



Town of Barnstable Conservation Commission

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MINUTES – CONSERVATION COMMISSION HEARING DATE: March 11, 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/89670073673>

Meeting ID: 896 7007 3673

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 Vice-Chair Louise Foster. Also, in attendance were: Clerk Angela Tangney, Commissioners Abodeely, Hearn, and Kaschuluk. Chair F. P. (Tom) Lee and Commissioner Sampou were absent. Interim Administrator Ed Hoopes was present, along with Administrative Assistant, Kim Cavanaugh.

I. REVISED PLANS

Project Type

Revisions

A. Christopher Bushing SE3-5888
39 Hilliards Hayway, Barnstable

Raze and replace garage

Add generator, propane tanks,
landing and stairs

The applicant requested a continuance to April 15, 2025.

A motion was made to approve the continuance to April 15, 2025.

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

B. David and Jan Singer SE3-5980
68 Little River Rd., Cotuit

Raze and replace SFD with
garage and guesthouse

To request an additional 475 sf
of hardscape

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

Issues discussed:

- The patio is still encroaching into the 0-50' buffer.
- There is a beech tree close to the patio.
- The patio size has been reduced to 166 sq. ft.
- The patio has been changed. The previous patio was 14' x 45' and is now 18' x 31'. It is no longer going past the limit of work.
- There is an increase of 166 sq. ft of new hardscape within the 0-50' buffer.
- All the new mitigation is in the 0-50' buffer.
- The total sq. ft. of existing building, porch, and proposed patio is 2,348 sq. ft. 2,109 was existing. An additional 239 sq. ft. of additional hardscape in the 0-50 for the patio is being requested.
- This is a revised plan. The original plan already approved a substantial amount of hardscape in the 0-50.
- There was a lot of discussion at the original approval.
- The proposed mitigation is almost twice as much as is required.
- Beech trees are struggling to survive because of the beech tree disease.
- The change requested is still in the 0-50' buffer.
- They could add 5' to the beech tree side and reduce it from the 0'-50' side.
- There was discussion about the removal of trees for the overall greater good of the community with infrastructure projects.
- Staff believe the edge of the patio could be moved back to what was originally approved and added toward the beech tree side.
- Half of the house is already in the 0'-50' buffer.
- The patio should be reconfigured to the north with a small amount (20 sq. ft.) in the 0-50' buffer.
- The consultant will revise the plan to change the patio to 24'x 23'.

A motion was made to approve the revision subject to receipt of a revised plan showing the patio relocated as committed to by the applicant today.

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

C. Perri S. Wentworth, SE3-5990

16 Walley Court, Hyannis

Additions, deck, pool, pool-house driveway, landscape, view corridor

To add vista pruning

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

Issues discussed:

- Generally, cone shaped vista corridors are approved.
- One of the vista corridors is more of a rectangle shape.
- The view shed is because of the length of the deck.
- On the west side the limbing will be done up to 8'.
- The mitigation to the north has been completed.
- There is a small area that needs to be mitigated which will be done this spring.
- The box shape of the vista corridor to the north should be cone shaped.
- The squared off corridor is not normally approved.
- A much broader cone could be requested.
- The view corridor should not match the entire length of the back of the house.
- A revised view corridor should be submitted.

A motion was made to approve the revised plan subject to receipt of a revised plan with a revision to change the view shed to the north with a cone shape to be approved by staff.

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

- | | | |
|---|---|---|
| D. Oyster Harbors Club, Inc. SE3-6091
170 Grand Island Dr., Osterville | Raze and replace beach
cabana, permit existing patio | Extended steps, add shed,
kayak racks and reduce deck. |
|---|---|---|

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, Foster, Hearn, Kaschuluk, Tangney

Nay – none

II. ENFORCEMENT ORDERS

- A. Elizabeth J. Andres, Tr. & Andres Family Realty Trust - 99 Bunker Hill Road, Osterville – Map 096 Parcel 006. Alteration of 2 wetland resource areas - Bordering Vegetated Wetland (BVW) and Floodzone – by cutting vegetation and digging/disturbing soils by getting machinery stuck in the wetland; AND alteration of the 0’-100’ buffer to wetland resource areas – BVW and Bog Pond – by cutting vegetation without permit.

Exhibits

- A ARC Reader and Aerial photo of 99 Bunker Hill Rd., Osterville
- B Site Photos

Liz Andres represented herself, Dr. Eugene Hill (139 Bunker Hill Rd., OST) was present.

