Minutes of a public meeting held on June 24, 2020, by the Sandwich Conservation Commission via Zoom Video Conferencing Software.

Members Present: Brett Butz (BB), Tom Shevory (TS), Kimberley Walsh (KW), Scott Boutilier (SB), 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. NEW HEARINGS:

   a. DEP File No. SE66-1856 Amend 1 Alessandro Morteo has filed a Request to amend an existing Order of Conditions, (DEP File No. 1856) for the proposed driveway replacement at Map 94 – Parcel 68 located at 9 Freeman Avenue, Sandwich, MA. Documents received: Amendment letter, driveway samples. Present was Homeowner, Alessandro Morteo (AM), Representative, Wayne Tavares (WT) and Attorney, Amanda Timpermen (AT). AT and WT presented the project as proposed. They proposed a pervious paver instead of the crushed stone or sea shells allowed in the Order of Conditions. The Board had questions about the square footage of the driveway; WT, same as it was, no increase. In addition to adding pea stone in between the openings on the pavers, would you add a layer on top; WT, you will be within a 1/2 an inch of the top because once you fill it, the stone settles. There will be no impact to the septic system. Public comment was requested; there was none. JW, this is still hardscape in a coastal dune; BB, I feel the same. There was discussion about past practices. There was discussion about what was previously allowed on this property. A Motion was made (TS) to deny the Amendment because it is hardscape-Seconded (TS). The Motion was passed with a roll call vote: BB- aye, SB- aye, KW- nay, CM- aye, JS- aye, TS- aye.

   b. DEP File No. SE66-1865 Michael Donovan, Michael Dechiara, Theresa Papuga & Jeffrey N. Low, Trustees c/o Sabatia, Inc. have filed an after the fact Notice of Intent for the upgrade to a Title V compliant septic system at Assessor’s Map 96– Parcel 038 located at 241 Phillips Road, Sandwich, MA. Documents received: NOI application and site plan. Present was Representative, Bob Gray (BG). The Board was all set with this project. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard. Seconded (JS). The Motion was passed with a roll call vote: BB- aye, SB- aye, KW- aye, CM- aye, JS- aye, TS- aye. BB reopened the hearing. After further discussion, including discussing no expansion of the driveway, a Motion was made (TS) to close and approve with standard and special conditions-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, SB- aye, KW- aye, CM- aye, JS- aye, TS- aye.
c. DEP File No. SE66-1866 Anne C. Prendergast, Trustee c/o Coastal Engineering Co., Inc. has filed a Notice of Intent for proposed invasive species management at Assessor’s Map 56–Parcel 36 located at 12 Foxcroft Lane, East Sandwich, MA. Documents received: NOI application, site plans, Land Management Plan, Restoration Plan. Present was Representative, Nick Jones (NJ) and Representative, Nick Crawford (NC). NJ and NC presented the project as proposed. The Board had questions about whether there was lawn expansion proposed; No. The Board wanted to know if work would take place within the 50’ buffer; yes, there is work proposed in that area, we are looking to cut and wipe in those areas, so there will be no soil disturbance. There was discussion about cutting in the 50’ buffer; invasive species root systems opposed to native species where erosion is concerned. No heavy equipment is proposed to be used. There was discussion among the Representatives, Staff and the Board regarding the use of herbicide in the cut and wipe method, mechanical removal of invasive species, future maintenance of the invasive’s, making the 50’ buffer a no touch zone with markers put at the 50’ area so no mistakes are made. There was mention of a project approved at 8 Foxcroft Lane that had work in the 50’ buffer, JW reminds the Board how there is a regulation that says no work in the 50’ buffer zone. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard-Seconded (JS). The Motion was passed with a roll call vote BB- aye, TS- aye, SB- aye, KW- aye, CM- abstain, JS-abstain. BB reopened the hearing. The Board discussed the filing, a Motion was made (SB) to close and approve the hearing with standard and special conditions, to include no work within the 50’ buffer zone and no use of herbicides -Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- abstain, JS- abstain.

d. DEP File No. SE66-1867 Rick Anderson c/o Down Cape Engineering, Inc. has filed a Notice of Intent for a proposed new deck at Assessor’s Map 77–Parcel 9-0 located at 37 Boulder Brook Road, East Sandwich, MA. Documents received: NOI application, site plans, design plans. Representative, Daniel Ojala (DO) was present. DO presented the project as proposed. JW, this project was allowed to be done under an Administrative Review during COVID, they had already filed the Notice of Intent. The Board would like to see a four (4) foot unmanaged area by the buffer zone. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye. BB reopened the hearing. The Board discussed the filing, a Motion was made (SB) to close and approve the hearing with standard and special conditions, to include a four (4) foot unmanaged area by the buffer zone to be allowed to grow back wild -Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

