

**Dennis Conservation Commission**

**June 1, 2023**

**Dennis Town Offices – Large Hearing Room**

---

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

---

**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 June 1, 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.

---

**CONTINUED HEARINGS**

**A. Nolan – Notice of Intent (SE16-2700)**

**53 DR. BOTTERO ROAD, DENNIS – Proposed raising of dwelling with new foundation, reconstruction of decks, addition of access stairs.**

Darren Meyer, of Meyer and Sons, was present representing the applicant. Project was initially proposed back in February with a concrete foundation. Based on the fact that it is in coastal dune, it is changed to the installation of pilings.

Dwelling is to remain in the same footprint, but will be installed on pilings. The applicant is proposing to raise dwelling with new foundation, stage it forward, reconstruct decks, and add new addition of access stairs. House is currently abandoned, and old septic will be removed and replaced with a new septic system, which was approved prior.

Dwelling will be staged and cribbed to accommodate the dune, by being above the dune during the staging of the dwelling. The side area of the dwelling, where the existing septic system is located, will have to be leveled-off and stabilized to allow crane to be staged for the installation of the pilings. Jute netting and hay bales will be used to assist with stabilizing until the installation of the new septic, and the completion of the dwelling. All materials will be removed off site through the driveway area with the use of a mini excavator and a skid steer. Area will be restored to original grade.

Once piling work is completed, the areas in front and side of the dwelling will be restored and American dune grass will be planted. Height of the pilings is proposed to be 2 ft. over the base flood elevation, so floor elevation would be projected at 16'. Finished pilings are projected to be 14 ½'. Pilings would be about 5-5 ½ ft. out of the ground, there is no proposal to do anything beneath the structure, so any migration will not be impeded under dwelling.

The work limit line has been altered in new revision. Due to the Natural Heritage determining they want protective barriers installed to prevent any migration of the existing Diamondback terrapin population. Chairman MacDonald inquired about the material of the barrier. Mr. Meyer explained the fencing requirements. Natural Heritage gave a deadline of June 1<sup>st</sup> to do the protective barrier, for which Mr. Meyer did ask for an extension. Mr. Meyer responded the urgency of the deadline is because the

terrapins start migrating as soon as June 10<sup>th</sup>, and this project would have to pause until October 15<sup>th</sup>, when they stop migrating. Mr. Meyer stated he did get a brief extension until June 5<sup>th</sup>, hoping that at least the work limit line could be approved tonight.

Commissioner Lombardi inquired if the old septic would be removed prior to siting the crane. Mr. Meyer responded the plan is to remove as much of the old septic to level off the crane site; but the entire septic system would most likely be removed after installation of the pilings.

Commissioner Norman inquired about the locus map on the renovation plan being in the wrong location. Mr. Meyer responded the visual he was referring to most likely took an incorrect snapshot from Google maps, but that a correct USGS Locus map was provided.

Commissioner Clark asked how the dwelling would be lifted. Mr. Meyer responded that crew would go around the dwelling and stage it up on cribs for support, and raise the dwelling with the crane. Commissioner Clark inquired if the only dune that will be displaced is the dune near the street. Mr. Meyer responded the project will not displace the dune, but instead the plan is to crib around it and to place the dwelling on top of the cribs which would be over the top of the dune. The only dune to be disturbed would be the area where the crane is leveled off. Commissioner Clark stated he thought the house was proposed to be on the back side, Mr. Meyer responded the house is to be brought forward towards the street. Commissioner Clark had no further comments.

Chairman MacDonald stated he thought the project was satisfactory, and briefly mentioned to the Board that he was willing to grant the permission to install the fencing required by the Natural Heritage now. The Board agreed to proceed and the draft was closed.

