

**DENNIS CONSERVATION COMMISSION
THURSDAY, JULY 21, 2011
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

PRESENT: Waldo, MacDonald, VonHone, Olwell, Verny, Flood and Dumas

STAFF: Director Johnson, Secretary Fabiano-Stowe, Conservation Agent Wightman

Chairman Waldo called the meeting to order at 7:02 p.m.

ADMINISTRATIVE

- **Minutes- July 7, 2011 Meeting**

Mr. VonHone moved to approve the minutes of the July 7, 2011 Conservation Commission hearing.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

- **Minutes- July 12, 2011 Work Session**

Mr. MacDonald moved to approve the minutes of the July 12, 2011 Conservation Commission Work Session.

Mr. Flood seconded the motion.

VOTED

**IN FAVOR 6 (Dumas abstained)
OPPOSED 0**

CONTINUED HEARINGS

- A. **Caterino- Notice of Intent (SE16-1981)
20 CANDLEWOOD LANE, DENNISPORT**

Mr. Flood stepped down.

John DeSimone was present. Mr. DiSimone explained the updated information that has been incorporated on the plan and stated he has met with the Natural Resources staff.

Ms. Johnson stated she had met with Tom Andrade, Town Engineer, the other day and received his comments. These were detailed engineering comments. Ms. Johnson stated she has asked Mr. DeSimone to look at alternative designs, as, a simply flow in and flow out will not get effective water quality treatment.

Mr. Dumas had questions about the storm event calculations.

A discussion of the proposed design took place.

Mr. MacDonald moved to continue the hearing to the August 4, 2011 hearing.

Ms. Olwell seconded the motion.

Mr. VonHone asked that a summary of the meetings taken place between Mr. DeSimone and staff is presented to the Commission.

VOTED

**IN FAVOR 6
OPPOSED 0**

**B. Buscone- Notice of Intent (SE16-1972)
34 SCHOONER ROAD, DENNIS**

Mr. Robert Perry, Cape Cod Engineering, was present on behalf of the applicant. Mr. Perry asked to table the hearing until after the Smith hearing, so that they can be heard at the same time.

Mr. MacDonald moved to table the hearing for Buscone, 34 Schooner Road, Dennis until after the Smith, 17 William Crowell Road, Dennis project is heard.

Mr. Verny seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

Ms. Olwell moved to take off 34 Schooner Road, Dennis off the table.

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 7
OPPOSED 0

Bob Perry, Cape Cod Engineering, was present on behalf of the applicant, Joe Buscone.

Mr. Wightman stated the Wetland Act requires permission in writing, for the return portion of the revetment is on Mr. Smith's property. Otherwise, the Commission will need a revised plan showing the removal of the return. Mr. Perry stated the permitted Smith revetment will take over the return of Mr. Buscone's, otherwise, it will need to be removed. Mr. Perry stated he does not see the need for written authorization, as the Smith revetment will supersede.

Mr. Waldo stated an approval will be contingent on receipt of a letter granting permission.

Mr. MacDonald moved to close the public hearing.

Ms. Olwell seconded the motion.

VOTED

IN FAVOR 7
OPPOSED 0

Mr. MacDonald moved to instruct staff to draft an Order of Conditions, subject to receipt of a letter of authorization from the abutter.

Mr. VonHone seconded the motion.

VOTED

IN FAVOR 7
OPPOSED 0

**C. Day- Notice of Intent (SE16-1979)
42 & 46 HOWES STREET, DENNIS**

Betsy Day, 42 Howes Street, Dennis was present and representing herself. Mr. Wightman explained the Department is awaiting correspondence from MNH. Ms. Day wrote a letter to the Commission and wanted to address it.

Ms. Day stated Joe Forns was still a consultant, but was on retainer. Ms. Day stated she has worked as an environmental consultant, and for the Army Corps of Engineers.

Ms. Day explained the project to the Commissioners.

A lengthy discussion took place about MNH and the coastal dune. Mr. Wightman stated you could not armor a coastal dune.

