



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

DATE: September 2, 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.

Remote Participation Instructions

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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 Hearn, Kaschuluk and Sampou. Commissioner Abodeely arrived at 6:47 p.m.

Conservation Administrator Ed Hoopes was present, along with Administrative Assistant Kim Cavanaugh.

I. REQUESTS FOR DETERMINATION

- A. Dilmar Ribeiro.** To remove two trees in the back yard along the edge of the fence at 120 Cobblestone Road, Barnstable as shown on Assessor's Map 316 Parcel 063-001. **DA-25030**

The applicant was not in attendance. The matter was tabled until later in the meeting.

Items taken out of order. NOI B. taken next.

The applicant joined the meeting but was unable to participate due to computer issues.

The matter was tabled again and items NOI C. and D. were taken next.

The applicant was unable to participate and the matter was tabled until the September 9th meeting.

A motion was made to table the project to September 9, 2025.

Seconded.

Aye – Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

Commissioner Abodeely arrived at 6:47 p.m.

II. NOTICES OF INTENT

- A. Red Lily Pond Project Association.** To permit a vegetation management program using herbicides to manage dense growths of aquatic plants at Red Lily Pond and Lake Elizabeth as shown on Assessor's Maps 226 and 227. **SE3-6309**

The applicant was represented by Patricia Deyton, President of the Red Lily Pond Project Association, Matt Ladewig, of TRC, Dr. Ken Wagner, Lake Management Consultant, Red Lily Pond Project Association Board Members Doug Farquhar, Patrick Coughlin, and Marie Jardin, along with Lisa Brown, Chairman of Christian Camp Meeting Association.

Lisa Brown President of Christian Camp Meeting Association addressed the Commissioners.
Matt Ladewig of TRC presented the project to the Commissioners.

Issues discussed:

- There is a dosage limit on the application of the herbicide.
- A question was raised about who the consultant will be for the project going forward.
- The herbicide will be applied using a clip and drip method.
- Glyphosate is the compound in round up.
- The overall conclusion in the Massachusetts study was there is no reason to stop using it. The concern was for people who were exposed to large amounts of it over a long period of time.
- A question was raised if California had the same conclusion. The consultant was unsure.
- DMF has allowed up to 50 percent of a water body to be treated. A question was asked if this proposal includes all three waterbodies combined or is it for each water body.
- DMF allows up to 50 percent per year, so if an area was not treated one year it could be treated the next as long as it is still less than 50 percent.
- The white water lilies are native but they grow to nuisance levels in these ponds. There is a concern about an eventual large scale alteration of native natural habitat.
- Phragmites control using the bundle cut, clip and drip method would be preferred.
- There is concern about fish kills using herbicide treatments.
- There should be monitoring for a fish kill.
- Ken Wagner addressed the Commissioners. Rodeo and round up are not the same. Just because they have Glyphosate in them does not make it the same thing. The primary toxicity in Roundup comes from additives. Glyphosate has not been found to be a major issue by itself.
- The fish kill concern would be if there is low oxygen. The herbicide should not be applied if the oxygen level is less than 5mg per liter per the State standard. A condition could be added that treatment would not go forward if oxygen levels are below the standard.
- The name of the Certified Herbicide Applicator was not included in the NOI.
- They are considering hiring Water & Wetland but have not contracted with them yet.
- A condition will be added if approved that the name and information of the licensed applicator will be submitted to Conservation staff for approval.
- A question was asked what other options are available without using herbicide, and when will the use of the herbicide end.
- Doug Farquhar advised an option would be to dredge the pond. It is not a great option for wildlife habitat.
- The benthic barrier is the option they are currently doing but it is limited to 10 % of the pond.
- Mechanical cutting is the other option which was used in 2010 and 2011 but the damn failed and there is no longer sufficient water to bring in the barge, so they are limited to manual cutting.