**Motion:**

**Commissioner Norman made a motion to close the public hearing.**

**Commissioner Clark seconded the motion.**

**Vote 5-0-0**

**Motion:**

**Commissioner Norman made a motion to approve the project under the Wetland's Protection Act and the Town of Dennis Wetland Bylaw as shown in the plan of record and instructed staff to prepare an Order of Conditions for the next regular scheduled Conservation Commission meeting.**

**Commissioner Clark seconded the motion.**

**Vote 5-0-0**

**Motion:**

**Commissioner Norman made a motion to grant a variance from Section 2(1) of the Town of Dennis Wetlands Bylaw rules and regulations in order to allow the work to occur within the 50-foot buffer zone.**

**Commissioner Clark seconded the motion.**

**Vote 5-0-0**

- B. 13 Port Way Realty Trust – Notice of Intent (SE16-2695) **\*\*\* CONTINUED TO JUNE 15, 2023 \*\*\*****  
**13 PORT WAY, WEST DENNIS – Proposed relocation and reconstruction of existing pier, ramp and float with dredging and proposed new/additional pier, ramp, and floats.**
- C. Pelham Farms LLC – Notice of Intent (SE16-2699)**  
**607 & 621 MAIN STREET, WEST DENNIS – Proposed farm-to-table restaurant, event, and retail building with beer garden.**

Kieran Healy, with BSC Group, was present representing the applicants. Mr. Healy referenced the major issue in the meeting prior, which was drainage. Drainage information was provided to the Town Engineer and is currently still under review, for this reason, this issue is causing a continuance on the project. Mr. Healy stated drainage will be the last item up for discussion once a decision is made by the Town Engineer.

The first item Mr. Healy addressed, was the wastewater holding tank for the oil/water separator in the underground garage area. This holding tank is proposed to be right outside the main entrance to the underground garage area (as shown in plan) and would collect any drops of oil coming off vehicles. Specific times for pumping and inspections are to be accounted for and Mr. Healy is waiting on the State for this.

The second item discussed by Mr. Healy was the variety of plant species. In the prior meeting on May 18<sup>th</sup>, Mr. Healy stated one to two different plants would be planted. In the revised plan, Mr. Healy proposes sweetpepper bushes, northern bayberry, witch hazel, blueberry bushes, and sweet fern covering a vast area in the plan, within the 50-foot buffer zone.

The third item Mr. Healy discussed, was regarding the amount of fill going into the property and the discussion with the State. Mr. Healy stated he has been in contact with the State and Commissioner Hulst regarding the amount of fill. Mr. Healy affirmed he received a response from the State, stating there is no defined limit of the amount of fill that can go into coastal a flood zone. Mr. Healy stated the amount of fill is approved by the State and complies as long as drainage associated is accounted for.

The fourth item discussed by Mr. Healy was ground water mounding. Preliminary indications indicate that mounding effect is proposed to be approximately 2-2 ½ inches. Mr. Healy stated he is still waiting to get finalized numbers on the mounding.

Commissioner Norman inquired about the specifics on the value of the horizontal hydraulic conductivity used in the mounding calculations. Mr. Healy responded he believed this was in the MassDEP guidance document but this is one of the items that has not been finalized. Commissioner Norman inquired about the theoretical value of nitrate concentration in the ground water beneath leaching field. Mr. Healy responded that the septic system to be installed is an IA System, which will reduce nitrogen levels in the system, but the actual percentage of nitrate removal is still being determined. Commissioner Norman then inquired about the removal of the oil tank and waste oil from one of the greenhouses. Commissioner Norman stated he understood these items were removed, and was curious about the Waste Manifest that should've been provided to the owner for the removal of the tank and waste oil, and would like a copy. Mr. Healy stated this manifest can be provided.

Commissioner Clark inquired about the direction in which the groundwater is moving, towards Bass River or south. Commissioner Clark was concerned with the amount of nitrogen and the flow going into the river. Chairman MacDonald stated he believed south, Mr. Healy confirmed the groundwater is in fact flowing south. Mr. Healy also discussed how far away the river is. Commissioner Norman stated he agreed with Mr. Healy on the distance of the river and the southern flow. Commissioner Norman also addressed the topography of the area and the surface water drainage, stating that at least on the Cape, the groundwater generally follows surface water drainage patterns. Commissioner Norman ended his statement doubting the flow would appear in the Bass River. Commissioner Clark stated that possibly denitrification would occur in the swamp out back. Commissioner Norman stated that one of the questions that would come up regarding the property out back, would be the feed yard and where the farm animals would be located, beside a wetland. Commissioner Clark had no further questions. Chairman MacDonald had no further questions as well.

Chairman MacDonald asked Mr. Healy if he was willing to continue. There was a discussion of a continuance.

