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

*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, the **Conservation Commissioner will hold a public meeting on July 6, 2023, 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 for alternative public access:
To call: 646-558-8656. When prompted enter meeting id # 766-003-6712
Zoom: Meeting ID 766 003 6712**

CONTINUED HEARINGS

- A. Pelham Farms LLC – Notice of Intent (SE16-2699) ***** CONTINUED TO 7/20/23 *****
607 & 621 MAIN STREET, WEST DENNIS – Proposed farm-to-table restaurant, event, and retail building with beer garden.
- B. Pisciotta – Request for Determination of Applicability ***** CONTINUED TO 7/20/23 *****
106 CENTER STREET, SOUTH DENNIS – Proposed garage building.

NEW HEARINGS

- C. Dalton Lane Residence Trust II – Request for Determination of Applicability
6 DALTON LANE, EAST DENNIS - Proposed expansion of a second story elevated deck.

Lynne Hamlyn, from Hamlyn Consulting, presented on behalf of the applicants via Zoom. Proposed is the expansion of a second story deck. Entire structure, including the posts and sonotubes, will fall within the footprint of the existing patio and walkway below. A spiral staircase is proposed off the corner of the deck, to the existing patio.

Motion:

Commissioner Norman moved to close the public hearing.

Commissioner Lombardi seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Norman moved to issue a Positive 5 Determination as the area/or work shown on the plan is subject to review and approval by the Town of Dennis Wetlands Bylaws.

Commissioner Lombardi seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Norman moved to issue a Negative 2 Determination as the work described in the Request is within an area subject to protection but will not alter an area subject to protection.

Commissioner Olwell seconded the motion.

Vote: 4-0-0

**D. Murray – Request for Determination of Applicability
12 PORTER LANE, WEST DENNIS – Proposed shed.**

Tabled

No one was present for the hearing. Chairman MacDonald suggested the hearing was routine so a decision could be made. Commissioner Norman commented that a provision should be included in the Order of Conditions that a shelf be included inside the shed; and any gasoline or hazardous material be stored on the shelves, since it is in a flood zone. Chairman MacDonald stated this provision could be made. Commissioner Lombardi inquired if the shed needed to be anchored. Several other Commissioners stated it would be anchored, as this was addressed in the proposal.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Norman seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Lombardi moved to issue a Positive 5 Determination as the area/or work shown on the plan is subject to review and approval by the Town of Dennis Wetlands Bylaws.

Commissioner Norman seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Lombardi moved to issue a Negative 2 Determination as the work described in the Request is within an area subject to protection but will not alter an area subject to protection.

Commissioner Norman seconded the motion.

Vote: 4-0-0

**E. MAR-CRS Living Trust – Request for Determination of Applicability
7 PORT WAY, WEST DENNIS – Proposed addition to existing dwelling.**

Danny Gonsalves, Professional Engineer with Down Cape Engineering, was present representing the applicant. Proposed is a kitchen addition located on the front of the house. Wetland resources include a wetland located in the back, this project is over 50 feet away from that wetland. Project is also located within land subject to coastal storm flowage. All building will conform to flood zone compliance standards.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Olwell seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Lombardi moved to issue a Positive 5 Determination as the area/or work shown on the plan is subject to review and approval by the Town of Dennis Wetlands Bylaws.

Commissioner Norman seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Lombardi moved to issue a Negative 2 Determination as the work described in the Request is within an area subject to protection but will not alter an area subject to protection.

Commissioner Norman seconded the motion.

Vote: 4-0-0

**F. Teleen – Request for Determination of Applicability
4 STEPHEN LANE, WEST DENNIS – Proposed septic system upgrade.**

Danny Gonsalves, Professional Engineer with Down Cape Engineering, was present representing the applicant. Proposed is the upgrade of a failed septic system. Proposed new septic system will have no increase in flow. A new tank will be installed to meet the Dennis Board of Health requirements. This tank will be located approximately 86 feet away from wetland, which is located across Stephen Lane. Leaching field will be within land subject to coastal storm flowage, but is located outside 100' buffer of wetland resource.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Norman seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Lombardi moved to issue a Positive 5 Determination as the area/or work shown on the plan is subject to review and approval by the Town of Dennis Wetlands Bylaws.

