

Dennis Board of Selectmen – EMERGENCY MEETING  
Tuesday, December 23, 2019 at 12:00PM  
Dennis Town Hall, Stone Hearing Room  
685 Route 134, S. Dennis, MA  
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In attendance: Chris Lambton, John Terrio, Sheryl McMahon, Bob Mezzadri, Chris Lambton  
Town Administrator Elizabeth Sullivan, Beach and Recreation Director Dustin Pineau, DPW  
Director David Johansen, Conservation Agent Erin Burnham, Executive Assistant Jacquelyn Shea  
and Recording Secretary Laurie Barr

**CALL TO ORDER**

Mr. Flanagan called the meeting to order at 12:01pm.

**CONSIDER REQUEST OF CAPE COD ENGINEERING, INC. & ON BEHALF OF THEIR CLIENT, THE BAY VIEW CONDOMINIUM TRUST, 166 BAYVIEW RD, DENNIS, MA, MAP 364 PARCEL 6 FOR AN EXTENSION OF APPROVAL TO USE FOR ACCESS AND STAGING ACTIVITY, BAYVIEW BEACH ROAD LAND PARKING LOT FOR EQUIPMENT STORAGE AND TO DELIVER EQUIPMENT AND MATERIALS FOR REVETMENT RECONSTRUCTION AND NOURISHMENT AND STABILIZATION OF THE COASTAL BANK. VOTES MAY BE TAKEN.**

Mr. Flanagan shared that this emergency meeting was being held because the Town had given the applicant temporary access and there was a need to extend the access for public safety and environmental reasons.

Bob Perry, engineer for the project, shared there was a lapse in communication. He contacted the Board last Thursday to let them know that the contractor was going over the allotted time and they thought that the permit could be modified easier than this. He accepted responsibility for lapse. The contractor was working and it was impractical for them to stop because revetment was open. The new completion date would be January 4, 2020 and he was fairly certain that was a firm date.

Mr. Flanagan shared the original deadline was December 20, 2019 and they only learned that evening it wouldn't be completed; he wondered why the notice was late.

Mr. Perry explained that Childs began work 10 days earlier thinking that would be time to complete the project but due to weather and their work schedule they were unable to finish. They also delayed the project at the Town's request due to the Andrea Holden race but it was everyone's expectation they would be done. They thought they could just request an extension; it didn't realize it was a hard and fast deadline. He thought they could call and just extend the permit.

Mr. Flanagan asked the likelihood of completing the project by the new deadline if the Board voted an extension.

Mr. Perry was confident that the likelihood was about 90-100%. Clear weather was coming the tides were right so he thought January 4<sup>th</sup> was more than ample time and he was reluctant to ask for more time.

Ms. McMahon thought that in the future the Board should require the contractor to sign off on project conditions. She mentioned she was disturbed mats were not used on the project as agreed to. She also noted that the Board only requested that they not work only on the day of Andrea Holden race. For future consideration, she also recommended a provision that the Town Administrator could administratively extend the permits in consultation with the Chair so the