Agent Burnham asked Mr. Healy to edit the planting plan. Mr. Healy stated he will come back with answers to all of the above, including answers to groundwater, nitrogen, and approval from the Engineering department.

**Motion:**

**Chairman Clark made a motion to continue the public hearing.**

**Commissioner Olwell seconded the motion.**

**Vote 5-0-0**

---

**NEW HEARINGS**

**D. Crowell – Request for Determination of Applicability  
254 & 270 SESUIT NECK ROAD, DENNIS – Proposed open space with subdivision.**

Daniel Ojala, with Down Cape Engineering, was present representing the applicant. Mr. Ojala's plan showed two lots being subdivided into three house lots. Currently, (lot #1 on plan) 270 Sesuit Neck Road is occupied by the applicants.

Wetland resources surrounding the area include several bog systems and a dry intermittent stream. Shown on the top of the plan, the intermittent stream comes from an inlet, from the other side of Stephen Phillips Road, goes down along old bog ditch, through a couple culverts, down the intermittent or dry stream mentioned, then goes under Sesuit Neck Road, and down into the waters of Sesuit Creek. The intermittent stream is dry per Agent Burnham, who discussed with Brad Hall, whom delineated the wetlands. Dry non-hydric soil is throughout whole area until the upper side of the dike, where the soil starts to get a bit more saturated. Mr. Ojala addressed the old bog ditches shown as blue lines on the Quadrangle map, which was brought up by Agent Burnham. Mr. Ojala stated the importance of this, as these blue lines appears like a perennial stream instead of a stream that dries up. Mr. Ojala stated how all Quadrangle maps show bog ditches as blue lines, and cleared that up.

Regarding the intermittent stream, Mr. Ojala discussed how in January, there was a slight bit of water, which was noted. Mr. Ojala visited the site with the Town Planner on May 16<sup>th</sup>, and took photographs showing the area dry. Mr. Ojala visited the site on May 31<sup>st</sup> with Brad Hall, and took photographs showing the area dry. Mr. Ojala also said Brad Hall will be visiting the site June 2<sup>nd</sup> to collect three days' worth of data during a non-drought period; for the purpose of determining the area to not be a perennial stream.

Mr. Ojala stated he modified the plan with the sole addition of highlighting the intermittent stream. As far as road work, everything is outside of the 100-foot buffer, except for the slope of a rain garden. This storm drainage would empty into vegetation and not directly into the wetland, having minimal impact.

Commissioner Lombardi inquired about the cul-de-sac area and if that area is all grass or vegetation.

Commissioner Norman asked about how the new lots would be reconfigured.

Commissioner Clark inquired if it was the wetland lines that was to be voted on. Mr. Ojala stated the purpose of the vote is to establish a work limit line and to do some grading within the 50-100-foot buffer, no hardscape. Commissioner Clark also inquired about there being no hydric soil found, and if this would be considered a perched wetland. Mr. Ojala discussed how these were dry picked bogs in the past.

Chairman MacDonald inquired if the issue was that Mr. Ojala had a plan dated today and the hope is that it can go forward in advance? Mr. Ojala responded yes, and explained the minor revisions.

Agent Burnham stated she was comfortable with the continuation of the hearing due to Brad Hall not completing his 3<sup>rd</sup> day of research. Mr. Ojala stated he was hoping for the vote tonight and that most likely tomorrow he will be finding would be a dry stream.

Agent Burnham asked Mr. Ojala if he only looked at the stream that shows up east-west, or if he also looked at the stream showing north-south because the Steven Phillips bog to the north does contain water. Mr. Ojala responded this is nowhere near the development. Mr. Ojala stated he shot the water level on each side of the street and its only flowing south a bit.

Chairman MacDonald had no further questions and was okay with the project.

Commissioner Clark was okay with the project.

Commissioner Norman mentioned there being no evidence of hydric soils and asked where these samples were taken and if they were taken along the intermittent stream. Mr. Ojala stated yes, all along the east of the intermittent stream was sampled.

**Motion:**

**Commissioner Lombardi made a motion to close the public hearing and issue the Determination of Applicability.**

**Commissioner Olwell seconded the motion.**

**Vote: 5-0-0**

**E. Riechmann – Notice of Intent (SE16-2698)**

**7 MURPHY ROAD, WEST DENNIS – Proposed deck replacement.**

Cameron Larson, of Environmental Consulting and Restoration, was present representing the applicant. Mr. Larson presented a Notice of Intent for a proposed deck replacement on a single-family home.

