

Dennis Conservation Commission
July 20, 2023
Dennis Town Offices – Large Hearing Room

PRESENT: Chairman MacDonald Members: Clark, Olwell, Norman, Hulst, Lombardi, Chamberlain
ABSENT: Staff: Agent Burnham Members: None
STAFF: Director Johnson, 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 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 July 20, 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.

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 8/3/2023***
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 8/3/2023***
106 CENTER STREET, SOUTH DENNIS – Proposed garage building.
- C. **Dennis Cove Realty Trust – Notice of Intent (SE16-27XX)** ***CONTINUED TO 8/3/2023***
57 LITTLE COVE CIRCLE, WEST DENNIS – Proposed addition and septic repair.

NEW HEARINGS

- D. **NHC-MA101 LLC/Bellamy – Request for Determination of Applicability**
184 OLD WHARF ROAD, UNIT T-3, DENNISPORT - Proposed platform with 3-season room.

Chris Lemos, was present representing the applicant. Proposed is a 24x10 sun room, off of a new park model RV. Site was previously two sites, made into one site to allow space for parking, etc. Sunroom will be built upon pressure treated decking, and will sit on diamond pier footings as opposed to sonotubes, due to the water level in the area. Mr. Lemos stated the Building Commissioners agreed with this decision.

Commissioner Clark mentioned the number of cesspools in the area and inquired if this property had a cesspool. Mr. Lemos responded that this site does not contain a cesspool, as the entire septic system was re-done in 2021. Commissioner Clark had no further questions.

Motion:

Commissioner Clark moved to close the public hearing.

Commissioner Hulst seconded the motion.

Vote: 7-0-0

Motion:

Commissioner Clark moved to issue a Positive 5 Determination as the area/and or work shown in 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 Clark 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: 7-0-0

**E. NHC-MA101 LLC/Almeida – Request for Determination of Applicability
184 OLD WHARF ROAD, SITE P-37, DENNISPORT – Proposed shed.**

Kevin Almeida, was present representing the applicant. Proposed is a 6x10 shed, as well as a 6x12 pavilion. Both structures will be on sonotubes and anchored down.

Commissioner Hulst mentioned that any hazardous materials in the shed must be stored on a higher level. Mr. Almeida stated no hazardous materials will be stored within the shed, and that the majority of items will be lawn furniture, grill, etc.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Clark seconded the motion.

Vote: 7-0-0

Motion:

Commissioner Lombardi 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 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 Hulst seconded the motion.

Vote: 7-0-0

F. Smith – Notice of Intent (SE16-2704)

27 BARNARD ROAD, DENNISPORT – Proposed septic upgrade.

Glen Harrington, was not present during the meeting. The Board decided there was sufficient information to discuss and decide. Commissioner Clark inquired if it was a raised septic system. Commissioner Norman mentioned that the water table was relatively shallow, and they are seeking a variance for 4 feet instead of 5 feet of separation from the bottom of the system and the top of the groundwater from Board of Health. Commissioner Clark stated an IA system is proposed, and was favorable to the fact. Commissioner Norman also was favorable to the IA system.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Hulst seconded the motion.

Vote: 7-0-0

Motion:

Commissioner Lombardi moved to approve the project under the Wetlands Protection Act and Town of Dennis Wetlands Bylaws 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: 7-0-0

Motion:

Commissioner Lombardi moved to grant variances from the provisions of Section 2(1) and Section 2(2) of the Town of Dennis Wetlands Bylaws to allow for work to occur within the 50' buffer zone and the leaching area to be within the 100' buffer zone.

Commissioner Hulst seconded the motion.

Vote: 7-0-0

ADMINISTRATIVE

G. Howes – Order of Conditions (SE16-2703)

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

Motion:

Commissioner Hulst moved to sign the Order of Conditions for SE16-2703.

Commissioner Lombardi seconded the motion.

Vote: 6-0-1 (Commissioner Clark abstained from voting)

H. Pelham Farms, LLC – Enforcement Order Discussion – Brief Update.

39 INDIAN POND ROAD, WEST DENNIS

Director Johnson explained a letter was received from the applicants regarding their progress; and that they are obtaining an NRCS farm-conservation plan and request a continuance of two months or until they hear from the NRCS. The letter stated the applicants have not had any

communication from the NRCS since their last letter from July 6, 2023. The letter stated the NRCS is on a five to eight-month lead time for the farm-conservation plans from the initial time calling to request a plan. Initial contact with NRCS was in February 2023.

Director Johnson explained Agent Burnham had suggested for this discussion to be continued to a date that is certain. Commissioner Clark inquired if the applicants had requested two months continuance. Director Johnson responded that applicants had suggested two months.

Motion:

Commissioner Lombardi moved to continue the public hearing until September 21, 2023.

Commissioner Hulst seconded the motion.

Vote: 7-0-0

**I. Kantor – Extension Permit (SE16-2262)
568E MAIN STREET, WEST DENNIS**

Motion:

Commissioner Lombardi moved to issue a one-year extension for the Order of Conditions for SE16-2262.

Commissioner Clark seconded the motion.

Vote: 7-0-0

**J. Johnson/Roy – Certificate of Compliance (SE16-1783)
28 RIVERSIDE WAY, WEST DENNIS- To close out permit for raze and replace with septic and landscaping.**

Motion:

Commissioner Lombardi moved to issue a Certificate of Compliance for SE16-1783.

Commissioner Hulst seconded the motion.

Vote: 7-0-0

**K. Philbrook – Certificate of Compliance (SE16-2333)
45 POND STREET, DENNIS – To close out permit for decks and additions.**

Motion:

Commissioner Clark moved to issue a Certificate of Compliance for SE16-2333.

Commissioner Norman seconded the motion.

Vote: 7-0-0

L. Conservation Agent's Report

Agent Burnham was not present for this meeting.

M. Director's Report

Director Johnson had a brief discussion regarding the piping plover chicks, which are still present on West Dennis Beach.

Chairman Macdonald gave each Board member and staff a letter and a brief discussion followed.

Motion:

Commissioner Chamberlain moved to adjourn the meeting.

Commissioner Lombardi seconded the motion.

The Committee voted 7-0-0.

The meeting was adjourned at 6:25PM.