e. DEP File No. SE66-1871 Marci Wright c/o Sabatia, Inc. has filed an after the fact Notice of Intent for the upgrade to a Title V compliant septic system at Map 76 – Parcel 035-001 located at 50 Salt Marsh Road, East Sandwich, MA. Documents received: NOI application, site plan. Present was Representative, Bob Gray (BG). BG presented the project as proposed. The Board was all set with the project. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye. BB reopened the hearing. The Board discussed the filing, a Motion was made (SB) to close and approve the hearing with standard and special conditions, to include no driveway expansion and the rebuilding of the dune to its previous condition -Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.
f. DEP File No. SE66-187 Michael Weldon c/o EAS Survey, Inc. has filed a Notice of Intent for the proposed repair to a Title V compliant septic system at Assessor’s Map 71–Parcel 61 located at 160 North Shore Boulevard, East Sandwich, MA. Documents received: NOI application, site plan. Present was Representative, Ed Stone (ES). ES presented the project as proposed. The Board had no issues with the project. Public comment was requested; there was none. A Motion was made (TS) to continue the hearing until the July 15, 2020 meeting for a DEP File number-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

g. DEP File No. SE66-1872 Jared Horton c/o Sabatia, Inc. has filed an after the fact Notice of Intent for the upgrade to a Title V compliant septic system at Map 96 – Parcel 039 located at 243 Phillips Road, Sandwich, MA. Documents received: NOI application, site plan. Present was Representative, Bob Gray (BG). BG presented the project as proposed. JW questioned a wooden wall shown on the plan, whether it was removed or touched during the septic installation; BG, I am not sure, I can send a picture to you all. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye. BB reopened the hearing. The Board discussed the filing, a Motion was made (SB) to close and approve the hearing with standard and special conditions, to include no driveway expansion and the rebuilding of the dune to its previous condition -Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

h. DEP File No. SE66-1869 Brian Hebb c/o Shorefront Consulting has filed a Notice of Intent for a proposed raze/rebuild of an existing single family home and relocation of a portion of the driveway at Assessor’s Map 95–Parcel 36 located at 345 Phillips Road, Sandwich, MA. Documents received: NOI application, site plan, design plans. Present were Representative, Hannah Raddatz (HR), Representative, Mark Burgess (MB) and Applicant, Brian Hebb (BH). HR presented the project as proposed. The Board had questions about the driveway location; BH, we moved the driveway and the one car garage. The Board had questions about the breakaway panels vs. skirt; MB, the skirt will be used and it will meet the 50% light requirement. The Board asked questions about the existing plan for habitable space; MB, we used the Assessor’s card; CM, we have required an existing conditions plan for the existing house in the past; MB, would you accept the Assessor’s card; CM, I will look into it. SB had a question about a hallway on the plan that had no walls; BH, hallways are allowed and not counted as habitable space; BB, this is just a big open space; BH, I will include those hallways as habitable space; CM, that would be great. The Board would like revised plans. Public comment was requested; there was public comment from Kate Trainor and Maureen Atkins. JW responded to the public comment from Maureen Atkins. The Board had questions about the square footage impact to the dune. A Motion was made (TS) to continue the hearing until the July 1, 2020 meeting for further information-Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.
i. DEP File No. SE66-1868 Brian Hebb c/o Shorefront Consulting has filed a Notice of Intent for a proposed raze/rebuild of an existing single family home, deck, elevated walkway and shed at Assessor’s Map 95– Parcel 2 located at 293 Phillips Road, Sandwich, MA. Documents received: NOI application, site plan, design plans. Present were Representative, Hannah Raddatz (HR), Representative, Mark Burgess (MB) and Applicant, Brian Hebb (BH). HR presented the project as proposed. The Board wants the skirt to be used rather than breakaway panels. There were questions about two walls shown on the plan; BH, we would like to remove them and replace them with stone, we would like to keep them to keep the sand back; CM that would go against the regulation that allows sand to migrate; BH, there is a house, 271 Phillips that just replaced all their stone walls and used concrete; JW, let me look into that. JW, there were a couple of things that stood out to me about this filing, the retaining walls, I cannot recommend that we approve any plan that has retaining walls on it. JW, there is a habitable space miscalculation, it needs to be fixed. The Board had questions about the generator, the hot tub, stairs off the back deck, large hallways, questioning the habitable space and the shed. Public comment was requested; there was public comment from Kate Trainor, Roger Goulet and Maureen Atkins. The Board had questions about the square footage impact to the dune. A Motion was made (TS) to continue the hearing until the July 1, 2020 meeting for further information-Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