Mr. MacDonald stated the application could not be permitted under the regulations. If the Commission were to grant the permit, it would be superseded by DEP. The Commission can not knowingly go against the regulations, particularly being a dune.

Mr. MacDonald recommended the applicant request a continuance.

Mr. MacDonald moved to continue the hearing for Day, 42 & 46 Howes Street, Dennis, to the August 18, 2011 Conservation Commission hearing.

Mr. Flood seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

**D. Smith- Notice of Intent (SE16-1987)
17 WILLIAM CROWELL ROAD, DENNIS**

Robert Perry, Cape Cod Engineering, was present on behalf of the applicant.

Mr. Perry stated the applicant is working with LEC, Stan Humphries. Mr. Perry gave a brief history of the property and the proposal.

Many letters were written in support of the applicant. Mr. Perry read aloud a letter from abutter, Paul Sullivan, which stated he would strongly recommend the revetment wall.

Stan Humphries, LEC, was present and addressed the Commission's questions.

Arnold Bosse, 185 Corporation Road, was present and stated he too is in favor of the revetment.

Mr. VERNY stated he has no problem with project, however, would like to put in the Order of Conditions a requirement for yearly nourishment, as with nourishment the project could be a success.

Ms Johnson discussed the miles of revetments along this area, much of them in dire need of maintenance.

Mr. VERNY discussed the need to enforce the Orders of Conditions for the general maintenance.

Mr. MacDonald stated though he was skeptical, this was a reasonably modest proposal given the area.

Mr. VERNY stated he would suggest the Commission talk about the subject of enforcement of annual nourishment.

Mr. VERNY moved to close the public hearing.

Mr. MacDonald seconded the motion.

Mr. Buscone was present and stated the house is threatened. If the Commission does not act now, a wall will have to be run down the entire length of the beach.

VOTED

**IN FAVOR 7
OPPOSED 0**

Mr. VERNY moved to approve the variance request.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 6
OPPOSED 1 (Dumas)**

Mr. VERNY moved to instruct staff to draft an Order of Conditions, with annual nourishment as strongly worded in the conditions.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 6
OPPOSED 1 (Dumas)**

**E. Petrone- Notice of Intent (SE16-1988)
91 ALFRED METCALF DRIVE, SOUTH DENNIS**

Mr. David Little, Ryder and Wilcox, was present on behalf of the applicant and submitted photographs for the Commission to review. Mr. Little explained the project to the Commission members. A variance request has been submitted, due to changes in the configuration of the deck. Mr. Little provided a construction protocol this evening. Mr. Little explained the project to the Commission members.

Mr. VonHone moved to close the public hearing.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

Mr. VonHone moved to grant the variance request.

Ms. Olwell seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

Mr. VonHone moved to instruct staff to draft an Order of Conditions for approval at the next hearing.

Ms. Olwell seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

**F. Duby- Notice of Intent (SE16-1989)
29 PINEFIELD LANE, SOUTH DENNIS**

Ms. Lynne Hamlyn, Hamlyn Consulting, was present on behalf the applicant. Ms. Hamlyn explained the application to the Commission members. The applicant is seeking to construct a pier. There are two existing piers in the neighborhood. Ms. Hamlyn explained the pier's construction. The Division of Marine Fisheries has submitted a letter stating there are no problems with the project as proposed.

Mr. MacDonald asked if there would be any disturbance to the salt marsh. Ms. Hamlyn stated no.

Alan Marcy, Shellfish Constable was present and provided his comments regarding the project.

A discussion of the mitigation calculations took place. Ms. Hamlyn stated she did not want to debate the amount, however, would like to know how the figure was determined.

Mr. Marcy explained his logic.

Mr. Wightman stated a letter from the Harbormaster was submitted, indicating no problems with moorings or navigational issues.

Mr. Flood moved to close the public hearing.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

Mr. Flood moved to instruct staff to draft an Order of Conditions, subject to receipt of a revised plan, for approval at the August 4, 2011 Conservation Commission hearing.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

NEW HEARINGS

**G. Ward- Request for Determination of Applicability
61 NOBSCUSSETT ROAD, DENNIS**

Lynne Hamlyn present was present on behalf of the applicant.

