Minutes of a public meeting held on February 19, 2020, by the Sandwich Conservation Commission at the Sand Hill School Community Center, Meeting Room, 16 Dewey Avenue, Sandwich, MA.

Members Present: Kimberley Walsh (KW), Brett Butz (BB), Scott Boutilier (SB), Tom Shevory (TS), Cameron Murphy (CM) and Jack Sidar (JS).

Members Absent:

Staff Present: Josh K. Wrigley (JW), Asst. Director of Natural Resources and Heidi Hawkins (HH), Administrative Assistant.

Chairman, Brett Butz appointed Associate Commissioner, Cameron Murphy as a voting member.

1. INFORMAL:

a. Patrick Sullivan, 9 Freeman Avenue, driveway, Patrick let the Board know that the owner of this property would like to replace the brick driveway that was there before the septic was replaced. JW told the Board about a previous filing the said the brick could only be used on the seaward side of the patio. The Board is willing to consider other pervious materials under an Amendment. Public comment was requested; there was none. A Motion was made (TS) to hear the request under an Amendment-Seconded (JS). The Motion was passed with a vote of 6-0-0.

2. NEW HEARINGS:

a. DEP File No. SE66-1862 Robert Smith c/o Green Seal Environmental, Inc. has filed a Notice of Intent for the proposed bringing in of fill for driveway and raising the elevation adjacent to the house, installation of a catch basin and work to the exterior of the house at Assessor’s Map 074–Parcel 062 located at 10 Dewey Avenue, Sandwich, MA. Documents received: NOI application and site plans. Present was Representative, Tim Bennett (TB). TB presented the project as proposed. The Board had questions about the architectural plans for the outside structures; JW will not sign off on the building permit until we have a copy of the architectural plans for our file. The Board would like the fill to be similar to the material that is already there; staff will make sure that is the case. Bob Gray gave a presentation to the Board about a rare species on a neighboring lot, the project, as proposed, will not affect this plant. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, with no further public comment accepted-Seconded (JS). The Motion was passed with a vote of 6-0-0. Chairman Brett Butz re-opened the hearing. After further discussion and setting the special conditions, a Motion was made (TS) to close and approve the hearing-Seconded (JS). The Motion was passed with a vote of 6-0-0.
b. DEP File no. SE66-1861 Jeffrey A. & Ann M. Conard c/o Sabatia, Inc. has filed a Notice of Intent for the proposed raze/rebuild of an existing single family home with appurtenances, decking and stairs at Assessor’s Map 96– Parcel 016 located at 217 Phillips Road, Sandwich, MA. Documents received: NOI application, site plans and design plans. Documents received later: 2 different site plans, existing house plan and a letter from Natural Heritage. Present were Representative, Bob Gray (BG) and Designer, Anne Michniewicz (AM). BG presented the materials that were submitted later. BG said the owner would like to keep the retaining wall, but the engineer did not feel like the septic would be affected if the wall was removed. BG stated that ~374 cu yds. of clean sand will be used to fill in the cellar hole once the foundation is removed. There was discussion about lot coverage numbers. There was discussion about the site plan and several structures that were missing from the plan. The Board had questions about breakaway panels and if the garage should just be enclosed with slats. BG pointed out that there are no DEP regulations regarding the flood zone. There was discussion about moving the house landward. There was discussion about dune destabilization and removing of vegetation. Public comment was requested; there was none. A Motion was made (TS) to continue the hearing to the March 04, 2020 for further information-Seconded (JS). The Motion was passed with a vote of 6-0-0.

3. ENFORCEMENTS:

a. 255 North Shore Boulevard, deck, JW stated that a previous owner of the property built an unpermitted platform on the beach grass, close to the shoreline. The Board says the platform needs to be removed. A Motion was made (TS) to send a letter to the homeowner asking them to have the platform removed by April 12, 2020-Seconded (JS). The Motion was passed with a vote of 6-0-0.

b. 329 Phillips Road, Bob Fitzpatrick, removal of sand, destruction of vegetation, Homeowner, Bob Fitzpatrick (BF) came before the Board to explain what he and his son had been doing that led to the sand being placed on the beach grass. The Board and BF had some discussion about what was allowed and not allowed in the dune. A Motion was made (TS) to continue the hearing to later in the meeting with no further public comment accepted-Seconded (JS). The Motion was passed with a vote of 6-0-0. After further discussion, a Motion was made (SB) to require the homeowner to file a Notice of Intent within 60 days to rectify the situation-Seconded (KW). The Motion was passed with a vote of 4-2-0. Commissioners, Brett Butz and Jack Sidar voted nay.