Project location borders a vegetative wetland off rear of the dwelling. Site also contains land subject to coastal storm flowage. The site also contains a tidal river located just off site within a wetland system, which has an associated riverfront area off of it.

Proposed project area is located within the buffer zone and will replace the existing deck in the same footprint. Sonotube footings are proposed and will be in the same location as the current footings. Stairway will come off deck from the southside of dwelling, away from the wetland.

Prior to starting work, erosion controls will be installed, and will be maintained for the duration of the project. Once work is completed, updates can be provided to the Commission if required.

Commissioner Clark brought up the perennial stream. Mr. Larson responded looking at the USGS maps that the stream is influenced by tides, and is a well-defined ditch inside the wetland system. Mr. Carson responded it is perennial and flows throughout the year.

There was a discussion of the distance from the wetland.

Chairman MacDonald had no questions and asked staff to draft an order.

**Motion:**

**Commissioner Lombardi moved to close the public hearing.**

**Commissioner Norman seconded the motion.**

**Vote: 5-0-0**

**Motion:**

**Commissioner Lombardi made a motion to approve the project under the Wetlands Protection Act and the Town of Dennis Wetlands Bylaw shown on the plan of record and instruct staff to prepare an Order of Conditions for the next regularly scheduled Conservation Commission meeting.**

**Commissioner Olwell seconded the motion.**

**Vote: 5-0-0**

**Motion:**

**Commissioner Lombardi made a motion 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' buffer zone.**

**Commissioner Olwell seconded the motion.**

**Vote: 5-0-0**

**F. Michael Graziosi Living Trust – Notice of Intent (TOD23-01)**

**52 CENTER STREET, EAST DENNIS – Proposed raze and replace of existing dwelling.**

John O'Reilly, of JM O'Reilly & Associates, was present representing the applicant. Mr. O'Reilly presented the Notice of Intent for the proposed raze and replace of an existing four-bedroom property on the corner of Sea Street and Center Street. Applicant is proposing to demolish and build a four-bedroom home, which will be placed south, closer to Center Street, less hardscape will be located in the buffer. Proposed reconstructed dwelling will have a larger footprint, but area within buffer zone will be reduced by 254 sq. ft.

Soil testing for the project determined there is no suitable soil to move the leaching facility from the north side to the south side of the lot. Applicant is proposing to leave the current soil absorption system in the ground, which passed inspection prior. Proposed is to excavate the existing 1000-gallon tank and replace with new IA system for nitrogen removal. Wetland source on property is an isolated vegetative wetland, about 1.2 acres in size.

Cynthia Gage, neighbor of proposed project, stated she had no problems with the project. Regarding the wetland, Ms. Gage stated this area is an old cranberry bog, that has not been in used for a long period of time, and remains dry unless there is a storm or period of rain.

Commissioner Norman inquired about the septic system being moved to the south side, and inquired about testing in the area. Mr. O'Reilly stated two open pit hole tests were conducted, nothing was found besides clay and sandy loam, no perched water. Mr. O'Reilly also discussed retesting the area with a drilling rig in three separate areas, approx. 30 ft. down, only sediments found were mixed silts and clays. No perched water was found in the open pits. Only water found was in the borings, which settled at about 20 ft. below the ground. Mr. O'Reilly also stated the isolated wetland is clearly perched. Commissioner Norman also inquired about the location of the existing and proposed septic system.

**Motion:**

**Commissioner Norman made a motion to close the public hearing.**

**Commissioner Lombardi seconded the motion.**

**Vote: 5-0-0**

**Motion:**

**Commissioner Norman made a motion to approve the project under 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 meeting.**

**Commissioner Lombardi seconded the motion.**

**Vote: 5-0-0**

**G. Mulroy – Notice of Intent (SE16-2701)**

**146 SHORE DRIVE, DENNIS – Proposed raze of two-family home and replacement with single-family dwelling, new sewage disposal system, and associated site improvements.**

Brad Malo, of Coastal Engineering Company, was present representing the applicant. Project consists of an existing two-family house lot. Mr. Malo referenced over the past year, this and three other lots underwent the reconstruction of rock revetment along the shoreline. Since then, Mr. Malo discussed how the rock revetment project has been completed and the only element associated with this lot, is a stairway still to be constructed.

