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PRESENT: Chairman Macdonald Members: Clark, Olwell, Norman, Hulst, Lombardi, Chamberlain  
ABSENT: Staff: Burnham, Members: None  
STAFF: Johnson

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**ADMINISTRATIVE**

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 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, the Conservation Commission will hold a public meeting on April 6, 2023 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.

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**CONTINUED HEARINGS**

- A. Nolan – Notice of Intent (SE16-26XX) **\*\*\* CONTINUED TO APRIL 20, 2023 \*\*\***  
53 DR. BOTTERO ROAD, DENNIS – Proposed raising of dwelling with new foundation, reconstruction of decks, addition of access stairs.
  
- B. Hosmer / Fanucci – Notice of Intent (SE16-2684)  
14 NORTH STREET, EAST DENNIS – Proposed removal of screen porch and deck and replacement with sunroom, second floor screen porch, and roof deck.

John O’Reilly, of JM O’Reilly and Associates, was present representing the applicant. Plan before the Commission is a revised plan from the original submittal. Originally proposed spiral staircase is no longer proposed. Applicant is proposing to convert a first floor screen porch to a sunroom and second floor deck to a screened porch with a roof deck atop that. A generator pad is also proposed near the shed on the driveway side of the property. Property bordered on a vegetated wetland.

Commissioner Clark inquired about the separate ongoing invasive species work on the property.

**Motion:**  
Commissioner Clark moved to close the hearing and request staff draft the Order of Conditions.  
Commissioner Hulst seconded the motion.  
Vote: 7-0-0

Commissioner Clark moved to grant a variance from Section 2(1) of the Town of Dennis Wetlands Bylaw Rules and Regulations in order to allow for work to occur within the 50’ of a wetland resource.  
Commissioner Lombardi seconded the motion.  
Vote: 7-0-0

- C. Dorant – Request for Determination of Applicability **\*\*\* CONTINUED TO MAY 4, 2023 \*\*\***  
6 FIDDLERS GREEN LANE, WEST DENNIS – Proposed septic upgrade.

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**NEW HEARINGS**

**D. Allegretto – Request for Determination of Applicability**

**9 POND STREET, WEST DENNIS – Proposed driveway renovation and step construction.**

Janice Allegretto, owner, was present. Ms. Allegretto indicated they wanted to renovate the existing driveway and construct an egress off their master bedroom. They would like to remove the shells and existing T base in the driveway and install new T base, native stone, line the edge with cobblestone and install an apron. Siltation fencing will run from the house to the road to prevent any potential runoff. She submitted a memo and additional photos tonight that changes her proposal for the bedroom egress. This is within the 50-foot buffer zone. An older brick and concrete stair previously existed. She would now like to change the original request from a 4' by 9' landing and step to a 12' by 12' platform and wrap-around step (full size of 13' by 14'). This will be constructed of wood. Digging for any footings would be done by hand.

Commissioner Hulst questioned the “permeable decking”. Ms. Allegretto explained she just meant the gaps in the wood construction. Commissioner Hulst indicated she was agreeable to the original proposal which was much smaller, but is unsure how she feels about the increase to 182 square feet.

Commissioner Norman clarified the size of the newly proposed deck. He inquired if any mitigation was proposed. None currently proposed but she would be agreeable to plants.

Commissioner Olwell indicated it was fairly large but she may be agreeable with some mitigation.

Commissioner Clark pointed out that any revised documents were supposed to be in at least a week in advance of the meeting. He indicated he was already on the fence as to whether the project would have required a Notice of Intent instead of an RDA. He pointed out that the work is proposed within the 50-foot buffer. He did note that the existing house does extend closer to the coastal bank. Considering they were only given the information tonight, he would like time to go out and look at the site again.

Chairman Macdonald indicated he did not have any major issues but was agreeable to continue if that’s what others wanted.

