

**Dennis Conservation Commission**

**March 5, 2026**

**Dennis Town Offices – Large Hearing Room**

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**PRESENT:** Chairman MacDonald Members: Clark, Norman, Hulst, Lombardi, Chamberlain  
**ABSENT:** None  
**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 March 5, 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 HEARINGSW**

**A. Breen – Notice of Intent (SE16-2820)**

**85 & 92 MIRAMAR AVENUE, DENNISPORT – Proposed stone revetment construction, sand bag replacement, beach nourishment, and plantings.**

Arlene Wilson of A.M. Wilson Associates explained that when the project was previously before the Commission there were questions regarding the access route, and the Commission requested that it be shown on the plan. Because the plan now contains a significant amount of information, the access routes were illustrated in color. Two potential access ways are shown: one for delivering sandbags to the east end of the wall and another likely route for constructing the wall and its return. She noted that the latter route may not be the final one. If contractors ultimately need to access the site to the south of the existing seawall, the applicant would return to the Commission with a construction protocol and a revised plan, though she expressed hope that this would not be necessary. Ms. Wilson also provided a likely plant list based on her recollection and photographs, particularly for the access way along the common property line with 28 River Road, which she described as consisting predominantly of woody growth rather than herbaceous vegetation. Due to winter conditions, a full field review of existing vegetation has not been possible in recent weeks. She anticipated a special condition requiring that, prior to construction and review of the construction protocol, a complete plant inventory be conducted in that area. The proposal is to cut woody growth to grade, use construction pads to protect the root mat, and then inspect the area after two growing seasons. If bare spots are identified, a planting or replanting plan would be prepared and finalized with staff. She added that additional conditions may require inspection of any planting materials during subsequent growing seasons. Ms. Wilson further explained that the Natural Heritage & Endangered Species Program has suggested placing a substantial amount of sand at the site annually for beach

nourishment, describing the intent to cover both the new work and the existing wall. However, this work cannot proceed until additional permits are obtained. In the interim, the applicant proposes to place sand above the mean high-water line and immediately begin the permitting process to allow sand placement below mean high water, which currently occurs along the wall. Once those permits are secured, the beach nourishment could be expanded more broadly. She requested flexibility from the Commission so that construction of the wall return could proceed while the additional permitting is underway and sand nourishment could occur where feasible in the meantime. Commissioner Hulst stated that she agreed with the conditions suggested by Ms. Wilson but asked how the Commission could ensure that the nourishment would ultimately occur, noting that the Commission would be allowing the project to proceed even though the full permits needed to meet the nourishment requirement were not yet in place. Ms. Wilson responded that, at a minimum, the new coir envelopes at the east end must remain covered with sand, and additional nourishment could be placed there as well. She added that sand nourishment would also occur at the corner of the wall return and near the 28 River coir envelopes, which are set slightly farther back, to fill a gap that tends to form each year. The applicant would notify the office before placing sand, track the amount of sand used, and provide copies of invoices and photographs.

Commissioner Norman noted revision on the site plan.

**Motion:**

**Commissioner Hulst made a motion to close the hearing and have staff draft an Order with all the proposed conditions.**

**Commissioner Norman seconded the motion.**

**Vote: 6-0-0**

**Motion:**

**Commissioner Hulst made a motion to grant a variance from the provisions of Section 2(1) of the Town of Dennis wetlands Bylaw to allow for work to occur within the 50-foot buffer.**

**Commissioner Norman seconded the motion.**

**Vote: 6-0-0**

**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 of A.M. Wilson Associates explained that during the previous meeting the main question concerned the access route. In response, an illustration has now been provided showing the proposed route along with suggested conditions that would apply to the construction of that access.

**Motion:**

**Commissioner Norman made a motion to close the hearing and have staff draft an Order.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

**Motion:**

**Commissioner Norman made a motion to grant a variance from the provisions of Section 2(1) of the Town of Dennis Wetland Bylaw to allow for work to occur within the 50-foot buffer.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

**C. Santos – Notice of Intent (SE16-2843)**

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

Agent Boyer stated that the DEP number has been received and he has an Order drafted for signature.

**Motion:**

**Commissioner Norman made a motion to close the hearing and sign the draft Order.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

**Motion:**

**Commissioner Norman made a motion to grant a variance from the provisions of Section 2(1) of the Town of Dennis Wetland Bylaw to allow for work to occur within the 50-foot buffer.**

**Commissioner Hulst seconded the motion.**

**Vote: 6-0-0**

**D. Schneeberger / Nobscussett Angler Realty Trust – Notice of Intent (SE16-2841)**

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

Agent Boyer explained that they had been waiting to receive comments from Natural Heritage, which have now been received. He stated that the comments included the typical time-of-year restrictions related to nesting shorebirds.

