the addition of 600 sq. ft. of mitigation added and receipt of a new revised plan showing the change to the mitigation area.

Seconded.

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

- C. 294 Seapuit Road Realty Trust                      Construct driveway                      Proposed duck coop  
294 Seapuit Road, Osterville SE3-6188

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

Issues discussed:

- Ducks are good at controlling pests as well as helping to help the soil.
- This is a permanent duck coop.
- This is an inland wetland so there is less concern.

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

Seconded.

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

- D. Emily Dawn Kunze, Tr. SE3-6240                      Raze and replace SFD                      Modify pool, add stepping stones  
200 North Bay Road, Osterville                      driveway and pool

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

Issues discussed:

- There were no questions from Commissioners.

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

Seconded.

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

Nay –

## **II. EXTENSION REQUEST**

### **Project Type**

### **Time Requested**

- |   |                   |                                   |
|---|-------------------|-----------------------------------|
| A. Bernard LeBow & Barbara Guilfoile<br>1199 Craigville Beach Rd., Centerville SE3-5734 | Boardwalk & Patio | 3 years (1 <sup>st</sup> Request) |
|---|-------------------|-----------------------------------|

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

- There were no questions from Commissioners.

A motion was made to approve the extension request for three years.

Seconded.

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

Nay –

## **III. WARNING LETTERS**

- A. Estates of Rita B & Donald S Hawkins AND Cape Cod Five – 36 Daisy Bluff Rd, Hyannis – Map 326 Par 081.  
Alteration of a wetland resource area – flood zone – and alteration of the buffer to wetland resource areas – dunes and coastal beach – by cutting two shrubs.

- Noted

## **IV. ENFORCEMENT ORDERS**

- A. Hound Dog LLC - 379 Lakeside Drive West, Centerville – Map 232 Par 048. Alteration of a 50’ buffer to a wetland resource area – bordering vegetated wetland of Lake Wequaquet – by adding unpermitted hardscape including a gravel drive and stone wall.

### Exhibits

A- ARC Reader and Aerial Photo of 379 Lakeside Drive West, Centerville

B- Clip of Approved Plan for SE3-5451

C- Google Maps from September 2024

- An initial amendment made by agent lacked a date certain, asked Commission to accept amendment adding June 1, 2026, due date for hardscape removal.

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

Seconded.

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

Nay –

- B. Robert G Willett - 31 Paine Ave, Hyannis – Map 289 Par 119-001. Alteration of a buffer to a wetland resource area – vegetated wetland – by adding unpermitted hardscape through the replacement of an existing shed with a larger one.

Exhibits

- A- ARC Reader of 31 Paine Ave, Hyannis
- B- Aerial Photos of 31 Paine Ave, Hyannis
- C- Clip of Approved Plan for SE3-6078
- D- Site Photos from January 22, 2026

- The agent will advise the homeowner on how to file an after-the-fact RDA if that is the route they choose.

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

Seconded.

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

Nay –

- C. Ellen Valentgas Tr & Ellen Valentgas Revocable Trust – 154 Eel River Rd, Osterville – Map 115 Par 010-001. Alteration of a wetland resource area – flood zone - and the 50' buffer to a wetland resource area – Parker Pond – by adding unpermitted hardscape – deck expansion.

Exhibits

- A- ARC Reader of 154 Eel River Rd, Osterville
- B- Aerial Photos of 154 Eel River Rd, Osterville
- C- Site Photos from January 29, 2026

- The homeowner was represented by Michael Schulz, Schulz Law Offices.
- Mr. Schulz visited the property with the agent and understood the order.

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

Seconded.

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

Nay –

**V. ENFORCEMENT ORDER RESPONSE PLANS**

- A. Michael A & Mary Catherine Kariotis, Trs. and Kariotis Family Trust - 65 Pirates Cove, Osterville - Map 051 Parcel 007-001. Alteration of a wetland resource area - vegetated wetland and flood zone - by cutting vegetation and adding fill AND alteration of a buffer to a wetland resource area – vegetated wetland - by adding unpermitted hardscape – driveway, adding lawn, and cutting vegetation AND failure to comply with the ongoing conditions of a Certificate of Compliance (SE3-4365).

- Enforcement order response plans were prescribed by two enforcement orders issued in July 2025 and approved by the Commission in October 2025.
- One combined plan was proposed to comply with both enforcement orders.
- Homeowner was represented by Nick Crawford, Crawford Land Management.
- Wetland and its previously undeveloped buffer will be restored as close as possible to its original condition by removing all unpermitted materials and planting the area.
- Staff asked for hydrologic conditions to be addressed and included in annual reports.
- Wetland demarcation added per staff comment.
- Commissioners expressed concerns over standards of restoration success and timeframe of annual reports.
- Data on grade was lacking but Crawford intended to use tree root flares and other soil characteristics to get as close as possible when removing fill and regrading.

