

**Dennis Conservation Commission**  
**February 19, 2026**  
**Dennis Town Offices – Large Hearing Room**

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PRESENT: Chairman MacDonald Members: Clark, Norman, Hulst, Lombardi, Chamberlain  
ABSENT:  
STAFF: Director Burnham, Agent Boyer

**AGENDA – 6:00 P.M.**

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*As required by Open Meeting Law and Massachusetts General Law, we are informing you that Town will be video and audio taping, as well as broadcasting, this public meeting. In addition, if anyone intends to either video or audio tape this meeting, they are required to inform the Chair. This is to formally advise that, as required by G.L. Chapter 30A §§18-25, and pursuant to Chapter 2 of the Acts of 2023, signed into law on March 29, 2023, amended on March 28, 2025, the **Conservation Commission will hold a public meeting on February 19, 2026, at 6:00 pm in the Large "Stone" Hearing Room (Basement Level), 685 Route 134, South Dennis.** The public is welcome to attend either in-person or via the alternative public access provided below.*

**ZOOM Meeting information**  
**Zoom Link:** [https:// https://www.zoom.us/join](https://www.zoom.us/join)  
Meeting ID: 878-003-6813  
OR  
**By Phone Dial:** 646-558-8656  
When prompted enter Meeting ID: 878-003-6813

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**CONTINUED HEARINGS**

- A. **Breen – Notice of Intent (SE16-2820)** \*\*\* CONTINUED TO 03/05/2026 \*\*\*  
**85 & 92 MIRAMAR AVENUE, DENNISPORT – Proposed stone revetment construction, sand bag replacement, beach nourishment, and plantings.**
- B. **28 River Lane LLC – Notice of Intent (SE16-2821)**  
**28 RIVER LANE, DENNISPORT – Proposed coir array & drift fence extension, sand fill and plantings, and beach nourishment.**

Arlene Wilson stated that at the previous meeting the Commission had requested a written protocol reflecting the procedures she described, and she has since submitted that document. She noted that the submission includes two pages outlining the written protocol and two pages detailing the conditions from Massachusetts Natural Heritage & Endangered Species Program, and she offered to answer any questions from the Commission.

Commissioner Clark commented that he would prefer one specific alternative be included in the approval rather than leaving both options open, suggesting that if a different option were selected later, the applicant could return to amend the Order. He then asked Ms. Wilson for her preference between option one and option two, and she responded that option one would be her choice.

Director Burnham stated that the access needs to be shown on the plan rather than described in writing, emphasizing that the Commission must see the actual area depicted. She added that she would recommend continuing the matter to the next meeting if the revised plan is not submitted in time.

**Motion:**

**Commissioner Hulst made a motion to continue and draft an Order for the next meeting.**

**Commissioner Clark seconded the motion.**

**Vote: 6-0-0**

**C. Santos – Notice of Intent (SE16-28XX)**

**3 BEACH PINES ROAD, DENNISPORT – Proposed deck reconstruction and expansion.**

Chris Weller, representing the contractor and the homeowners, stated that at the previous meeting the Commission indicated it would not approve any work closer than 50 feet to the resource area. In response, the applicants eliminated the proposed 4-foot addition to the deck and revised the plans so that all work is now located outside of the 50-foot buffer zone. He also addressed a question raised about a pergola, explaining that there had been a misunderstanding regarding the contractor's terminology. He clarified that the structure in question is not a pergola, but rather a small roofed section over a portion of the deck at the house entry, measuring approximately 4 feet by 8 feet, intended to provide cover for individuals entering the home.

**Motion:**

**Commissioner Clark moved to continue the meeting and have the staff draft an Order for the next meeting.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

**D. Schneeberger / Nobscusett Angler Realty Trust – Order of Conditions (SE16-2841)**

**71 & 75 CROCKERS PATH, DENNIS – Proposed parking area and driveway modifications with mitigation plantings.**

**Motion:**

**Commissioner Norman moved to continue the meeting.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

**E. West Dennis Yacht Club – Order of Conditions (SE16-2839)**

**259 LORING AVENUE, WEST DENNIS – Proposed replacement of bulkhead sections, pier, and boat ramp.**

Amanda Mallon of GEI Consultants appeared on behalf of the West Dennis Yacht Club to discuss the proposed bulkhead project. She explained that, in response to prior comments, revised plans were submitted illustrating the temporary impacts associated with shifting the bulkhead either seaward or landward, particularly along the section adjacent to the existing salt marsh. The submission also included calculations for the quantity of imported fill required behind the wall.

