

**DENNIS CONSERVATION COMMISSION
THURSDAY, MAY 19, 2011
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

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

ABSENT: Member Olwell

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

I. ADMINISTRATIVE

1. Minutes- April 28, 2011

Mr. Dumas moved to approve the minutes of the April 28, 2011 Conservation Commission hearing.

Mr. Flood seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

2. Amend Regulations to add Regulations for Hiring Outside Consultants under M.G.L. Chapter 44, Section 53G

Mr. Verny moved to amend the Rules and Regulations for the Dennis Conservation Commission to include Regulations for Hiring Outside Consultants.

Mr. VonHone seconded the motion.

VOTED

IN FAVOR 6

OPPOSED 0

CONTINUED HEARINGS

**A. Caterino- Notice of Intent (SE16-19
20 CANDLEWOOD LANE, DENNISPORT**

A request to continue the hearing to the June 2, 2011 has been submitted.

Mr. MacDonald moved to continue the hearing to the June 2, 2011 hearing.

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 6

OPPOSED 0

**B. Caterino- Request for Determination of Applicability
20 CANDLEWOOD LANE, DENNISPORT**

John DeSimone was present on behalf of the applicant. Mr. Flood stepped down. Mr. DeSimone stated work is proposed on 18 & 20 Candlewood Lane, Dennisport. Three resource areas have been delineated. Mr. DeSimone explained the resource areas to the Commission.

Mr. Dumas stated there would be work within the 50' buffer. Mr. Dumas stated this would automatically trigger a requirement for a Notice of Intent, and would like to make a positive determination.

Mr. Dumas moved to close the public hearing.

Mr. MacDonald seconded the motion.

Mr. Verna asked if they could address the fencing. Ms. Fantozzi stated it would be included in the Notice of Intent.

VOTED

IN FAVOR 5

OPPOSED 0

Mr. Dumas moved to issue a Positive 1, requiring a Notice of Intent, a Positive 2 (boundaries of Riverfront Area are not confirmed), a Positive 3 (work proposed will serve to alter area subject to protection under M.G.L. Chapter 131, Section 40) so a Notice of Intent filing is required, a Positive 4 (work in buffer zone will alter area subject to protection under M.G.L. Chapter 131, Section 40) so a Notice of Intent filing is required, a Positive 5 (area and work described subject to Town of Dennis Wetlands Protection Bylaw and Regulations) so a Notice of Intent filing is required.

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

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

Ms. Fantozzi stated there is still a conflict with the work that was completed, and property information that needs clarification.

Mr. Robert Perry was present. Mr. Perry stated a request to continue the hearing until June 2, 2011 was made. Mr. Perry had not intended on speaking about this project this evening, however, since Ms. Fantozzi commented on the project wanted to address the Commission. Mr. Perry stated the project is sensitive in nature, and he has encouraged the two land owners to get together. Work has been completed, while no new work has proposed.

Mr. VonHone moved to continue the hearing for Buscone, 34 Schooner Road, Dennis, to the June 2, 2011 Conservation Commission hearing.

Mr. VERNY seconded the motion.

VOTED

**IN FAVOR 6
OPPOSED 0**

**D. Town of Dennis- Notice of Intent (SE16-1980)
LOWER COUNTY ROAD & LIGHTHOUSE ROAD, WEST
DENNIS**

Ms. Fantozzi stated the Commission was holding the hearing open until they received the sign off from MNH. MNH has provided their comments.

Mr. VERNY moved to close the public hearing.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 5(VonHone abstained)
OPPOSED 0**

Mr. VERNY moved to grant a variance, as given the existing conditions, there are no viable alternatives to the work as permitted, and, the work permitted will serve to lessen impacts to adjacent wetland resource areas.

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 5 (VonHone abstained)
OPPOSED 0

Mr. VERNY moved to issue an Order of Conditions to the Plan Set of Record (Sheets 1 & 2) dated March 2, 2011 and the Stormwater Drainage Analysis Report, dated March 30, 2011, with the following additional conditions:

- 1. Prior to the start of work, the applicant shall provide the conservation Commission with a sign off from the MNH&ESP MESA review process. If any changes in plan design are required by the MNH & ESP based on MESA review, the applicant shall file a request for an Amended Order of Conditions to address these design changes.**
- 2. if repairs to the existing culvert exceed normal maintenance activities or require replacement of the existing culvert with a larger structure, a new Notice of Intent shall be required.**
- 3. No storage of materials or debris shall be allowed on existing vegetated surfaces.**
- 4. Prior to the start of work, the project engineer and Conservation Agent shall determine the location for installation of silt fencing and hay bales. All silt fencing and hay bales shall be installed a minimum of 48 hours prior to the start of work.**
- 5. All management of stormwater facilities shall be in accordance with the approved Town of Dennis Phase 2 Stormwater Management Facilities Plan.**

Mr. MacDonald seconded the motion.