Regarding this current project, proposal is to raze and replace an existing two-family dwelling and replace with a single-family dwelling. There is a reduction in coverage within the 50-foot buffer, and a slight increase in coverage proposed within the 100-foot buffer. There is 3700 sq. ft. vegetation mitigation proposed. Hardscape is to be reduced. Project consists of reconstructing home and installing new IA septic system, to be located outside of 100-foot buffer. House has deck on the rear, as well as two board pathways in rear, both to be removed. Temporary roll out walkway is proposed to be installed on a seasonal basis.

Theresa Sprague, of BlueFlax Design, was present to discuss vegetation, a comprised mixture of native and non-native invasive vegetation. Beach plum comprises the majority of the native vegetation on site, but is severely degraded by Asiatic bittersweet and Multiflora rose. On south side of property, out of jurisdictional area, there are ornamental plantings and a garden, which are also being degraded by Asiatic bittersweet. Proposed is to selectively cut, treat, and remove the Asiatic bittersweet and Multiflora rose from the property. Also proposed, is to regeneratively prune the existing beach plum, allowing regeneration from the root systems. Removal of invasive vegetation and existing fence along east side of property will take place. Beach plum would be planted in areas of removed boardwalk, along east side of property. New proposed privacy fence will be placed along property line and area is to be planted with Arrowwood viburnum. On west side of property, where access for revetment reconstruction was located, previous plan submittal included restoring this area with beach plum, now proposed is also to fill area with Virginia rose and Bayberry. Majority of vegetation in the foundation planting is also native. Beach grass will also be planted at top of revetment. Existing area of non-native Rugosa roses are proposed to be left in place, to not disturb the area of the coastal bank.

Commissioner Lombardi discussed how he viewed the area and found the same as Ms. Sprague, an area overrun by bittersweet.

Commissioner Norman recused himself from the hearing.

Commissioner Olwell had no problem with the project.

Commissioner Clark had questions about the two-family dwelling and size of existing versus proposed. Mr. Malo responded there is an increase of 416 sq. ft. Commissioner Clark approved of the IA system being installed and the planting plan and had no further questions.

**Motion:**

**Commissioner Lombardi moved to close the public hearing.**

**Commissioner Clark seconded the motion.**

**Vote 4-0-1 (Commissioner Norman abstained).**

**Motion:**

**Commissioner Lombardi made a motion 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 Commission meeting.**

**Commissioner Clark seconded the motion.**

**Vote 4-0-1 (Commissioner Norman abstained).**

**Motion:**

**Commissioner Lombardi made a motion 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' buffer zone.**

**Commissioner Olwell seconded the motion.**

**Vote 4-0-1 (Commissioner Norman abstained).**

---

**ADMINISTRATIVE**

**H. Zakrzewski – Show Cause Hearing from Violation Notice  
11 BOWSPRIT LANE, WEST DENNIS**

Agent Burnham discussed going to the site May 11<sup>th</sup> after being notified of equipment on the beach, and the potential destruction of the dune. Agent Burnham discussed speaking over the phone with the homeowner. There was in fact a wetland violation as the homeowner went onto the coastal beach with a bobcat and moved sand and boulders, which were along the front of coastal dune. Also, this area is Natural Heritage mapped habitat. This incident occurred after April 1<sup>st</sup>. Agent Burnham stated this activity would have required a permit from the Conservation Commission. As there are concerns as to where sand and rocks have been moved to and if any artificial jetties would be created. The placement of boulders of any sort should have been reviewed by a coastal geologist to review potential impacts on surrounding properties.

Homeowner Paul Zakrzewski, was present. Mr. Zakrzewski presented photo of the rocks which were moved. Chairman MacDonald inquired to Mr. Zakrzewski where exactly the rocks were moved. Mr. Zakrzewski indicated there is a line of boulders, clearly defined. Some of the rocks were moved to this existing line of boulders. Some other rocks were moved up to existing boulders at the end of the beach. Mr. Zakrzewski stated all the rocks moved were approx. 100-300 lbs. Mr. Zakrzewski indicated the purpose for moving the rocks was to prevent injuries from people walking, to and from South Village. Mr. Zakrzewski stated he was unaware he needed a permit to do this activity.