Commissioners discussed the two alignment alternatives, one placing the new wall seaward of the existing wall and the other landward.

Commissioner Norman inquired about the condition of the existing wall and the presence of tiebacks in both the CCA and creosote bulkheads.

Ms. Mallon confirmed tiebacks exist in both and stated that the wall is in very poor condition, with some tie rods already snapped. She explained that installing a new wall landward of the existing wall would require excavation behind the current structure, removal of tiebacks, and unloading of the wall before construction could proceed, as the tiebacks would conflict with the new sheeting. Excavated material would be stockpiled and replaced after installation of the new wall.

The Commission also discussed the previously proposed six-foot planting strip along the wall.

Ms. Mallon stated that while a continuous six-foot planting strip along the new wall would interfere with dock access, the Yacht Club was willing to accommodate plantings elsewhere on the property.

Commissioner Norman questioned whether plantings could replace the existing grass along the wall, suggesting access paths could be cut through.

Mike Demonica, representing the Yacht Club, acknowledged that some accommodation could be made but noted that in certain areas, particularly near the corner of the building where only eight feet separate the structure from the wall, space constraints create a significant pinch point. He stated the Club would work to provide the six-foot planting strip where feasible, including along the timber side near the boat ramp, but emphasized that space is limited.

Commissioner Hulst stated that plantings should be installed wherever feasible, with access paths provided as necessary, and requested a revised plan clearly showing proposed planting locations.

Shellfish impacts were also discussed. Ms. Mallon confirmed that shellfish would be relocated prior to construction activities, acknowledging that this had not been clearly stated in the prior memo.

Commissioner Clark asked whether placing the wall landward or seaward would be more disruptive.

Chairman Macdonald and other Commissioners noted that placing the wall seaward would result in permanent salt marsh impacts, even if minor, and referenced the Commission's history of requiring landward placement in similar areas, including the "fingers."

Director Burnham stated that comments from the Department of Marine Fisheries and DEP favored a landward alignment and expressed concern over permanent habitat loss, recommending that the entire wall be constructed landward of the existing wall.

Commissioner Hulst indicated the matter should be continued to allow submission of revised plans reflecting plantings and a landward alignment.

Ms. Mallon sought clarification on whether shifting only the section adjacent to the salt marsh landward would satisfy concerns, noting that placing the entire wall behind the existing structure presents significant structural challenges, particularly near the building where limited space and site stability are major concerns.

Commissioner Hulst stated that gaining upland at the expense of wetland resource areas was not acceptable and requested a plan showing the entire wall landward, along with additional information regarding structural complications.

Mr. Demonica reported consulting with contractors, including Robert Ours and Kevin Tremblay, who expressed concerns that due to the proximity of the building, limited workspace, high tidal velocities near the bridge, greater wall exposure height, and existing footings and supports in filled land, constructing the entire wall landward may not be feasible and could risk structural instability or erosion.

Commissioner Norman requested that the applicant provide written justification to the Commission and DEP explaining any structural necessity for seaward placement and address mitigation for any loss of resource area.

Mr. Demonica stated the Yacht Club is willing to work with the Commission on mitigation measures and offered to enhance and plant the existing peat area of salt marsh to improve the resource value as partial compensation for impacts.

**Motion:**  
**Commissioner Hulst moved to continue the meeting.**  
**Commissioner Norman seconded the motion.**  
**Vote: 6-0-0**

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## **NEW HEARINGS**

**F. Robinson – Request for Determination of Applicability**  
**10 FLAKEYARD ROAD, DENNISPORT – Proposed raze and replacement of dwelling and garage.**

Adam Stroth stated that he is the architect and representative for Jeffrey and Kathleen Robinson for the RDA application. He explained that the property is a pre-existing nonconforming lot in the R40 district, consisting of approximately 5,200 square feet. During preparation of documentation for the Conservation Commission submission and subsequent ZBA filing, it was identified that a portion of the existing garage encroaches into the 100-foot buffer to Coastal Bank, with the buffer clipping the corner of the lot and extending through part of the garage. He noted that the submitted site plans, prepared by Outermost Surveying, depict both existing and proposed building footprints, and that an existing conditions survey was also provided.