Issues discussed:

- Dr. Hill at 139 Bunker Hill Rd., Osterville hired an individual (David Parent, Marstons Mills) to cut vegetation on the subject property at 99 Bunker Hill Road for the purposes of view and access to Bog Pond.
- All work was done without permitting.
- The bobcat operator (Parent) cut an extensive amount of vegetation in the Bordering Vegetated Wetland (BVW) and the 50’ buffer to the BVW.
- The bobcat became stuck in the wetland and required a commercial, heavy duty tow company to remove it from the wetland. No fuel or hydraulic fluids spilled after getting stuck or being pulled out of the wetland.
- A CERP-certified landscape management company will be hired to conduct a further assessment of resource damage and provide restoration services to the wetland and buffer.

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

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

III. REQUESTS FOR DETERMINATION

- A. **Robert & Marcy Aronson.** Addition of rinse station, firepit, pergola and expanding existing terrace at 71 Sachem Drive, Centerville as shown on Assessor’s Map 209 Parcel 026. **DA-25008 Withdrawn**

Withdrawn.

- B. Roger Brooks/Capewide Construction, Inc.** Excavate for and install new foundation and footings for new 5' x 12' addition to front of house, frame new addition, and remodel bathroom at 127 Shell Lane, Cotuit as shown on Assessor's Map 019 Parcel 158. **DA-25009**

The applicant represented himself on behalf of the owner Christine Scanlon.

Issues discussed:

- There were no questions from Commissioners.

Public comment: None

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

Seconded.

Aye – Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

IV. NOTICES OF INTENT

- A. Randolph & Barbara Noelle.** To demolish existing dwelling and construct a new dwelling with all associated appurtenances, and swim spa at 34 Short Beach Road, Centerville as shown on Assessor's Map 206 Parcel 041. **SE3-6250**

A continuance was requested to April 1, 2025.

A motion was made to approve the continuance request to April 1, 2025.

Seconded.

Aye – Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

- B. 135 Putnam, LLC.** Grading, vegetation restoration, and construction of a vinyl bulkhead to stabilize the failing Coastal Bank, and replacement of the bank access stairs at 135 Putnam Avenue, Cotuit as shown on Assessor's Map 036 Parcel 040-001.

A continuance was requested to March 25, 2025.

A motion was made to approve the continuance request to March 25, 2025.

Seconded.

Aye – Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

V. CONTINUANCES

- A. Robert Hower.** Raze and replace existing single-family dwelling, construction of a pool, barn, deck and other landscape features at 137 Salten Point Road, Barnstable as shown on Assessor's Map 280 Parcel 23. **SE3-6242 Continued from 2/11/25 - Form WC Received.**

The applicant was represented by Daniel Ojala, P.E. of Down Cape Engineering and Bernice Wahler of Bernice Wahler Landscapes.

Revised plans dated March 4, 2025 were submitted.

Issues discussed:

- The pool was moved out of the 0-50' buffer.

- The house was pulled back an additional 4’.
- There is two feet left in the 0-50’ buffer.
- It looks like it could be moved back to be completely out of the 0-50’ buffer.
- There is a net reduction in the 0-50’ from the existing and they are removing the large lawn area.
- The mitigation is two times the amount required.
- They could reproduce the house exactly where it is currently as it would be grandfathered.
- This is a significant improvement.
- A lot can happen with mitigation, hardscape is forever. A storm could wipe out the mitigation.
- There is a lot more total hardscape with this project.
- This is 600 sq. ft. reduction of hardscape in the 50’ buffer compared to existing.
- The project is a net benefit.
- If they rebuilt exactly as it currently exists they could still have the large lawn.
- Removing the lawn area is a great benefit.

Public comment: None

A motion was made to approve the project with the provision that the mitigation will be maintained in perpetuity.
Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

VI. CERTIFICATES OF COMPLIANCE

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

A. BCC-0204	Tomasz & Ann Telma 115 Keveney Lane, Cummaquid	(COC, ez*)	Porch & deck. Relocation of stairs and walkway.
B. SE3-6172	Bruce Rideout 73 Lake Drive, Centerville	(COC, ez*)	3 Season porch addition & shed Replenish beach sand. Repair retaining walls. Invasive removal.
C. SE3-5932	Terry L. Simpson, Trustee Blumist Trust 531 South Main Street, Centerville	(COC, ez*)	Renovation/additions. Reconstruction of garage carriage house. Pool & cabana. Driveway Improvements.

A motion was made to approve A. – C,
Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

VII. MINUTES

A. February 11, 2025

A motion was made to accept the minutes as submitted.
Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

A motion was made to adjourn the meeting.

Seconded.

Aye –Abodeely, Foster, Hearn, Kaschuluk, Tangney

Nay – none

The time was 4:41 p.m.