A motion was made to approve the enforcement order response plan subject to the following conditions: Crawford Land Management will be the CERP professional on this project (if there is a change of the CERP professional, a written notification shall be sent to staff for review and approval); add the demarcation of the wetland resource area with boulders around the wetland buffer; and the annual reports for 5 years should include the hydrological conditions.

Seconded.

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

Nay –

- B. Michael A & Mary Catherine Kariotis, Trs. and Kariotis Family Trust - 67 Pirates Cove, Osterville - Map 051 Parcel 007-002. Alteration of a wetland resource area - vegetated wetland and flood zone - by cutting vegetation, adding fill, and adding an unpermitted garden AND alteration of a buffer to a wetland resource area – vegetated wetland - by adding unpermitted hardscape – driveway, adding lawn, and cutting vegetation AND failure to comply with the ongoing conditions of a Certificate of Compliance (SE3-4366).

- Heard in conjunction with previous enforcement order response plan.

A motion was made to approve the enforcement order response plan with the same conditions [as the previous enforcement order response plan].

Seconded.

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

Nay –

## **VI. REQUEST FOR DETERMINATION**

- A. **Julian Cox.** To permit a retaining wall erected at 1251 Race Lane, Marstons Mills as shown on Assessor's Map 064 Parcel 005-001. **DA-26012**

The applicant represented himself.

Issues discussed:

- A large tree fell down and soil was exposed which caused erosion.
- Would there have been a better solution.
- The wall was built without permitting.
- This is an after-the-fact filing.
- It could have been done with some grading and re-seeding of the lawn.
- There is a fiber mesh that can be used.
- Every project is unique and different.
- Walls can wash out if not done properly.
- If a tree comes down a call should be made to the Conservation office requesting approval for removal.

Public comment: None

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

Seconded.

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

Nay –

- B. **Walter Lewis.** Request that an 8 x 12 foot shed remain in its current location at 31 Lewis Lane, Osterville as shown on Assessor's Map 115 Parcel 023. **DA-26013**

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, DeMelo, Hearn, Lee, Sampou, Tangney

Nay –

## **VII. NOTICES OF INTENT**

- A. Chester S. Gladchuk, Jr.** Construction of a post supported addition and removal of paving as mitigation at 473 Main Street, Centerville as shown on Assessor’s Map 208 Parcel 085-003. **SE3-6357**

The applicant was represented by Arlene Wilson of AM Wilson and Associates.

Issues discussed:

- A revised plan is needed to show the removal of the asphalt.
- The delineation date should be added to the plan.
- The addition is 250 sq. ft. and is on piles. The vegetation under it will be deprived of rain and sunlight. Some vegetated area will be lost.
- There is only 90 sq ft of driveway being pulled up as mitigation. Some mitigation should be offered for the area under the addition.
- There is currently vegetation in the area which they believe will continue to grow. They will inspect the area yearly to make sure the vegetation is still growing.
- Taking out pavement is difficult and expensive. They do use a portion of the paved area to set up chairs and barbeques.
- More than half of the area under the addition will not receive any sunlight.
- The area that won’t grow is about 53 sq ft.
- The alternatives are to plant along the property line or take out some more of the pavement.
- The consultant would opt to do mitigation planting instead of taking out more pavement if more mitigation is asked for.
- The area should be looked at after a couple of years to see if the grass is growing. More mitigation could be added if it is not growing.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing proposed pavement removal area, adding the delineation date of the wetland, and in two years look at the area to see if it is growing and add additional mitigation if it is not.

Seconded.

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

Nay –

- B. Edward & Lana Lukatsky.** To demolish the existing single-family dwelling and construct a single-family dwelling with all associated appurtenances at 129 Hayes Road, Centerville as shown on Assessor’s Map 210 Parcel 095. **SE3-6354**

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

Issues discussed:

- The mitigation planting is as close to the water as they can get.
- The property is totally in the 50’ buffer.

- There will be some lawn on the side of the dwelling.

Public comment:

Amy Daubert – abutter at 113 Hayes Road and 60 Hayes Road

In spring part of the tight tank is on the easement of the two properties.

She is concerned because a lot of things have been done without permitting.

There were trees on the right side of the property that are gone and there is lawn area.

The driveway became paved when the tight tank was put in.

She is concerned a three-story house will replace what is there now.

Consultant advised it will be a 2 1/2 stories high.

Attorney Revere advised the half story is dog houses.

The height of the house is a zoning related issue, not a Conservation issue. It will be addressed by zoning.

Amy is concerned because it is supposed to be a 2- to 3-bedroom house. The retaining wall was built without permission.

The Chair advised that the wall long the lake was permitted under SE3-4731.

Commission discussion continued:

- The mitigation plantings along the southwest side should be moved to the northeast side of the property.
- It should be moved from the side of the house to where the work limit line is.
- There is a nice natural buffer already existing between the two properties.
- The plantings along the foundation should not be considered mitigation. They are just ornamental.
- There is concern if there were trees to the east of the dwelling that were removed.
- There was an enforcement order shortly after the property was purchased for a spa and some plantings.
- The SE3-4731 mitigation was required and put in by the previous homeowner. There were a few trees there. The mitigation area was placed where it was supposed to be. The enforcement order had them spread the mitigation out.
- When the tight tank was put in, the hard scape has been reduced.
- The mitigation along the side of the house should move to the east side of the property. It is closer to the resource.