Mr. Dumas asked if the wetland was verified. Ms. Hamlyn addressed Mr. Dumas' questions.

Mr. MacDonald moved to close the public hearing.

Mr. Dumas seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

Mr. MacDonald moved to instruct staff to issue a Negative 2 and a Positive 2A determination.

Mr. VonHone seconded the motion.

VOTED

IN FAVOR 7
OPPOSED 0

**H. Town of Dennis- Notice of Intent (SE16-
CORPORATION BEACH BATH HOUSE, DENNIS**

Dan Ojala, Down Cape Engineering, was present, along with Architect Kurt Raber, and Beach and Recreation Director Dustin Pineau. Mr. Ojala explained the project to build the new bath house with new septic system. Mr. Ojala stated he understood comments were still not received from MNH, however, hoped the Commission could look at the project and could hold issuing a permit until those comments were received. Mr. Ojala explained the project to the Commission members.

Arnold Bosse, abutter, was present and asked if the ball field with the proposed leaching facility would have grass. Mr. Ojala stated it would.

Mr. MacDonald moved to continue the hearing for the Town of Dennis, Corporation Beach Bath house, to the August 4, 2011 hearing, where staff could draft an affirmative Order of Conditions based on a MNH sign off, simplified sediment control plan, DEP file number and a variance approval.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 7
OPPOSED 0

ADMINISTRATIVE

**I. Nealon- Certificate of Compliance (SE16-1463)
72 HORSE FOOT ROAD, WEST DENNIS**

Ms. Olwell moved to issue the Certificate of Compliance to Nealon, 72 Horse Foot Road, West Dennis.

Mr. VonHone seconded the motion.

VOTED

IN FAVOR 7
OPPOSED 0

**J. National Grid- Administrative Review
Various Parcels**

Ms. Johnson explained the work proposed by National Grid and asked if a letter could be drafted. The Commission agreed.

No Action Taken.

K. Director's Report

Ms. Johnson gave the Commission the report from the Louis Berger group regarding the Dr. Bottero Road study (monies received in an emergency transfer from the Finance Committee). It is scheduled for the August 9, 2011 Board of Selectmen meeting.

Mr. Wightman explained the enforcement order status on Sesuit Harbor. Mr. Wightman stated he and Ms. Johnson had met with Michael Ford, attorney, and agreed to an amount for compensation for the violation. Mr. Wightman stated the Commission needs a motion to approve the release of the enforcement order.

Mr. Dumas asked which account the \$1500.00 will go into. Ms. Johnson stated it would be deposited into the Waterways account.

Mr. Flood asked how the pricing was established. Ms. Johnson explained the reasoning.

Mr. VERNY moved to approve the release of the Enforcement Order for the Dennis Yacht Club, 4 Harbor Road, East Dennis.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

Mr. Wightman explained there was one more enforcement order, on Jonathan Drive, and asked that a Notice of Intent with a variance and wetland delineation is submitted.

Mr. MacDonald moved to ratify the enforcement order for Jonathan Drive, Dennis.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 7

OPPOSED 0

Mr. Verny asked Ms. Johnson for an update on the oyster thefts at Crowes Pasture. Ms. Johnson addressed the question.

Mr. Dumas asked Ms. Johnson for a Chapin Beach status update. Ms. Johnson stated there are three chicks using half the beach. Chapin beach would probably be closed for another couple weeks.

L. Environmental Consultant RFP Review

Mr. Waldo stated the only way to get to open the price proposals would be to rank all ten of the applicants. Mr. Waldo asked the Commission members to rank all ten applicants and bring them for discussion to next week's work session.

Mr. MacDonald moved to adjourn.

Mr. VonHone seconded the motion.

VOTED

**IN FAVOR 7
OPPOSED 0**

The meeting adjourned at 9:25 p.m.