Commissioner Norman noted a discrepancy regarding the split rail fence location, explaining that the two plans show the fence in different locations. He asked that the plans be reviewed to ensure they are consistent.

Nick Crawford of Crawford Land Management responded that the staking in the field reflects where the split rail fence will be installed. He said the fence will run essentially around the parking area to prevent people from entering certain areas and to ensure that vehicles do not go too far. He added that he believes the restoration plan shows the correct fence location and stated that he will ensure the engineer's plan is updated accordingly.

**Motion:**

**Commissioner Chamberlain made a motion to close the hearing.**

**Commissioner Lombardi seconded the motion.**

**Vote: 6-0-0**

**Motion:**

**Commissioner Chamberlain made a motion to sign the draft Order and have the proper notation on the plan as discussed.**

**Commissioner Lombardi seconded the motion.**

**Vote: 6-0-0**

**Motion:**

**Commissioner Chamberlain made a motion to grant a variance from the provisions of Section 2(1) of the Town of Dennis Wetland Bylaw to allow for work to occur within the 50-foot buffer.**

**Commissioner Lombardi seconded the motion.**

**Vote: 6-0-0**

03/19/2026 \*\*\*

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

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**NEW HEARINGS**

F. Boisvert – Notice of Intent (SE16-2842)

25 NEW BOSTON ROAD, DENNIS – Proposed septic system upgrade.

Asa Mintz of AJM Site Design appeared on behalf of Rob and Doreen Boisvert regarding a proposed septic system upgrade. He explained that the property consists of approximately 38,000 square feet, much of which is wetland, and that the existing house was constructed in 1983 and is situated tightly on the lot. The residence is a four-bedroom home served by an existing 1,000-gallon septic tank and pipe-and-stone leach field. He estimated that the existing leach field is currently only two to three feet above groundwater and noted that the system is aging. Mr. Boisvert is seeking to voluntarily upgrade the system in order to prepare for the future and avoid issues should the property be sold. The existing tank is approximately 26 feet from the edge of the wetland and the leach field is about 22 feet from the wetland edge. The proposal includes installation of a new 2,000-gallon tank, a 1,000-gallon pump chamber, and a raised leach field located in the front yard, which is the furthest feasible location from the wetland. The system must be placed between the water line, the house, and the front property line. The raised system will be approximately two to two and a half feet above natural grade at its highest point. Mintz explained that a stone retaining wall currently exists in the front yard and that the plan is to utilize that wall and extend two retaining walls from either side of the septic system to maintain elevation, gradually tying the walls back into existing grade closer to the house. Because the entire property lies within both the 50-foot and 100-foot wetland buffer zones, several variances are required, including Board of Health variances for setbacks to the property line and foundation and a one-foot variance to groundwater in order to keep the system height lower. The top of the system is proposed at elevation 16.5 while the top of the foundation is approximately 15.8, placing the septic system roughly nine to ten inches above the foundation elevation. Mintz stated that the proposed leach field will be approximately 50 feet from the wetland edge and the closest tank about 26 feet away.

Addressing comments from the Conservation Agent's review, Mintz noted that construction would require removal of a 16-inch oak tree, a 3-inch cedar, and several smaller shrubs in the front yard. He indicated that the trees are not considered prime specimens and are in declining condition, and that efforts were made to limit tree removal in the front yard where several oak trees exist. He also addressed a shed located slightly over the wetland line, which he believes pre-dated the current owners' purchase of the property ten years ago, though the exact installation date is unknown. He stated the applicants would be willing to move the shed further from the wetland if required. In addition, a small gravel patio located between flags 7 and 8 was discussed. Although the Conservation Agent indicated it did not appear in earlier records, Mintz stated that aerial imagery shows evidence of a sitting area in that location and that the current owner later refreshed it with additional stone, which made it more visible in recent aerial photographs. He added that the owner was unaware of the implications at the time and is willing to address or remediate the area as directed.

Commissioner Chamberlain stated she had no major questions and appreciated that the applicant addressed the items raised during review. She noted that mitigation would be important in this situation and suggested that planting mitigation accompany the project, including a planting plan. She added that even if some elements on the property were pre-existing, the current owner now holds a property located entirely within an environmentally sensitive area and mitigation should be part of the approval.

Commissioner Lombardi agreed and stated that any trees or plantings disturbed by the new leaching field would require replacement. Although the work appears to be outside the 50-foot buffer, he noted that replacement plantings could be located anywhere on the property and that the Commission would require one-to-one mitigation for disturbed trees or plantings.

Commissioner Hulst stated she was generally supportive of the project but expressed concern about the gravel patio located essentially within the wetland. She said she was not comfortable with that feature remaining in place and would prefer to see it removed, though she was open to hearing other Commissioners' thoughts.