Commissioner Chamberlain indicated that she wanted mitigation and a proper plan that now outlines the new proposal. Commissioner Hulst informed the applicant that they typically require 2:1 mitigation so mitigation would be on the order of 364 square feet of plantings.

Commissioner Clark reiterated that he thought a Notice of Intent may be necessary. Commissioner Norman was agreeable to the RDA but wanted a revised plan and mitigation details. He also wanted to confirm that monitoring reports would be required.

**Motion:**

**Commissioner Norman moved to continue the hearing for a revised plan including new deck and mitigation location and details.**

**Commissioner Hulst seconded the motion.**

**Vote: 7-0-0**

**E. Mamica – Request for Determination of Applicability**

**58 UNCLE ROLF ROAD, DENNISPORT – Proposed septic system upgrade.**

Dan Ojala, of Down Cape Engineering, was present representing the applicant. The applicant is proposing to replace the existing failed cesspool with a new septic system. Project is within flood zone. No other wetlands. Slightly raised system about 2' about ground. No increase in flow.

Commissioner Hulst noted the proposed 85 yards of fill and asked exactly how high that will raise the grade. Mr. Ojala replied about 2' +/-.

Commissioner Norman discussed the distance to groundwater.

Commissioner Olwell brought up the possibility of an I/A system.

Commissioner Clark asked if the area was going to be graded for the raised system or if there would be a wall. Mr. Ojala replied there would be a short wall.

**Motion:**

**Commissioner Chamberlain moved to close the hearing.**

**Commissioner Clark seconded the motion.**

**Vote: 7-0-0**

**Motion:**

**Commissioner Chamberlain moved 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 Wetlands Bylaws.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**Motion:**

**Commissioner Chamberlain moved to issue a Negative 2 determination as the work described in the request is within the area subject to protection but will not alter an area subject to protection.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**F. Huff – Notice of Intent (SE16-26XX)**

**5 FLAKEYARD ROAD, DENNISPORT – Proposed reconstruction of existing decking, walkway, and railing.**

Harry Ellis was present representing the applicant. Project is to replace the existing walkway/deck out to the coastal bank. Complete rebuild. All work will be done by hand – removal and new construction. Pressure treated material will be used. Proposed to be rebuild in same footprint. Any disturbed grasses will be replanted if necessary. Whole project should take about 2 days to complete.

Commissioner Norman asked what would be planted if the grass was disturbed. Mr. Ellis indicated that, if they anticipated disturbance, they would remove the grass ahead of time then replant it back. If they need additional grass they will get that and plant it.

**Motion:**

**Commissioner Clark moved to continue the hearing for file number only and request staff draft an Order of Conditions.**

**Commissioner Hulst seconded the motion.**

**Vote: 7-0-0**

**Commissioner Chamberlain moved to grant a variance from Section 2(1) of the Town of Dennis Wetlands Bylaw Rules and Regulations in order to allow for work to occur within the 50' of a wetland resource.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**G. Jette – Notice of Intent (SE16-2686)**

**195 UNCLE BARNEYS ROAD, WEST DENNIS – Proposed relocation of existing patio and walkway area.**

John O'Reilly, of JM O'Reilly & Associates, was present representing the applicant. Property abuts Bass River. There is an expanse of salt marsh between the upland and the river. There is also a coastal bank on the property. The applicant would like to relocate an area of existing patio on the water side of the property to another location. Move is an issue of view and shading. Flagstone wet-set patio would be moved and would be constructed as a dry laid patio on the other side of the house. There is a minor 6 square foot reduction in hardscape.

No comments from Commissioners.