A motion was made to approve the project subject to receipt of a revised plan showing the relocation of the mitigation area along the dwelling to the east side of the property parallel to the previous mitigation area in SE3-4731.

Seconded.

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

Nay –

- C. Michael W. and Elizabeth F. Fish, Trustees.** To demolish the existing single-family dwelling and construct a new single-family dwelling with all associated appurtenances including a spa, and to replace the existing beach stairs at 543 and 545 Sea View Avenue, Osterville as shown on Assessor's Map 114 Parcels 047-001 and 047-002. **SE3-6355**

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

Issues discussed:

- The size of the house will substantially expand. The required mitigation is the removal of lawn entirely along the seaward face.
- The invasive screening removal and native plantings that are being added is extra.
- Instead of all plantings going on one side they are being put on both sides.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

- D. Sandra L. Goldstein-Davis, Trustee – Sandra L. Goldstein-Davis Family Trust.** To construct a pool and patio at 211 Scudder’s Lane, Barnstable as shown on Assessor’s Map 259 Parcel 008. **SE3-6356**

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

Issues discussed:

- The proposal would result in a fully undisturbed 50’ buffer.

Public comment: None

A motion was made to approve the project as submitted.

Seconded.

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

Nay –

## **VIII. CONTINUANCES**

- A. Cheryl Kayes.** Proposed lawn removal, invasive species management and mitigation plantings for after-the-fact above ground pool, construction of addition, patio and firepit at 128 Saint Francis Circle, Hyannis as shown on Assessor’s Map 291 Parcel 228. **SE3-6352 Continued from 1/20/26 WC Form received.**

The applicant was represented by Jennifer Crawford of Crawford Land Management.

Issues discussed:

- A revised planting plan dated February 3, 2026 was received.
- The revised plan with the additional mitigation was reviewed and the representative was thanked.
- Individual needs of the homeowner are sometimes considered in an application. The special needs of this family were well presented.

Public comment: None

A motion was made to approve the project with the revised plan dated 2/3/2026.

Seconded.

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

Nay –

- B. Town of Barnstable Department of Public Works** – Concrete repairs to the deck curbs, sidewalks, counterweight and bearing supports, steel removal and repairs throughout the bridge, replacement of operating machinery and electrical systems with associated appurtenances and minor associated clearing at the Oyster Harbors bridge on Bridge Street, Osterville. **SE3-6358 Continued from 2/3 for DEP #. Needs vote to approve.**

The applicant was represented by Nick Clini, P.E. – Town of Barnstable Department of Public Works.

Commissioner Sampou is not part of the quorum.

Issues discussed:

- The DEP # has been received.

- The representative stated they met with the contractor last week and they are currently working on the preventative measures plan.
- A condition will be added that a construction protocol, especially for the installation of the material beneath the bridge to contain any debris from the repair, will be submitted to Conservation Administrator for review and approval.

Public comment: None

A motion was made to close the public hearing, approve the project with the above condition.

Seconded.

Aye – Abodeely, DeMelo, Hearn, Lee, Tangney

Nay –

Commissioner Sampou not eligible to vote.

- C. Ocean Gate Condominium.** To increase sand behind the seawall to 7’ from the existing 5.5’ and addition of four stairs going toward the water at 21 Hawes Avenue, Hyannis as shown on Assessor’s Map 323 Parcel 002. **SE3-6353 Continued from 2/3/26.**

A continuance without testimony was requested to the 2/17/26 meeting.

Issues discussed:

- This is the second continuance.

A motion was made to approve the continuance request to 2/17/26.

Seconded.

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

Nay –

Commissioner Abodeely left the meeting at 5:39 p.m.

## **IX. CERTIFICATES OF COMPLIANCE**

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

- |                    |   |                   |  |
|--------------------|---|-------------------|--|
| <b>A. SE3-6057</b> | <b>Sidney Horton,<br/>417 Scudder Avenue, Hyannis</b>                                 | <b>(COC, ez*)</b> | Construct single family dwelling & all associated appurtenances.   |
| <b>B. SE3-5914</b> | <b>Donald J. MacKinnon, Trustee<br/>MCCM Realty Trust<br/>910 Main Street, Cotuit</b> | <b>(COC, ez*)</b> | Demolish patio & construct additions, upgrade septic system to Title 5 (remove cesspools). Install new driveway with drainage. Rebuild deck. Hot tub/grill area. Remove/add walks, replace stairs. Invasive removal. |

A motion was made to approve A. and B.

Seconded.

Aye – DeMelo, Hearn, Lee, Sampou, Tangney

Nay –

A motion was made to adjourn the meeting.

Seconded.

Aye – DeMelo, Hearn, Lee, Sampou, Tangney

Nay

The time was 5:40 p.m.