c. 420 Quaker Meetinghouse Road, cutting in the buffer, JW let the Board know what was happening on this property, cutting in the buffer zone. A Motion was made (TS) to issue a cease and desist order as well as a letter to the homeowner requesting they appear before the Board at an upcoming meeting-Seconded (JS). The Motion was passed with a vote of 6-0-0.

d. 112 Salt Marsh Road, coir logs, JW let the Board know that the new homeowner of this property called to find out how to put sand on his property. Staff looked for an open file on the property and could find none. It turns out that this property never did an after the fact Notice of Intent after the coir logs were installed in 2018. A Motion was made (TS) for staff to send a letter to the new homeowner requiring a Notice of Intent to be filed within 60 days-Seconded (JS). The Motion was passed with a vote of 6-0-0.
e. 637 Route 6A, clearing in the buffer, Walter Murray came before the Board to explain what he had planned for the property. A Motion was made (TS) to require the homeowner to file a Notice of Intent within six months containing a delineation and a split rail fence marking the buffer zone, the Board would like staff to send a letter stating this to the homeowner-Seconded (JS). The Motion was passed with a vote of 6-0-0.

4. CERTIFICATES OF COMPLIANCE:

a. DEP File No. SE66-1838, 225 North Shore Boulevard, septic, A Motion was made (TS) to approve the Certificate of Compliance for DEP File No. SE66-1838, 225 North Shore Boulevard-Seconded (JS). The Motion was passed with a vote of 6-0-0.

b. DEP File No. SE66-739, 604 Route 6A, remove oil tank, A Motion was made (TS) to approve the Certificate of Compliance for DEP File No. SE66-739, 604 Route 6A-Seconded (JS). The Motion was passed with a vote of 6-0-0.

c. DEP File No. SE66-743, 604 Route 6A, septic & deck, A Motion was made (TS) to deny the Certificate of Compliance for DEP File No. SE66-743, 604 Route 6A-Seconded (JS). The Motion was passed with a vote of 6-0-0.

d. DEP File No. SE66-1307, 497A Route 6A, dwelling, A Motion was made (TS) to deny the Certificate of Compliance for DEP File No. SE66-1307, 497A Route 6A-Seconded (JS). The Motion was passed with a vote of 6-0-0.

e. DEP File No. SE66-1428, 18 Old County Road, garage, A Motion was made (TS) to approve the Certificate of Compliance for DEP File No. SE66-1428, 18 Old County Road-Seconded (JS). The Motion was passed with a vote of 6-0-0.

f. DEP File No. SE66-1624 Am1, 89-1 Salt Marsh Road, sand & stairs, duplicate, the Board signed a duplicate Certificate of Compliance.

5. EXTENSIONS:

a. DEP File No. SE66-1649 Am 1, 3-year extension, 12 Harbor Street, retaining wall, remove invasive’s, A Motion was made (TS) to approve the 3-year extension for SE66-1649 Am 1, 12 Harbor Street-Seconded (JS). The Motion was passed with a vote of 6-0-0.

b. DEP File No. SE66-1501, 3-year extension, 52 East Road, raze/rebuild, A Motion was made (TS) to approve the 3-year extension for SE66-1501, 52 East Road-Seconded (JS). The Motion was passed with a vote of 6-0-0.

6. EMERGENCY CERTIFICATES:

a. 241 Phillips Road, failed septic, A Motion was made (TS) to approve the Emergency Certificate for 241 Phillips Road-Seconded (JS). The Motion was passed with a vote of 6-0-0.

b. 50 Salt Marsh Road, failed septic, A Motion was made (TS) to approve the Emergency Certificate for 50 Salt Marsh Road-Seconded (JS). The Motion was passed with a vote of 6-0-0.

7. OTHER BUSINESS:

a. Informal, 129 North Shore Boulevard, septic, A letter was read into record requesting a change to the original approved project, the Board decided an Amendment could be filed for.
b. Josh Wrigley, Talbots Point, Americorp project, JW told the Board about the parking lot improvement project that was due to start before the end of the month at Talbots Point. The project is being completed with the help of Americorp Cape Cod.

8. MINUTES:

  o A Motion was made (TS) to approve the Minutes for the February 11, 2020 Con Com Hearing-Seconded (JS). The Motion was passed with a vote of 6-0-0.

9. ADJOURNMENT:

  o A Motion was made (TS) to adjourn at 9:14 PM, Seconded (JS/). The Motion passed with a vote of 6-0-0.

Respectfully Submitted,
Heidi Hawkins

Date Approved 4 March 2020
Chairman