**Motion:**

**Commissioner Hulst moved to close the hearing.**

**Commissioner Lombardi seconded the motion.**

**Vote: 7-0-0**

**Commissioner Hulst moved to approve the project under the Wetlands Protection Act and the Town of Dennis Wetlands Bylaw as shown in the plan of record and instruct staff to prepare an order of conditions for the next regularly scheduled conservation committee meeting.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**Commissioner Hulst moved to grant a variance from Section 2(1) of the Town of Dennis Wetlands Bylaw Rules and Regulations in order to allow for work to occur within the 50' of a wetland resource.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**H. Hofford – Notice of Intent (SE16-2685)**

**20 UNCLE ZEKE'S LANE, WEST DENNIS – Proposed shed and swimming pool with patio, retaining wall, and fence.**

Lynne Hamlyn, of Hamlyn Consulting, was present representing the applicant. Applicant proposes an in-ground swimming pool with patio, fence, and shed. This will all occur outside the 50-foot buffer zone to a bordering vegetated wetland, within land subject to coastal storm flowage, and within riverfront area. Proposal conforms to regulations for redevelopment within the Riverfront Area. Proposed mitigation has now been moved from the driveway area to closer to the wetland. A row of Leyland cypress trees have also been added to the plan.

Douglas Stewart, of 10 Uncle Zekes Lane, commented that, as long as existing vegetation remained, they supported the project.

Commissioner Hulst asked what the pool fence would be made of. Answer is unknown. Commissioner Hulst recommended the fence not be made of glass due to the project's location in the flood zone.

Commissioner Clark asked about the depth of the pool and if it would be in groundwater. Ms. Hamlyn indicated it should not be in the groundwater since it is being elevated with a retaining wall. There is a detailed dewatering protocol on the plan. There was a discussion of the trees to be planted.

**Motion:**

**Commissioner Hulst moved to close the hearing.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**Commissioner Hulst moved to approve the project under the Wetlands Protection Act and the Town of Dennis Wetlands Bylaw as shown in the plan of record and instruct staff to prepare an order of conditions, including a special condition that the pool fence cannot be glass, for the next regularly scheduled conservation committee meeting.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**Commissioner Hulst moved to grant a variance from Section 2(1) of the Town of Dennis Wetlands Bylaw Rules and Regulations in order to allow for work to occur within the 50' of a wetland resource.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

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**ADMINISTRATIVE**

**I. Town of Dennis – Informal Request to Modify Access (Associated with SE16-2213)**

**5 CHASE AVENUE, DENNISPORT – Annual sand placement allowed through Certificate of Compliance – request to modify access path width from 8' to 10'.**

Dustin Pineau, Town of Dennis Beach & Recreation Director, was present. Area is Depot Street Beach. 75 cubic yards of sand is deposited annually using windblown sand accumulated at West Dennis Beach. Work is done by DPW. They have asked if the access path can now be maintained at 10-foot wide instead of 8-foot wide. This would allow sand to be dumped in fewer trips than using a smaller skid steer.

Ongoing project to restore area done by abutters is primarily done. 75 cubic yards of sand was dumped a few days ago to limit disturbance to new plantings. Abutter's restoration work has left the area at 10' wide for now until the Commission decides - but it can be planted to 8' within a few days if so determined by the Commission.

Director Johnson clarified that there is a Certificate of Compliance that allows the annual nourishment but it requires them (the Town) to replant any areas that are disturbed for access. Since the restoration plan was approved, the area was to be put back to pre-existing conditions, which, according to the signed and stamped survey plan, was previously existing as 8' wide path.

Selectman Paul McCormick spoke that he believed the wider path would be better for patrons of the beach as well as make it easier for the annual sand nourishment activities.

Commissioner Hulst asked, if the path was not 10' wide in the past, how were they able to complete the work previously. Mr. Pineau notes that they have not disturbed beach grass any years in his recollection.

Director Johnson noted that DPW has indicated they have used the same equipment for years but it also seems that the grass has not been impacted since it had remained stable. She thinks this was possibly because the grass was stabilized and the tires did not impact the rhizomes and the grass was still able to

grow. This would not have happened this year since the grass is all newly planted. She indicated that the wider the path would be an impact that the Commission would typically require a regular NOI/permit for. Dustin cannot amend his permit because it is already a Certificate of Compliance. He would need a new permit.