Chairman MacDonald discussed how these rules have been enforced since 1973, and that the homeowner should know that it is required to get permission from the Board. Mr. Zakrzewski stated he didn't think too much about the rocks, and drove over the pedestrian walkway through the dune, not thinking any harm was being done.

Commissioner Lombardi stated how the fact that the property owner went to the extents of taking it upon himself to rent the equipment, that Mr. Zakrzewski should've been aware of the regulations and law. Commissioner Lombardi stated he felt it was excessive, and is concerned with this activity setting a precedent for others.



Commissioner Norman stated he understood the safety issue of those walking along the beach, but that rocks like this are common amongst the majority of Cape beaches. Commissioner Norman also indicated that landscaping the beach is not allowed without permission, and permission would not have been granted.

Commissioner Olwell stated that as a waterfront property owner, it is their due diligence to check what is allowed. Commissioner Olwell indicated a violation and fine felt appropriate.

Commissioner Clark mentioned how in the photo presented, there is a path through the dunes. Mr. Zakrzewski stated that path has been there since 1988. Commissioner Clark and Mr. Zakrzewski went back and forth on the pathway and the tracks in the photo. Commissioner Clark agreed to the violation, and stated the violation would be for driving over the dune and moving the rocks.

Chairman MacDonald looked to the Board for their approach on a fine. Chairman MacDonald stated he was in support of a fine, but not a heavy fine as the homeowner came before Board and was apologetic.

Commissioner Clark stated the rules state there is up to a \$300 fine for this type of violation. Commissioner Lombardi questioned if the fine was \$300 for each offense. Chairman MacDonald stated for each individual violation, it is a \$300 fine. Commissioner Lombardi stated he thought a fine of \$300 was appropriate.

Commissioner Olwell was okay with the \$300 fine.

Agent Burnham stated she was fine with the Board's decision. Agent Burnham also stated hearing someone speak of both a violation and a citation. Agent Burnham stated a violation letter was issued, along with the show cause hearing. Typically, these sorts of violations require some sort of restoration; but with this individual issue, Agent Burnham does not want to further interfere with the coast line. The Board agreed with Agent Burnham.

Commissioner Clark referred back to his question about the pathway next to the home. Commissioner Clark stated the path is unusually wide and if there is a storm, this would impact surrounding homes. Mr. Zakrzewski stated over the past 5-6 years, the path has widened. Mr. Zakrzewski stated over 20-25 feet of dune has been lost and washed away due to storms. Basically, the path has been pushed back, according to Mr. Zakrzewski. Commissioner Clark wondered who is responsible for maintaining the dune. Chairman MacDonald stated no one should be interfering with the dune. MacDonald insisted if erosion takes away, there is no control over that.

Agent Burnham asked who puts the walkway down. Mr. Zakrzewski responded that the association placed it there. Agent Burnham said this has been there for a few years, looking at the aerials. Agent Burnham looked back on aerial maps and stated the path has gotten wider especially since 2014-2019. During this time, wooden planks in the size range of 1x1 to 2x2, were laid down to create a walkway. This is something that did not get approval, Agent Burnham stated. Agent Burnham also expressed favorability to this idea as it keeps people off the dune. Chairman MacDonald stated this can be dismissed, as this is not significant enough to force a hearing. Commissioner Clark stated this issue should be brought up and reviewed by their association. Commissioner Clark also suggested possible snow fencing to catch sand in the winter. Chairman MacDonald agreed that snow fencing would be a good idea, and suggested to Mr. Zakrzewski to install snow fencing as a buffer or form of protection.

**Motion:**

**Commissioner Clark made a motion to issue a citation for \$300.**

**Commissioner Lombardi seconded the motion.**

**Vote: 5-0-0.**

**I. Approval of Tobey West Management Plan and Conservation Restriction**

Dave Fryxell, of Dennis Conservation Land Trust, presented the Tobey West lot plan pre-subdivision. Plan shows four separate lots, two of the lots which were acquired by Dennis Conservation Land Trust. Mr. Fryxell went before the Board, requesting approval and sign off for Conservation Restriction in these two lots.