Mr. Stroth stated that the proposal involves demolishing the existing house and garage due to significant structural deficiencies, including sagging roof lines and poor foundation conditions, and constructing a new house and detached garage with smaller footprints to reduce the degree of nonconformity and buffer encroachment. He explained that the proposed garage would be smaller and shifted approximately 4.5 feet back from the current garage footprint, thereby reducing the extent of encroachment into the buffer. He added that standard sediment and erosion control measures, including straw waddles for perimeter erosion control, would be implemented and maintained throughout construction to avoid adverse impacts to existing conditions. In closing, he stated that the project would reduce existing buffer encroachment, incorporate standard erosion controls, and respectfully requested a determination consistent with the staff recommendation, noting the applicant's willingness to accept any conditions deemed appropriate. Septic is remaining as is.

**Motion:**  
**Commissioner Chamberlain made a motion to close the hearing.**  
**Commissioner Hulst seconded the motion.**  
**Vote: 6-0-0**

**Motion:**  
**Commissioner Chamberlain made a motion to issue a Positive 5 Determination as the area and or work shown on the plan and described in the request is subject to review and approval by the Town of Dennis Wetland Bylaw.**  
**Commissioner Norman seconded the motion.**  
**Vote: 6-0-0**

**Motion:**  
**Commissioner Chamberlain moved to issue a Negative 3 Determination as the work described in the request is within the buffer zone subject to jurisdiction, but will not alter said area subject to jurisdiction under the Town of Dennis Wetlands Bylaws.**  
**Commissioner Hulst seconded the motion.**  
**Vote: 6-0-0**

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**ADMINISTRATIVE**

- G. **McNair / Lot 62-63 West Dennis Real Estate Trust – Order of Conditions (SE16-2840)**  
**50 LANYARD LANE, WEST DENNIS – Proposed deck reconstruction.**

**Motion:**

**Commissioner Clark moved to sign and issue the Order of Conditions.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

- H. **Pelham Farms, LLC – Enforcement Order Discussion**  
**39 INDIAN POND ROAD, WEST DENNIS.**

**\*\*\* CONTINUED TO 03/05/2026 \*\*\***

- I. **Minutes: 1/15/26, 2/5/26**

**Motion:**

**Commissioner Clark moved to accept the minutes posted with one change submitted.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

- J. **Conservation Agent’s Report**

Agent Boyer reported a violation at 228 Lower County Road in Dennisport, located in Dennis Port. He presented aerial imagery identifying the affected area to the west of a storage garage on the property. The Conservation Department received a complaint the previous Friday and issued a cease-and-desist order. A site plan for the construction of the storage shed shows a bordering vegetated wetland approximately 35 feet from the garage. Clearing, grading, and fill were placed either within the resource area or inside the 50-foot buffer zone. Agent Boyer described the area as initially appearing as a hole and now as a graded and filled section. While on site, he observed additional clearing within the wetlands, reportedly to remove a tree considered a threat to the garage. The property owner indicated that the contractor exceeded the intended scope of work. The Department has photographic evidence of the contractor’s equipment on site. Sediment and fill were observed to have entered the wetland resource area. Agent Boyer suggested that silt fencing be installed immediately in the graded area and stated that an enforcement order would be issued promptly. He recommended scheduling a show cause hearing with the property owner to discuss citations and next steps, emphasizing the seriousness of the matter.

Director Burnham stated that the enforcement order should require submission of a restoration plan within a specified timeframe, such as 30 or 60 days, and clarified that there would be no option to file a Notice of Intent, only full restoration of the impacted area. Agent Boyer noted that the exact number of trees removed is unknown, as he had not previously visited the site, but it appeared to have been well vegetated, with at least one tree and significant brush cleared, and likely more. He added that the property owner was apologetic during their meeting and appeared willing to cooperate.

The group discussed potential citation amounts and agreed that penalties should reflect the severity of the offense. They also agreed that an enforcement order should be sent to the contractor. Director Burnham suggested waiting until the first meeting in March to determine citation amounts before issuing them to the contractor, proposing that the contractor receive a letter similar to those sent in other violations, noting their awareness of sensitive resources and applicable regulations, and that citations issued to the property owner could be duplicated for the contractor.

**Motion:**

**Commissioner Clark made a motion to adjourn.**

**Commissioner Lombardi seconded the motion.**

**Vote: 6-0-0**

**The meeting was adjourned at 6:37 pm.**

<p><b>Hearing Schedule</b> <b>Next Regular Meeting – March 5, 2026</b></p>
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