- Another option would be hydro raking but it would make a mess out of the lake and would be more impactful on oxygen.
- Ken Wagner advised the herbicide idea was his as he feels this is the right tool for this job. It is not intended to be long term.
- All the other options of value have been tried.
- A question was asked what the downside risks of the herbicide treatment to the aquatic life as well as potential impact on people using the lakes.
- There are no risks to humans and no recreational restrictions. There are some irrigation restrictions because you wouldn't want to take water out of the pond that was treated with herbicide and put it on vegetable gardens.
- The main concern for ecological effects is the dissolved oxygen level.
- They are trying to gain more open water habitat to improve the dissolved oxygen levels.
- A question was asked if there is an end time of the herbicide treatments.
- The problem is never going to go away entirely it will always be something that needs to be managed. The goal of using the herbicides is to take enough of the problem away to make it easier to manage.
- If after three years there is a significant reduction but there is still a problem there are viable options to continue control without using herbicide.
- The idea is to get control over a large enough area that you can defend the perimeter more easily.
- It is not realistic to say herbicides would never need to be used again.
- Long term application of herbicide is not desirable to the Commission.
- A special condition could be added that the order cannot be extended.
- A question was asked if by removing a lot of plants a cyanobacteria bloom may occur.
- There is a small chance in a shallow area like this but the nutrient levels are very low and the nitrogen and phosphorus levels are very low which is not conducive to cyanobacteria blooms.
- A question was asked if the herbicide application should focus on one water body at a time.
- There is another way to control the vegetation by raising the water level in the pond. There was a dam between the water bodies that broke. The water level has dropped. They have received a grant to replace it which will raise the water level approximately nine inches. The project is currently in the design phase.
- These temporary measures are requested to make sure there is a lake to manage when the project is ready to complete.
- The question of approving one water body at a time was addressed by the consultant who stated they are losing the battle and need to do whatever can be done before the fish ladder can be put in.
- They can only apply the herbicide to less than 50% of the water body at a time.
- The project narrative and biological assessment need to be included as the plan of record.
- There should be extensive monitoring.
- The time of year restriction should be included.
- Also, no treatment if dissolved oxygen levels under 5 ppm.
- Any additional DMF comments should be included in the conditions.
- The consultants on the project will be both Dr. Ken Wagner and Matt Ladewig of TRC.
- There needs to be a plan for monitoring for a fish kill.
- Monitoring for fish kills should be conducted at least every other day beginning the day after herbicide application and continuing for at least month especially while temperatures are high and should extend through September.
- Prior to treatment the applicant will file a monitoring plan.

Public comment:

Dr. Gerardin, Red Lily Pond Association Board Member– Agrees with everything that has been said. They are diligent about doing things the right way. This will be a method to get it under control so that 60-75 year olds will not be out in the ponds doing manual removal every year.

A motion was made to approve the project subject to:

1. Dr. Ken Wagner and Matt Ladewig from TRC will be the official consultants on this project. If there is a change of consultant, the applicant will provide a written notification to the Conservation Administrator for review and approval.
2. The applicant and consultant should review the area to be treated with herbicide with the Conservation staff prior to applying the herbicide. Results of pre-treatment plant survey to be filed with Conservation staff.
3. The herbicide shall be applied by a Massachusetts licensed applicator.
4. Provide the name of herbicide applicator and a copy of both their MA Applicators License and the License to Apply Herbicide to the Waters of the Commonwealth (BRP WM 04) to the Conservation staff for review and approval at least 10 days prior to any application of herbicide.
5. RLP and Lake Elizabeth shall be posted by the herbicide applicator prior to treatment in accordance with the herbicide label requirements and the License to Apply Herbicides to Waters of the Commonwealth (BRP WM 04).
6. Annual report for 3 years – to be submitted to Conservation and MA DMF.
7. TOY Restriction for open water application of herbicides March 15-June 30 AND Sept 1 – Nov 15 Herring: Alewife and American Eel. Phragmites treatment in September is allowed by cut and drip method.
8. Phragmites control only by Cut and Drip method.
9. Prior to applying herbicides, applicant to provide a monitoring plan specifically recording fish kill and water quality data, submitted to Conservation staff for review and approval
10. At the end of the 3 years for this permit, we should review all annual reports but there will be no extension for this permit, the applicants would have to return with a new NOI to continue.
11. No application of herbicide is allowed if dissolved oxygen is less than 5 mg/L.

Seconded.

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

Nay –

- B. John Duane and Catherine Friedman, Trustees –Dale Avenue Realty Trust.** To relocate existing dwelling outside of conservation jurisdiction, and to relocate driveway and add steppingstones and landscaping at 43 Iyanough Avenue, Hyannis as shown on Assessor's Map 287 Parcel 074. **SE3-6306**

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

Issues discussed:

- A mitigation strip will be put in along the road. The integrity of the dune across the street is dependent on that road and the buffer strip will stop any runoff from the property.

Public comment:

Frank Floyd 160 Irving Avenue, Hyannis. He asked if the setbacks are being honored for this project. He was advised that would be a zoning question.

A motion was made to approve the project as submitted.

Seconded.

Aye –Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

- C. 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**

A continuance without testimony was requested to October 7, 2025.

A motion was made to approve the continuance request to October 7, 2025.

Seconded.

Aye –Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

- D. 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**

A continuance was requested to September 9, 2025, without testimony.

A motion was made to approve the continuance request to September 9, 2025.

Seconded.

Aye –Lee, Hearn, Kaschuluk, Tangney, Sampou

Nay –

III. CONTINUANCES

- A. 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. **Continued from 8/19 for issuance of DEP#. WC Form received. SE3-6305**

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

The DEP# has been received.

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

Seconded.

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

Nay –

- B. 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. **Continued from 8/19 for issuance of DEP#. WC Form received. SE3-6304**

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

The DEP # has been received.

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 –

V. MINUTES

- A.** August 12, 2025
- B.** August 19, 2025

A motion was made to accept the minutes for August 12, 2025, as submitted.

Seconded.

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

Nay –

A motion was made to accept the minutes for August 19, 2025, 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 8:04 p.m.