The Conservation Restriction was initially submitted to the State for review in early November 2022. The Conservation Restriction was revised by Compact's Executive Director Mark Robinson. The Conservation Restriction then went before Director Johnson and others, who provided comments. The Conservation Restriction was then returned for further revisions in February, and during the last week of May, was returned after State legal review. Mr. Fryxell discussed how this restriction must be finalized and signed by the trustees of Dennis Conservation Land Trust, as well as the Select Board, and the Conservation Commission before the end of June (end of fiscal year) in order for the Town to qualify for reimbursement of land grant funds.

Regarding the Conservation Restriction, this is to allow most activities such as public walking, no motorized vehicles, with the exception of handicap access vehicles. Mr. Fryxell discussed how the Dennis Conservation Land Trust will acquire lot #164 in early 2024. Part of the agreement with the Town was at the time the land is acquired; the trust intends to further place a Conservation Restriction on that portion, right along Route 6A.

Mr. Fryxell presented the Conservation Restriction in front of the Board, which was signed by Chairman MacDonald, Commissioner Clark, Commissioner Olwell, Commissioner Norman, Commissioner Lombardi, and Director Johnson. Trustee of the Dennis Conservation Land Trust, Kathleen Fowler, notarized the signing of the document.

**Motion:**

**Commissioner Clark moved to sign the Conservation Restriction.**

**Commissioner Norman seconded the motion.**

**Vote: 5-0-0**

Mr. Fryxell discussed the Land Management Plan with the current conditions report. Area is fairly free of invasive species except for one problem dumping pile on southeast border by a private driveway. Abutters have been contacted and they have told their landscapers to stop the dumping in the area. Periwinkle and Garlic mustard are two species emanating from this pile, these are to be manually removed. There is an open understory on the upland portion of property, and to the north is a former cranberry bog. To the western edge of the cranberry bog, there is an existing dike-which follows north-south. As well as a number of existing trails/footpaths all across the property. Mr. Fryxell proposed delineating the trail boundary to limit foot traffic. Mr. Fryxell discussed how the majority of lot #162 is endangered species habitat due a wetland native species.

Baseline report shows very few invasive species and litter issues. A viewshed was cut along the marsh edge. This area is intended to be grown back. Parking area issue was addressed as currently there is gravel pull out. Dennis Conservation Land Trust has cleared dead fall in an attempt to expand current parking lot. Mr. Fryxell stated he understood State permits may be needed and spoke about potentially blocking off the area, if required.

Chairman MacDonald asked if this was another document that required signatures. Mr. Fryxell confirmed it was. Chairman MacDonald had no further questions.

Mr. Fryxell presented the Land Management Plan in front of the Board, which was signed by Chairman MacDonald, Commissioner Clark, Commissioner Olwell, Commissioner Norman, Commissioner Lombardi, and Director Johnson.

**Motion:**

**Commissioner Clark made a motion to sign the Land Management Plan.**

**Commissioner Olwell seconded the motion.**

**Vote 5-0-0**

**J. 37-B Uncle Stephens Road, LLC – Order of Conditions (SE16-2697)**

**37-B UNCLE STEPHENS ROAD, WEST DENNIS – Proposed demolition of two existing single-family dwellings (in conjunction with 41 Uncle Stephens Road) and construction of a new dwelling and upgraded septic system.**

**Motion:**

**Commissioner Clark moved to approve the Order of Conditions for SE16-2697.**

**Commissioner Norman seconded the motion.**

**Vote: 5-0-0**

**K. Scanlon – Order of Conditions (SE16-2696)**

**41 UNCLE STEPHENS ROAD, WEST DENNIS – Proposed demolition of two existing single-family dwellings (in conjunction with 37-B Uncle Stephens Road) and construction of a new dwelling and upgraded septic system.**

**Motion:**

**Commissioner Norman moved to approve the Order of Conditions for SE16-2696.**

**Commissioner Lombardi seconded the motion.**

**Vote: 5-0-0**

**L. Conservation Agent's Report**

None.

**M. Director's Report**

None.

**Motion:**

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

**Commissioner Clark seconded the motion.**

**The Committee voted 5-0-0.**

**The meeting was adjourned at 7:26pm.**