Commissioner Norman seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Lombardi moved to issue a Negative 2 Determination as the work described in the Request is within an area subject to protection but will not alter an area subject to protection.

Commissioner Norman seconded the motion.

Vote: 4-0-0

G. Dennis Cove Realty Trust – Notice of Intent (SE16-27XX)

*****CONTINUED TO 7/20/2023*****

57 LITTLE COVE CIRCLE, WEST DENNIS – Proposed addition and septic repair.

H. Howes – Notice of Intent (SE16-2702)

30 MILD BAY CIRCLE, DENNISPORT – Proposed shed, garage addition and rebuild boardwalk.

Danny Gonsalves, Professional Engineer with Down Cape Engineering, was present representing the applicant. Proposed is a garage addition off the side of home, over an existing patio area. This would be located within the 50' buffer, so a variance is required for that work. A variance is also required for the replacement of the walkway leading to Swan Pond. This proposed walkway will be elevated 3 feet. A shed is proposed in the northeast corner of lot, outside the 50' buffer. Due to the addition of hardscape near the riverfront area; proposed is approximately 260 square feet of mitigation plantings along the top of the coastal bank.

Wetland resource on property is Swan Pond, located in the back. Property contains a coastal bank, as well as land subject to coastal storm flowage.

Commissioner Lombardi commented on the area of the proposed shed, showing two spruce trees that would need to be taken out. Commissioner Lombardi mentioned the replanting of two trees somewhere on property to replace the two spruce trees.

Commissioner Norman inquired on the location of the dry well for drainage. Mr. Gonsalves responded that the dry well is not shown on the plan, but mentioned the final area for the dry well has yet to be determined. Mr. Gonsalves stated it can be located outside of the 50' buffer. Commissioner Norman also inquired on the depth of groundwater. Mr. Gonsalves responded there will be over 2 feet of separation. Commissioner Norman had no further questions.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Norman seconded the motion.

Vote: 4-0-0

Motion:

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

Commissioner Norman seconded the motion.

Vote: 4-0-0

Motion:

Commissioner Lombardi moved to grant a variance from the provisions of Section 2(1) of the Town of Dennis Wetlands Bylaws to allow for work to occur within the 50' buffer zone.

Commissioner Norman seconded the motion.

Vote: 4-0-0

Commissioner returned to Item D

ADMINISTRATIVE

- I. 13 Port Way Realty Trust – Order of Conditions - Denial (SE16-2695)
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.

Motion:

Commissioner Lombardi moved to approve and sign the document for SE16-2695.

Commissioner Norman seconded the motion.

Vote: 4-0-0

- J. Wolff Rev Living Trust – Order of Conditions (SE16-2702)
188 SESUIT NECK ROAD, DENNIS – Proposed raze and replace of existing single-family dwelling.

Motion:

Commissioner Norman moved to accept and sign the Order of Conditions for SE16-2702.

Commissioner Lombardi seconded the motion.

Vote: 4-0-0

- K. Pelham Farms, LLC – Enforcement Order Discussion *****CONTINUED TO 7/20/2023*****
39 INDIAN POND ROAD, WEST DENNIS

- L. **Wetlands Protection Act Expenditure Request**

Director Johnson explained the expenditure request is for the Natural Resources Department office clerk who is paid through the Wetlands Protection Fund. Now requesting to increase her rate to \$24.86/hour, resulting in a total of \$17,402/year. Leaving approximately \$44,000 in the Wetlands Protection Fund. Chairman MacDonald added that he wanted to recommend to the Select Board that they approve the funds.

Motion:

Commissioner Norman moved to approve the expenditure and recommend that the Select Board approve the expenditure.

Commissioner Lombardi seconded the motion.

Vote: 4-0-0

- M. **Conservation Agent's Report**

Agent Burnham briefly mentioned she will not be present for the next Conservation Meeting (July 20, 2023).

N. Director's Report

Director Johnson mentioned the presence of piping plovers still. Director Johnson discussed how DNR had four seasonal employees on duty over the weekend, and that they were monitoring Natural Resources properties, and aiding Dennis Police by being their "eyes and ears" during the Fourth of July. All properties were fine.

Motion:

Commissioner Olwell moved to adjourn the meeting.

Commissioner Norman seconded the motion.

The Committee voted 4-0-0.

The meeting was adjourned at 6:21PM.