

Dennis Conservation Commission
August 3, 2023
Dennis Town Offices – Large Hearing Room

PRESENT: Chairman MacDonald Members: Clark, Olwell, Norman, Lombardi, Chamberlain
ABSENT: Staff: Director Johnson Members: Hulst
STAFF: 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 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 August 3, 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 8/17/2023*****
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 8/17/2023*****
106 CENTER STREET, SOUTH DENNIS – Proposed garage building.

- C. **Dennis Cove Realty Trust – Notice of Intent (SE16-27XX)** *****CONTINUED TO 8/17/2023*****
57 LITTLE COVE CIRCLE, WEST DENNIS – Proposed addition and septic repair.

NEW HEARINGS

- D. **Kerr – Request for Determination of Applicability**
29 ALBION WAY, SOUTH DENNIS - Proposed driveway.

*****Commission tabled hearing*****

Mark Burgess, of Shorefront Consulting, represented the applicant via Zoom. Proposed is the relocation of a driveway. Driveway was once shared by both applicant and neighbor at 25 Albion Way. Proposed driveway is to be gravel and relocated completely on applicant's own property.

Commissioner Norman stated he was okay with the project as long as there is erosion control installed next to the new driveway to allow the soils to stabilize.

Commissioner Clark mentioned he liked Commissioner Norman's comments.

Mr. Burgess stated that the driveway located at 25 Albion Way is higher than the grade so nothing should transmit through this driveway, and that it would go through the gravel if so. Mr. Burgess was fine with installing erosion control.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Clark seconded the motion.

Vote: 6-0-0

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: 6-0-0

Motion:

Commissioner Lombardi moved to issue a Negative 3 Determination as the work described in the Request is within the buffer zone to an area subject to protection but will not alter an area subject to protection.

Commissioner Norman seconded the motion.

Vote: 6-0-0

Motion:

Commissioner Lombardi moved to grant a Variance in 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 Olwell seconded the motion.

Vote: 6-0-0

**E. Shinnick – Request for Determination of Applicability
34 STAFFORD CIRCLE, DENNISPORT – Proposed new foundation.**

Craig Ferrari, from Down Cape Engineering, was present representing the applicant. Property is located within a flood zone. House is to be renovated and is being brought into flood compliance. Same footprint of house, with the only difference being the installation of stairs to enter the upper level.

Motion:

Commissioner Chamberlain moved to close the public hearing.

Commissioner Lombardi seconded the motion.

Vote: 6-0-0

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: 6-0-0

Motion:

Commissioner Chamberlain 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: 6-0-0

F. Smith – Request for Determination of Applicability

45 SEA STREET, EAST DENNIS – Proposed septic upgrade.

Craig Ferrari, from Down Cape Engineering, was present representing the applicant. Proposed is a septic upgrade for existing dwelling. All existing plumbing will be connected and some re-routed through the house, all to the side of the home, away from the wetland area. This plumbing will lead to a new leaching field which is proposed to be greater than 100' from the wetland.

Commissioner Clark appreciated that groundwater was not encountered.

Motion:

Commissioner Lombardi moved to close the public hearing.

Commissioner Clark seconded the motion.

Vote: 6-0-0

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: 6-0-0

Motion:

Commissioner Lombardi moved to issue a Negative 3 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: 6-0-0

G. Lombardi – Request for Determination of Applicability

242 OLD WHARF ROAD, DENNISPORT – Proposed addition, reframe roof, windows, doors & siding.

Sheila Lombardi, homeowner was present via Zoom. Applicants are proposing to upgrade and expand cottage by a proposed addition, reframed roof, windows, doors, and siding.

Commissioner Clark mentioned the size of the lots in the area and the amount of coverage for this particular project. There was a discussion about the possibility of the need for Planning Dept review.

Motion:

Commissioner Norman moved to close the public hearing.

Commissioner Lombardi seconded the motion.

Vote: 6-0-0

Motion:

Commissioner Norman 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 Clark seconded the motion.

Vote: 6-0-0

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 Lombardi seconded the motion.

Vote: 6-0-0

H. Brown – Amended Order of Conditions (SE16-2282)

*****CONTINUED TO 9/7/2023*****

28 LUSCOMBE LANE, DENNIS – Proposed stone patio/walkway and fire pit, existing AC unit, generator, front entry, walkway, rinse station, relocation of stairs and reconstruction of driveway.

ADMINISTRATIVE

**I. Friends of Bass River – Review of Community Preservation Committee Grant Request
UPPER BASS RIVER WATERSHED RESTORATION PROJECT**

Commissioner Clark, spoke as Conservation Representative for the Dennis Community Preservation Committee. Commissioner Clark discussed how the grant request came before the Dennis Community Preservation Committee and was approved. Commissioner Clark stated the Select Board wish to have the blessing of Conservation Commission's permission, before going forward to the Town meeting.

Rick Bishop, Executive Director of Friends of Bass River, was present to discuss the Upper Bass River Watershed Restoration Project. Mr. Bishop reiterated that the Dennis Community Preservation Committee and the Dennis Coastal Resiliency Committee had previously approved this project. Mr. Bishop stated the Upper Bass River Watershed Restoration project has been continuously worked on for the past three and a half years.

Mr. Bishop stated that Bass River needs a significant improvement regarding the ongoing issue

of nitrogen contamination. Mr. Bishop showed areas of Upper Bass River prohibited by the Massachusetts Division of Marine Fisheries for fishing and shell fishing. Mr. Bishop stated Upper Bass River requires a 73% reduction in nitrogen. And that the remainder of Bass River requires about 46% nitrogen reduction.