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Board didn't have to meet under emergency conditions. She was in support of extending the permit but wanted them to not be allowed to work after 1pm on Christmas Eve and not work on Christmas Day. Mr. Terrio believed they were not supposed to be working on weekends but they were planning on working on the Saturdays. He was concerned we have visitors and good weather that want to enjoy the beaches but if they need that day and it was crucial to finishing for January 4 then he would contemplate it. Mr. Lambton thought they should not be allowed to work Saturdays and Sundays and New Year's Day in addition to not being allowed to work in addition after 1pm on Christmas Eve and Christmas Day. People have the right to enjoy the beach and he believed that took priority over the wall. Mr. Flanagan asked if these changes push completion date and Mr. Perry believed they would. Mr. Mezzadri had no problem stopping the work on the days mentioned but was concern with passing the deadline since he believed the next project started January 6<sup>th</sup>. Jacquelyn Shea, Executive Assistant, shared that the next project was scheduled to start January 6<sup>th</sup> but there was addition language in the permit that allowed for the completion of Mr. Perry's project prior to the starting of the second project. Ms. McMahan thought it was reasonable to allow them to work on Saturday. Mr. Mezzadri was concerned if they weren't allowed to work Saturdays and they push this to 6<sup>th</sup> that would mean the next contract needed to be pushed out. Mr. Terrio asked if they had built in extra days to the next contract. Ms. Shea didn't have the dates. Mr. Lambton thought they gave the second contract 6 weeks. Mr. Flanagan asked if they gave Mr. Perry until January 6<sup>th</sup> was it conceivable one could finish and the next one can start next day. Mr. Perry believed it would actually be ideal for that to happen since the access was open since they would not have to put the access back between projects. Mr. Mezzadri asked if it was the same contractor for both projects and they were not. Mr. Lambton shared he had spoken with the contractor on the job and it took two days of preparation to open the access; if they allow it to be left open it would be easier for the next contractor and save two days. Ms. McMahan suggested allowing them to close at 1pm on Christmas Eve, Christmas day, Saturday and Sunday, and then allow them work through 4<sup>th</sup>. Mr. Perry believed the conditions are good and they are aware the job needs to be completed. Ms. McMahan also suggested authorizing the Town Administrator to make any adjustments to the permit in conjunction with the Chair. Mr. Mezzadri pointed out that in the permit it says whatever you disturb you put back. If they allowed the access to be left open then the second contractor would need to work with Beach, DPW and Natural Resources to put it back to how it was originally and they would have to agree to that. Mr. Perry had no knowledge nor could guarantee that next project would start on time. Childs would need the start date of the next group. He's not sure if Childs would feel obligated to put the access back as they planned. Ms. Shea shared that with each job there is an onsite pre-construction and post-construction meeting with the contractor and the necessary Town Departments to assure the project was left in the desired condition. Ms. McMahan felt it was not Mr. Perry's responsibility to coordinate. She wanted Administration to make the determination. Mr. Terrio reviewed that the dates work would be done at the site were December 24<sup>th</sup> until 1pm, 26<sup>th</sup>, 27<sup>th</sup>, 20<sup>th</sup>, 31<sup>st</sup>, January 2<sup>nd</sup> and 3<sup>rd</sup>. He wanted to be sure that was sufficient and didn't want this rushed because it was too important. Mr. Perry shared he would commit to coordinating. Ms. McMahan suggested allowing the work to be done on the 4<sup>th</sup> until 5pm and authorize the Town Administrator to coordinate the projects. Dustin Pineau, Beach and Recreation Director wanted to make sure the contractor deals with conditions 12-16 of the permit for the safety of the contractor and the Town.

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Mr. Lambton pointed out that Mr. Perry pulled permit so it was his responsibility to make sure the contractor complied with the conditions of the permit.

**Motion:**

**Ms. McMahon made a motion to extend the temporary access over Town property for 166 Bayview Rd, Dennis until the close of business, specifically 5pm, on January 4, 2020 and that no work to be conducted after 1pm on December 24<sup>th</sup>, no work Christmas, December 25<sup>th</sup>, no work on the weekend of December 28<sup>th</sup> and December 29<sup>th</sup>, and no work on New Year's Day, January 1<sup>st</sup> and that the Board authorizes the Town Administrator in consultation with the Chair to make additional extensions for considerations for the neighborhood and the protection of the public; Mr. Terrio seconded. Mr. Lambton added that the contractor should revisit conditions 12 through 16 on the permit and adhere to them. Ms. McMahon accepted the amendment to the motion; Mr. Terrio seconded. The Board voted 5-0-0.**

**ADJOURN**

**Motion:**

**Ms. McMahon made a motion to adjourn at 12:29pm; Mr. Mezzadri seconded. The Board voted 5-0-0.**