Minutes of a public meeting held on February 2, 2022, 7:00 pm via the ZOOM Platform

Members Present: Kimberley Walsh (KW), Cameron Murphy (CM), Lillie Peterson-Wiratana (LPW), Jason Heyer (JH), Hillary Foglia (HF), Scott Boutilier (SB).

Alternate Members Present: Elizabeth DeMelo (ED) appointed as a full voting member.

Members Absent: Roy Anderson (RA),

Staff Present: Joshua Wrigley (JW), Asst. Director of Natural Resources and Rachael Demosthene (RD), Administrative Assistant.

1. CONTINUED HEARINGS:
   a. DEP File No. SE66-1928 Mary McKenna c/o Wet Tech Land Design, Inc. has filed a Notice of Intent for the proposed addition to a single family home and removal of invasive species at Map 31 - Parcel 52 located at 230 Old County Road, Sandwich, MA. Present was Wayne Tavares (WT) who presented the project revisions. HF- What is the extent of pruning described? Is there a professional company to identify the native from invasive plants, and is herbicide to be used? WT- will be identifying the plants and no herbicide will be used. There was a discussion regarding pruning or bush cutting. No Public Comment. CM- A motion was made to close and approve with standard and special conditions as discussed. KW- Seconded. The motion was passed with a vote of 6-0-1 Scott Boutilier abstained.

2. CERTIFICATE OF COMPLIANCE:
   a. Original Filing DEP File No. SE66-1818, Lawrence A. & Linda Jean DiNardo, Trustees c/o John E. Landers-Cauley, P.E. have filed a Notice of Intent for a proposed addition, deck raze/rebuild and septic system upgrade at Assessor’s Map 18 – Parcel 123 located at 22 Kittredge Point Road, Sandwich, MA. Requested by Lawrence DiNardo. JW- Recommends approval. CM- A motion was made to approve. KW- Seconded. The motion was passed with a vote of 7-0-0.

3. OTHER BUSINESS: to include items not reasonably anticipated by Chairperson.
   a. 8 Water Street (James Lingley) Administrative Review, shed in buffer. JW- explained how the shed would be placed within the 50’ buffer and the commission could condition some mitigation planting. JH- ok mitigation planting. HF- 5, 1 gallon Clethra. CM- a motion was made to approve the Admin review JH- Seconded. The motion was passed with a vote of 7-0-0.

   b. 6 Pierre Vernier Drive- Update on cleanup from James Killion. JW- No update from James Killion. Public Comment was received via email and read into the public record from Nancy Horn, Christine Dennis, Timothy Dempsey and Ed MacLean.

   c. 101 Salt Marsh, Restoration order follow up. JW- gave an update, stating that he has met all the requirements. CM- A motion was made to close out the Restoration Order. JH- Seconded. The
motion was passed with a vote of 7-0-0.

d. **Maple Swamp (NEMBA)**, Proposal for bike trail modifications. JW- this type of “passive recreation” has been deemed by the state to not meet the requirements. Public Comment was received and read into the record from Sean Polay. Frank Merola gave the commission an update on the improvements as well as the pump track. Hoping to find a way that would make it compatible with the states requirements. There was great discussion about the pump track and what is acceptable to the state. Bill Boles, proposed keeping the track as is and looking throughout the town for another location that is more appropriate.

e. **Emergency Declaration**- JW- explained that Town Management has declared an emergency from the recent Nor’easter in which homeowners on the coast may do emergency repairs on the property under an Emergency Certification with the filing of an After-the-Fact Notice of Intent. CM- inquired that no coast engineering structure is to be installed. JW- Correct no CE only a Coir Envelope. JW- explained the procedure of obtaining an Emergency Certificate and that if an open order of conditions exist that is the appropriate avenue to use first.

4. **ORIENTATION:**
   a. **Roberts Rules overview**- Role of the chair, requesting to speak. JW- gave an overview of RR and how they can be applied within meetings.
   b. **Making Motions**- There was a brief discussion about how motions should be read for accuracy. KW- expressed that as chair she will be looking to other commission members to make the motions.
   c. **Public Comment, opening and closing.** JW- gave an overview of the proper way to open and close public comment and discussed how other commissioners can address the chair if they feel the comment may have already been heard.

5. **MINUTES:**
   a. **January 19, 2022** JH- a motion was made to approve the minutes CM-seconded. The motion was passed with a vote of 6-0-1. Scott Boutilier abstained.

6. **ADJOURNEMENT:**
   a. KW- A motion was made to adjourn the meeting at 8:40pm. CM- Seconded. The motion was passed with a vote of 7-0-0.

Signed: Rachael Demosthene, Administrative Assistant

Date: 2/16/22

Date & Time Received by Town Clerk’s Office
Hello,

Could the committee please make a plan prior to this?

Nancy Horn
775-762-3175

On Wednesday, February 2, 2022, 07:20:19 PM EST, Nancy Horn <nancyhornwellness@yahoo.com> wrote:

Hello Commission,

It's Nancy Horn at 10 Pine Grove Circle and Christine Dennis at 7 Evsun Drive.

We are watching the meeting live.

When the meeting agenda arrives at Article 3b regarding the clean up update from James Killian we would like to know if the commission has arrived at a decision for consequences and enforcement if Mr. Killian fails to meet the committee deadline on Feb. 15, just 12 days from now.

At the last meeting Tim Dempsey suggested the town hire a professional team to perform the clean up, then bill Mr.Killian for the total cost. If he refuses to pay the fine and the clean up invoice, Mr. Dempsey suggested a subsequent lean be put on Mr. Killian's property.

Our question is, has the committee considered Mr. Dempsey's suggestion? We would like to hear the committee's plan going forward.

Since Mr. Killian is not showing progress, at this point we feel a simple fine will not be enough to encourage him to complete the clean up.

Respectfully,

Nancy Horn and Christine Dennis

Nancy Horn
775-762-3175
Hey Rachael, look at the pixs that I sent to you the other day and did the commission view those pixs.

Ed MacLean
I have never heard of an Enforcement Order being drawn out for so long. You must do something on 2/18
We wholeheartedly endorse the NEMBA plan, already approved in concept by this board. Similar facilities are in Wompatuck State Park in Hingham and Russell Mill Pond and Town Forest in Chelmsford (https://www.mtbproject.com/photo/4123661/russell-mill-pump-track).

We ask that town counsel be consulted regarding the parameters of passive recreation. We believe trail cycling is considered passive, and this skills area is in essence a loop trail. At issue appears to be the addition of features, and it is guidance on the limits and possibilities of these that would be helpful.

When we take kids participating in the town recreation program to the West Barnstable conservation area, the trail they all want to ride is known as Humpty Dumpty. It is a trail that basically mimics a pump track — lots of small hills that with the right momentum can be ridden with a minimum of pedaling. What’s more passive than that? The kids love it, and ask to repeat the ride many times. That’s the spirit of what we’re trying to achieve in Maple Swamp.

Sean Polay
Sandwich Bikeways & Pedestrian Committee
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