Commissioner Chamberlain noted that her issue is that this particular location has been in discussion for months and she does not understand why this was not brought up earlier and part of the discussion, because now a decision has already been made for the restoration of the area. She does not want to make undue work for the town, but maybe a Notice of Intent would clarify things.

Commissioner Hulst asked if any other application other than a Notice of Intent can even be filed. Chairman Macdonald indicated it was up to the Commission to determine the significance of the project and the applicant needed. Commissioner Hulst thought it was not insignificant.

Commissioner Clark was also conflicted. He also wonders why this did not come up before. There is an existing approval for an 8-foot wide path – not an Order of Conditions but a Restoration Approval.

Commissioner Chamberlain clarified that if the path remained 8', they could still perform the work, but it would require more trips? That is correct, but it would take many more trips with the smaller equipment. Director Johnson noted that they could still use the larger equipment and if nothing was impacted, that was fine, but if it was, he was allowed to impact then replant.

Commissioner Olwell wanted to keep it at 8-feet wide. She felt the wider path was unnecessary and the area should be preserved as much as possible.

Commissioner Norman began a discussion of the possible trucks to be used.

Commissioner Lombardi did not feel that the additional 2-feet, given the site's current condition would have much of an adverse impact. Chairman Macdonald agreed.

Director Johnson reminded the Commission that they were not deciding on it tonight, but rather deciding what type of permit would be required to allow for the expansion. Consensus was that an RDA would be sufficient.

Commissioner Hulst asked, if a 10-foot wide path is approved, what happens to the abutter who is required to restore to 8-feet wide? Chairman Macdonald indicated that this approval would supersede that approval.

Commissioner Chamberlain asked that Dustin find out for sure that there is no medium sized truck that could be used between the small one he described and the 10-foot wide dump truck before he files for his RDA.

Mr. Pineau indicated that he would likely be planting the area to 8-feet in the next few days since the RDA would take a little time and the grass should be in by mid-April.

**Motion:**

**Commissioner Clark made a motion to ask the applicant to file a Request for Determination of Applicability and the matter is continued until then.**

**Commissioner Hulst seconded the motion.**

**Vote: 7-0-0.**

**J. Deluga & Sullivan – Order of Conditions (SE16-2682)**

**6 DR. BOTTERO ROAD, DENNIS – Proposed after-the-fact request to permit boardwalk, grid pavers, seasonal walking mat, rinse station, access box for septic, annual sand removal/redistribution.**

**Motion:**

**Commissioner Norman moved to approve the order of conditions.**

**Commissioner Olwell seconded the motion.**

**Vote: 7-0-0**

**K. Sperenzella – Certificate of Compliance (SE16-2530)**

**10 BABCOCK LANE, WEST DENNIS – To close out permit for second floor addition, front deck, rear deck footings, sunroom, shed, and mitigation plantings.**

**Motion:**

**Commissioner Clark moved to approve the certificate of compliance.**

**Commissioner Lombardi seconded the motion.**

**Vote: 7-0-0**

**L. Pelham Farms, LLC – Enforcement Order Discussion**

**39 INDIAN POND ROAD, WEST DENNIS**

**\*\*\* CONTINUED TO APRIL 20, 2023 \*\*\***

**M. Minutes – December 15, 2023**

**Motion:**

**Commissioner Clark moved to approve the minutes.**

**Commissioner Norman seconded the motion.**

**Vote: 7-0-0**

**N. Conservation Agent's Report**

None.

**O. Director's Report**

Director Johnson informed the Commission that the controlled burn was conducted at Crowes Pasture and it went very well. Also, we currently have 7 plover pairs at West Dennis Beach, 3 pairs at Crowes Pasture, 1 at South Village Beach, and potentially 4 pairs at Chapin Beach.

**Motion:**

**Commissioner Hulst moved to adjourn the meeting.**

**Commissioner Clark seconded the motion.**

**Vote: 7-0-0**

**Meeting adjourned 7:12 pm.**