Commissioner Norman also supported the requirement for tree replacement and noted that the shed appears small enough that it could reasonably be relocated away from the wetland. Regarding the gravel patio, he suggested the applicant consider providing mitigation elsewhere on the property at a two-to-one ratio.

Other board members expressed agreement with requiring two-to-one mitigation for the gravel patio. The Commission discussed having the applicant submit a revised plan showing the proposed mitigation measures and locations. The Commission agreed to draft an Order of Conditions and review it for approval at the next meeting and voted to continue the hearing.

**Motion:**

**Commissioner Hulst made a motion to continue the hearing.**

**Commissioner Chamberlain seconded the motion.**

**Vote: 6-0-0**

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**ADMINISTRATIVE**

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

Director Burnham reported that there has been some movement on the matter. She stated that Agent Boyer and she met with a representative of the farm and have had several conversations regarding the site. They are planning to visit the property to review the area and confirm that everything is consistent with the existing permits. The site visit will take place once the snow has fully melted.

**H. 224 Lower County Rd Rlty TR – Enforcement Order Discussion / Show Cause Hearing  
228 LOWER COUNTY ROAD, DENNISPORT**

Agent Boyer provided the board with a refresher on the violation and displayed photographs for reference. He explained that the violation is located at 228 Lower County Road, behind the restaurant building to the west of the storage building, and highlighted the area in question. Part of the violation is within the 50-foot buffer zone and part is within the wetland itself. He referenced the site plan showing the borderline vegetated wetland, which is located approximately 32 feet from the corner of the building. He also showed the wetland location on the MassGIS delineation along with the affected area. Photographs from a couple of weeks prior showed fill that had been brought in, grading, clearing of vegetation, and some runoff of the fill into the wetland. He noted that the area had previously been extensively vegetated, but he had not visited the site before the clearing and therefore could not confirm what types of vegetation had been removed. He reminded the board that at the last meeting they discussed potential citations for the grading and clearing within both the 50-foot buffer zone and the wetland resource area.

Property owner Jimmy Mullen stated that he was present seeking a resolution. He explained that a couple of trees had fallen on his barn, so he had a friend with a machine remove them. He said the contractor also removed dead brush and trees that were already on the ground and brought in some fill.

Commissioner Hulst stated that the area would need to be fully restored, including the removal of all fill, and that a restoration plan would be required. She added that she had not previously been aware that fill had been brought onto the site and felt that this should result in an additional citation.

Chairman Macdonald informed Mr. Mullen that the board would require a restoration plan and explained that it is typically prepared by a qualified professional rather than the property owner. Mr. Mullen asked what that would entail since the area is a swamp and a mess.

Commissioner Lombardi responded that it is a protected area, and Commissioner Chamberlain added that whoever he hires will know what needs to be done.

Director Burnham explained that although the board did not have the document before them that evening, an enforcement order had been prepared that could be signed and ratified by the Board. She noted that Agent Boyer had also prepared a draft Enforcement letter to accompany the order. The letter outlines the requirement for a survey-stamped restoration plan showing the impacted area, wetland resource areas, species and quantities of plantings, planting locations, and monitoring protocols, and provides 60 days for preparation of the plan. She added that the remaining item for the Board's consideration that evening was the determination of citations to be issued to the property owner and the contractor.

The Board discussed the fines and reached a consensus to issue the maximum penalty. Director Burnham summarized that the maximum would consist of four \$300 citations totaling \$1,200 for removal of vegetation within a wetland and within the buffer zone, and for placement of fill within a wetland and within the buffer zone. She stated that the citations would be issued to both the property owner and the contractor, and that the contractor would also receive a letter similar to those used previously advising that, as a contractor working in the area, they should be aware of sensitive resources and the applicable rules and regulations.

The Board agreed with this approach and voted in favor.

**Motion:**

**Commissioner Hulst made a motion to issue the fines discussed and require a restoration plan within 60 days.**

**Commissioner Chamberlain seconded the motion.**

**Vote: 6-0-0**

<p style="text-align: center;"><b>Hearing Schedule</b> <b>Next Regular Meeting – March 19, 2026</b></p>
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**I. Minutes: 3/6/25, 2/19/26**

**Motion:**

**Commissioner Hulst moved to accept the minutes posted.**

**Commissioner Norman seconded the motion.**

**Vote: 6-0-0**

**J. Conservation Agent's Report**

He stated that the only update is for the next meeting. The Commission has received four new filings, all of which are RDAs, so the agenda will be a little longer. He added that several continued hearings have been taken off the agenda, which is good.

**Motion:**

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

**Commissioner Lombardi seconded the motion.**

**Vote: 6-0-0**

**The meeting was adjourned at 8:18 pm.**