

**DENNIS CONSERVATION COMMISSION
THURSDAY, FEBRUARY 17, 2011
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

PRESENT: Chairman Waldo, Members MacDonald, Flood, Verny, and Dumas

STAFF: Director Johnson, Technical Consultant Fantozzi, Secretary Fabiano-Stowe

ABSENT: Members Olwell and VonHone

I. ADMINISTRATIVE

- Minutes- February 3, 2011

Mr. Dumas moved to approve the minutes of the February 3, 2011 Conservation Commission as printed.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 4 (Waldo abstained)

OPPOSED 0

- Sign Management Plan for Old Fort Field on Chase Garden Creek

Mr. Kris Ramsey, Dennis Conservation Trust, was present. Mr. Ramsey informed the Commission he would no longer be the administrator for the DCT. Mr. Ramsey introduced the new administrator, James McCarthy.

Mr. Ramsey stated the Dennis Conservation Trust is asking for the Commission's signature on the Management Plan for Old Fort Field on Chase Garden Creek. Mr. White has already signed the Management Plan.

Mr. Verny moved to approve and sign the management plan.

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

- **DISCUSSION- 2011 ORV Regulations (Draft)**

Mr. Waldo stated that we have a different situation than in years past.

Ms. Johnson stated she had distributed last meeting a copy of some draft regulations for the 2011 Off Road Vehicles.

Mr. Waldo read the draft regulations. The Commission adjusted the Regulations.

Mr. Darren Dion was present and asked about the open fire laws.

Mr. Dion also asked about the airing down to 15 p.s.i. at the “gate”, and whether this action could be done at the staging area closer to the actual beach.

A discussion of Board of Selectmen review took place.

After twenty minutes of review, it is deemed necessary to continue the discussion of the ORV regulations.

Mr. Waldo stated this should be put on the March 8th Work Session agenda.

II. CONTINUED HEARINGS

A. Maguire- Notice of Intent (SE16-1965) 43 POND STREET, UNIT 6, WEST DENNIS

Mr. Matthew Creighton, BSC Group, present on behalf of the applicant and explained the project to the Commission Members.

Mr. Dumas moved to close the public hearing.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

Mr. Dumas moved to grant a variances, as given the existing site conditions, there are no reasonable alternatives to the house expansion and the work as permitted, including stormwater runoff mitigation, will serve to lessen impacts to the coastal bank.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

Mr. Dumas moved to issue an Order of Conditions to the Plan of Record, dated as revised, February 11, 2011, stamped by Craig Field, with standard conditions for residential development.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**B. Bramley- Notice of Intent (SE16-1968)
29 BEACH VIEW ROAD, WEST DENNIS**

Mr. Robert Perry, Cape Cod Engineering, was present on behalf of the applicant and explained the proposed work to the Commission members: a proposed pier, ramp and float. Mr. Perry stated the applicant filed the Notice of Intent in mid-January. The inability for staff to see the site has caused the hearing to be continued. A steady dialogue between Alan and Terry (Harbor) has taken place. Mr. Perry stated this location is the only lot on Beach View Road, which faces Weir Creek that does not have a dock facility. A small landing, cantilevered off the bulkhead (which will support the cantilever). The dock will be entirely seasonal. A new survey plan has been submitted. Mr. Perry stated he believes there has been no comment made by the Shellfish Constable as of this date.

A discussion of the Shellfish Constable's comments took place.

Mr. Dumas stated the shellfish in the survey had been found in deeper water, which was favorable.

Mr. Verny moved to continue the hearing for Bramley, 29 Beach View Road, West Dennis, to the March 3, 2011 Conservation Commission hearing.

Mr. Dumas seconded the motion.

Mr. Perry stated he would want to see the recommendations made to the Commission prior to the meeting.

VOTED

IN FAVOR 5
OPPOSED 0

C. Delagi- Notice of Intent (SE16-1966)

107 FARM LANE, SOUTH DENNIS

Mr. Flood moved to continue the hearing for Delagi, 107 Farm Lane, South Dennis, to the March 17, 2011 Conservation Commission hearing.

Mr. Dumas seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**D. Nyberg- Notice of Intent (SE16-1969)
495 OLD BASS RIVER ROAD, SOUTH DENNIS**

Mr. Matt Farrell, JM O'Reilly & Associates, was present on behalf of the applicant and explained the application.

The Commission has received a sign off from MNH.

Mr. MacDonald moved to close the public hearing.

Mr. Flood seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

Mr. MacDonald moved to issue an Order of Conditions to the Plan of Record, dated January 19, 2011, stamped by John O'Reilly, and the Architectural Plans (Sheets A1.1, A1.2, A2.2 & A2.2) dated December 17, 2010, by Reef Builders, with standard conditions for residential additions and septic upgrade, and the following additional conditions:

- 1. The limit of work shown on the plan of record is staked by a silt fence reinforced by staked straw bales.**
- 2. All demolition debris is stored in excess of 100' from all wetland resource boundaries.**
- 3. All demolition debris removed from areas of wetland jurisdiction is disposed of at a properly licensed solid waste disposal facility.**
- 4. All construction materials and equipment be stored in excess of 100' from all wetland resource areas.**

Mr. Dumas seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

III. NEW HEARINGS

**E. Giangregorio- Notice of Intent (SE16-1970)
119 TAUNTON AVENUE, DENNIS**

Mr. Matthew Creighton, BSC Group, was present on behalf of the applicant. The proposed project is an invasive species removal plan. Mr. Creighton explained the plan to the Commission members.