Mr. Bishop then discussed the significant reduction in harvesting scallops along Bass River, as compared to years ago.

Mr. Bishop stated the purpose of this project is to resolve the issue with Upper Bass River's nitrogen issue, as well as storm resiliency.

Mr. Bishop displayed a photo of Mill Pond, taken December 2, 2022; which showed thick algae in the water. Mr. Bishop commented that he was shocked to see this amount of algae during the month of December.

Mr. Bishop then displayed a photo of Indian Lands, taken July of 2022; which showed 4 feet thick of yellow-gold algae. Mr. Bishop stated the algae blocked the waterflow in the area.

Mr. Bishop stated the two main components to the project are to improve water quality and improve storm resiliency. As for improving water quality; Friends of Bass River plans on replacing an "undersized" culvert under North Dennis Road in South Yarmouth. For the purpose of allowing more waterflow. Friends of Bass River also plans on restoring 57 acres of retired cranberry bogs, near the Upper Bass River headwaters, to their historic wetlands. Making excellent "sinks" for carbon and nitrogen. Friends of Bass River also plans on restoring the fishing habitat as well. Mr. Bishop stated this fishing habitat was once the second largest herring catch of all Massachusetts in the 1800's, and that Bass River currently has zero herring.

Mr. Bishop then discussed storm resiliency and erosion. Mr. Bishop displayed a photo of the North Dennis Road culvert. Mr. Bishop stated when he was younger, the creek used to be 18 feet wide. Mr. Bishop stated two years ago, the creek measured 57 feet wide, and now it is 71 feet wide as a few days before August 3rd, 2023. Mr. Bishop stated there is a major problem with erosion and undercut. Mr. Bishop displayed two photos from December 23, 2022, where a storm had moved the water a foot above the opening to the culvert and had caused flooding.

Mr. Bishop displayed a photo showing the proposed reconstructed 65 foot bridge. Mr. Bishop stated this bridge would open the culvert up to 65 feet; allowing water to flow freely, up through Mill Pond. Mr. Bishop stated there is over 100 acres of wetlands that will be able to absorb the storm surge; resolving the problem of flooding in Follins Pond and Kelley's Bay.

Mr. Bishop stated Friends of Bass River is requesting the Dennis Community Preservation Committee to cover the cost of permitting for the bridge project. Mr. Bishop stated Friends of Bass River has been funded by Yarmouth Community Preservation Committee over three years. Friends of Bass River also received a NRCS grant for \$600,000; which does not pay for permitting according to Mr. Bishop - the reason Friends of Bass River is requesting funds paid for by the Dennis Community Preservation Committee.

Commissioner Clark brought up the condition of Mill Pond. Commissioner Clark inquired what the outcome will be when this is all released in regards of nitrogen up the river. Mr. Bishop

responded that this would not happen all at once, and that the tide cycle will likely take this up to Nantucket Sound. Commissioner Clark inquired if this was engineered so the quality of the water was determined of Mill Pond, with consideration to the likely quality of the water in Bass River afterwards. Mr. Bishop responded that Bass River was surveyed by DEP four years ago, and that is when this determination was made. Mr. Bishop stated that Friends of Bass River does water quality testing weekly in seven different locations on Bass River; and that Friends of Bass River will continue this water quality testing throughout the entirety of the project. Commissioner Clark had no further questions.

Commissioner Norman mentioned how Mr. Bishop stated that after the culvert is opened and widened, that Friends of Bass River would restore the retired cranberry bogs. Mr. Bishop responded that the cranberry bogs mentioned were farmed from the mid 1930's up until 1972 when they went fallow, and currently about two feet of sand lies in this area. Mr. Bishop indicated that microtopography is to be done, and that upland growth would be removed to allow historic natural wetlands growth to reappear. Mr. Bishop mentioned how this project would create a "nitrogen and carbon sink", naturally cleaning the water. Mr. Bishop stated this is a benefit as well as water exchange. Commissioner Norman had no further questions.

Commissioner Olwell was in favor of the project.

Motion:

Commissioner Olwell moved to support the grant request.

Commissioner Norman seconded the motion.

Vote: 6-0-0

*****Commission returned to Item D*****

J. Smith – Order of Conditions (SE16-2704)

27 BARNARD ROAD, DENNISPORT – Proposed septic upgrade.

Motion:

Commissioner Clark moved to sign the Order of Conditions for SE16-2704.

Commissioner Norman seconded the motion.

Vote: 6-0-0

K. Conservation Agent's Report

Agent Burnham mentioned the next Conservation Commission meeting on August 17th, 2023 will be lengthy with the amount of new applications. Agent Burnham also discussed the previously denied hearing of 13 Port Way, as it was appealed under the State regulation. Agent Burnham stated she had not received an appeal under the Bylaw yet. Chairman MacDonald commented that perhaps they were waiting for the State to decide. Agent Burnham responded that may be possible, and that they would have sixty days to appeal under the Bylaw, so there is still more time.

L. Director's Report

Director Johnson was not present for this Conservation Commission meeting.

Motion:

Commissioner Chamberlain moved to adjourn the meeting.

Commissioner Olwell seconded the motion.

The Committee voted 6-0-0.

The meeting was adjourned at 6:31 PM.