VOTED

IN FAVOR 5 (VonHone abstained)
OPPOSED 0

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

Mr. Dumas moved to continue the hearing for Day, 42 & 46 Howes Street, Dennis, to the June 2, 2011 Conservation Commission hearing.

Mr. VonHone seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

NEW HEARINGS

F. Hanlon- Notice of Intent (SE16-1983)

Bob Perry, Cape Cod Engineering, was present on behalf of the applicant. Mr. Perry explained the proposed plan to the Commission members.

Mr. VERNY moved to close the public hearing.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 6
OPPOSED 0**

Mr. VERNY moved to instruct staff to prepare an Order of Conditions for the next hearing.

Mr. MacDonald seconded the motion.

VOTED

**IN FAVOR 6
OPPOSED 0**

**G. DeWitt- Abbreviated Notice of Resource Area Delineation
61 ,77 & 83 OLD WHARF ROAD, DENNISPORT**

A request to withdraw the application was made. No action required.

**H. Chapman- Request for Determination of Applicability
143 LOWER COUNTY ROAD, DENNISPORT**

Lynne Hamlyn, Hamlyn Consulting, was present on behalf of the applicant and explained the application to the Commission members.

Mr. MacDonald moved to close the public hearing.

Mr. Dumas seconded the motion.

VOTED

**IN FAVOR 6
OPPOSED 0**

Mr. MacDonald moved to issue to the Plan Record dated as revised March 29, 2011, stamped by Stephen Haas, a Positive 2a, verifying wetland resource delineation for land subject to coastal storm flowage and isolated vegetated wetland (Town of Dennis Bylaw) and Negative 2 (work in area subject to protection-land subject to

flooding) will not alter, a Negative 3 (work in buffer zone to Town of Dennis wetland) will not alter, subject to the following stipulations:

1. All disturbed lawn areas shall be planted/grassed as soon as weather permits.
2. Prior to the start of work, a silt fence shall be installed from the existing concrete wall adjacent to the deck, in a southwesterly direction to the southerly property line.

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

I. Chapasko- Request for Determination of Applicability
106 UPPER COUNTY ROAD, DENNISPORT

Ms. Fantozzi explained the plan on behalf of the applicant.

Mr. VonHone moved to close the public hearing.
Mr. Macdonald seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

Mr. VonHone moved to issue a Negative 3 (work in the buffer zone will not alter) subject to the following stipulations:

1. All machinery access shall be from the south east, no machinery shall be allowed within the 50' buffer zone.
2. Prior to the start of work, the applicant shall stake and install silt fencing along the 50' buffer zone line.
3. No grading or filling in excess of 12" is allowed by this determination.

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

J. New Welch Realty Trust- Notice of Intent (SE16-1984)
9 MARK WAY, DENNIS

Mr. Dumas moved to continue the hearing for New Welch Realty Trust, 9 Mark Way, Dennis, to the June 2, 2011 Conservation Commission hearing.

Mr. Macdonald seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

K. Hay- Amended Order of Conditions (SE16-1975)
96 SHORE DRIVE, DENNIS

Michael Takach, Earth and Stone, was present on behalf of the applicant and explained request for an amendment. Proposed amendment includes 350 feet of patio space.

Ms. Fantozzi stated the scope of work that is proposed has nothing to do with the previous work that was permitted.

Mr. VERNY moved to close the public hearing.

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

Mr. VERNY moved to deny the request for an Amended Order of Conditions for Hay, 96 Shore Drive, Dennis.

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

ADMINISTRATIVE

L. Bass River Marina- Certificate of Compliance (SE16-1902)
140-160 MAIN STREET, WEST DENNIS

Mr. VonHone moved to issue a Certificate of Compliance for Bass River Marina, 140-160 Main Street, West Dennis.

Mr. Dumas seconded the motion.

VOTED

IN FAVOR 6
OPPOSED 0

**M. Spies- Certificate of Compliance (SE16-1926)
8 ROADS END, DENNIS**

Ms. Fantozzi is not recommending issuing the Certificate, as, landscaping and soil stabilization have not been documented as complete.

No action was taken.

N. Technical Consultant

Ms. Fantozzi deferred to Chairman Waldo. Mr. Waldo stated the Town has received a \$100,000 grant for Old Fort Field.

O. Director

Ms. Johnson stated at the last work session the Commissioners discussed the RFP for a technical consultant. Ms. Johnson asked the Commission members if they would prefer to have a special work session to finalize the RFP. The Commission agreed to meet on Tuesday, May 24, 2011 at 6:00 p.m. Ms. Johnson also stated the goal was to open Chapin beach prior to Memorial Day. There is an active plover nest with four eggs.

Mr. MacDonald moved to adjourn the hearing.

Mr. VonHone seconded the motion.

VOTED

**IN FAVOR 6
OPPOSED 0**

The meeting adjourned at 7:55 p.m.