Mr. Waldo stated he had a letter from an abutter that wanted his letter read into the record. Mr. Waldo read Mr. Cordaro's letter, which stated the topographical plans were in contradiction to the original Order of Conditions, causing water damage to his neighbors. Mr. Cordaro asked no fill is brought in, a swale continue on the right side of property, a berm be added, and to keep herbicides from entering the property.

Mr. Dumas asked if the applicant is operating under an Enforcement Order. Ms. Fantozzi stated Conservation Agent Wightman issued a violation notice in February of 2010, where the only issue cited in was non-compliance in cutting of vegetation. There are no violations in grades from the Order of Conditions or the Amended Order of Conditions. The unpermitted cutting was the violation, and this Notice of Intent is the reaction to that violation.

Mr. Dumas asked about the use of herbicides.

Mr. Gini Guiliani was present (abutter). Ms. Guiliani stated she has found, in research in California, the proposed herbicides cause issues with pregnant women and children, and there maybe some further investigation on the chemical. Ms. Guiliani is very concerned about the chemicals being used near her property.

Mr. Verny moved to close the public hearing.

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

Mr. Verny moved to grant the variance, as given the existing conditions, there are no reasonable alternatives, and the work, as proposed, will serve to enhance the wetland resource areas.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

Mr. Verny moved to issue an Order of Conditions to the Plan of Record, dated January 4, 2011, stamped by Craig Field, and the project narrative attached to the Notice of Intent, with standard conditions for landscaping and the following additional conditions:

1. This Order of Conditions is issued in accordance with 310CMR10:03(6)(a & b) – Presumption Concerning Application of Herbicides.
2. This Order of Conditions shall be valid for 5 years, recognizing that successful implementation of the invasive species management work as proposed will require management in excess of three growing seasons and therefore the recognition of special circumstances is warranted as per 310CMR10.05(6)(d).
3. The placement of any offsite fill within the jurisdiction of the Conservation Commission shall require the filing of an Amended Order of Conditions request or a new Notice of Intent.
4. Limit the amount of loam to 4” or less.
5. Application of herbicides shall be done by a person licensed as a Certified Applicator by the Commonwealth of Massachusetts and in accordance with 333CMR11:00.
6. Application of herbicides shall be limited to drip or swipe methods, no general broad casting or spraying of herbicides is permitted by this Order of Conditions.
7. The applicant shall provide the Commission office with planting and invasive management monitoring reports twice yearly (no later than May 15th and November 1st annually) for a minimum of five years to document mitigation progress.
8. A Certificate of Compliance shall not issue until the applicant demonstrates a 90% planting and invasive species control success rate.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

F. Diddell- Notice of Intent (SE19-1971)
8 BAY VIEW AVENUE, DENNIS

Mr. Flood moved to continue the hearing for Diddell, 8 Bay View Avenue, Dennis, to the March 3, 2011 Conservation Commission hearing.

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

G. Caterino/Nothorn Paving- Notice of Intent (SE16-20 CANDLEWOOD LANE, DENNISPORT

Mr. Dumas moved to continue the hearing for Caterino, 20 Candlewood Lane, Dennisport, to the March 3, 2011 Conservation Commission hearing.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

H. Baniukiewicz- Request for Determination of Applicability 39 BRISTOL STREET, DENNIS

Nicholas Oliveri, owner, was present and explained his proposed addition to the Commission members. The existing septic system is located in the front of the house. The proposed foundation will not be full, but sonotubes with piers.

Ms. Fantozzi stated the issuance of a determination would not be verification of the wetland line.

Mr. Dumas moved to close the public hearing.

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

Mr. Dumas moved to issue a Negative #3 Determination to the Plan of Record dated February 1, 2011, stamped by Daniel Croteau and Michael Ladue, with the stipulation that:

1. Silt fencing be placed between the bordering vegetated wetland, and the proposed addition (within the 90-100' buffer to the bordering vegetated wetland) prior to the start of work.
2. The bordering vegetated wetland delineation, as shown on the Plan of Record, is not verified

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

IV. ADMINISTRATIVE

I. Betterwood Homes- Certificate of Compliance (SE16-1719)
19 DR. BOTTERO ROAD, DENNIS

Ms. Fantozzi recommended the Commission grant the Certificate of Compliance, based upon a superseding Amended Order of Conditions. .

Mr. MacDonald moved to issue a Certificate of Compliance to Betterwood Homes, 19 Dr. Bottero Road, Dennis, under the Town of Dennis Bylaw.

Mr. Verny seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

J. Technical Consultant's Report

Ms. Fantozzi stated that she participated in a staff level meeting with DEP regarding 20 Candlewood Lane. Ms. Fantozzi gave the Commissioners an updated copy of a Consent Order.

K. Director's Report

Ms. Johnson stated there is an Open Meeting Law training being conducted, and one member from each Commission must attend. Mr. Verny is going, and Mr. Waldo will try to attend.

April 4, 2011 is the date for sale of Off Road Vehicle stickers. The Beach Buggy Association has chosen April 16, 2011 to help put in post and rope. Status of Chapin beach is needed. Ms. Johnson is asking the Commission to make a tentative schedule.

Ms. Johnson stated she is trying to have staff develop an overview and status to be handed out at the March 3, 2011 hearing, where the Commission will need to re-visit said policies (ex.10.0 to 10.5' tide closures).

Ms. Johnson stated Susan Gallagher will not be returning as the Plover Monitor. The Department of Natural Resources is temporarily short staffed.

Mr. MacDonald moved to adjourn the meeting

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

The meeting adjourned at 8:40 p.m.