j. DEP File No. SE66-1873 Jesse Kirby c/o Green Seal Environmental has filed a Notice of Intent for proposed grading work within Flood Zone AE El 14 at Assessor’s Map 60– Parcel 48 located at 23 Quiet Street, East Sandwich, MA. Documents received: NOI application and site plan. Present was Representative, Jose Pichardo (JP). JP presented the project as proposed. JW had a question about the drainage after bringing in so much fill; JP, the fill will not change the patterns, only about a foot at the most. There were several other questions; the Board was satisfied with this filing. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye. BB reopened the hearing. The Board discussed the filing, a Motion was made (SB) to close and approve the hearing with standard and special conditions-Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

k. DEP File No. SE66-1870 Lynne Gourley, Trustee c/o Sabatia, Inc. has filed a Notice of Intent for the proposed upgrade to a Title V compliant septic system at Assessor’s Map 77– Parcel 037 located at 57 Salt Marsh Road, East Sandwich, MA. Documents received: NOI application and site plan. Present was Representative, Bob Gray (BG). BG presented the project as proposed. There was discussion about a retaining wall. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye. BB reopened the hearing. The Board discussed the filing, a Motion was made (SB) to close and approve the hearing with standard and special conditions with a condition to remove any hardscape if it is disturbed-Seconded (KW). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.
2. CONTINUED HEARINGS:

l. DEP File No. SE66-1864 Torrey Beach Community Association, Inc. c/o Coastal Engineering Co., Inc. has filed a Notice of Intent for proposed drainage system improvements at Assessor’s Map 63–Parcel 001 located at Lot 90, Goose Point Lane, East Sandwich, MA. Documents received: NOI application and site plan. Present was Representative, Tarja McGrail (TM). TM presented the project as proposed. There was discussion about the maintenance of the path, mechanical or by hand, annual inspection reports and the catch basins. Public comment was requested; there was none. A Motion was made (TS) to close the hearing and take under advisement later in the meeting, no further public comment will be heard-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye. BB reopened the hearing. The Board discussed the filing, a Motion was made (SB) to close and approve the hearing with standard and special conditions with conditions to require an annual inspection report to the Board and hand cutting only of the path in perpetuity-Seconded (BB). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

m. DEP File No. SE66-1859 Scott & Donna Floeck c/o Sabatia, Inc. have filed a Notice of Intent for the proposed construction of an agricultural building at Assessor’s Map 77–Parcel 070 located at 115 Salt Marsh Road, East Sandwich, MA. Documents received: NOI application and site plan. No Representative was present. An email was read into the record requesting a continuance to the August 19, 2020 meeting. A Motion was made (TS) to continue the August 19, 2020 meeting for more information-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

n. DEP File No. SE66-1844 Donald Allen c/o Sabatia, Inc. has filed a Notice of Intent for the proposed removal of invasive species, construction of a viewing platform, installation of utilities and the planting of a meadow at Assessor’s Map 69–Parcel 036 located at 31 Spring Hill Road, East Sandwich, MA. Documents received: NOI application and site plan. No Representative was present. An email was read into the record requesting a continuance to the July 1, 2020 meeting. A Motion was made (TS) to continue the July 1, 2020 meeting for more information-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

3. CERTIFICATES OF COMPLIANCE:

o. DEP File No. SE66-1752, 9 Freezer Road, new components - A Motion was made (SB) to approve the Certificate of Compliance for DEP File No. SE66-1752, 9 Freezer Road-Seconded (BB). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

p. DEP File No. SE66-1792 Am1, 7 Shakerhouse Road, dock, stairs, walkway - A Motion was made (SB) to deny the Certificate of Compliance for DEP File No. SE66-1792 Am1, 7 Shakerhouse Road, the vegetation needs another growing season and a final building inspection needs to be done-Seconded (BB). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.
q. DEP File No. SE66-1307, 497A Route 6A, structure - A Motion was made (SB) to approve the Certificate of Compliance for DEP File No. SE66-1307, 497 Route 6A with several ongoing conditions-Seconded (BB). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

r. DEP File No. SE66-1424, 261 Old County Road, house, never done - A Motion was made (TS) to approve the Certificate of Compliance for DEP File No. SE66-1424, 261 Old County Road-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

s. DEP File No. SE66-1453, 261 Old County Road, house - A Motion was made (TS) to approve the Certificate of Compliance for DEP File No. SE66-1453, 261 Old County Road-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

4. EXTENSION:

a. DEP File No. SE66-1756, 466 Route 6A, 3-year extension, East Sandwich fire station barracks. A Motion was made (TS) to approve the 3-year extension for SE66-1756, 466 Route 6A-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

b. DEP File No. SE66-1759, 16 Dewey Avenue, 3-year extension, Rehab Clark Haddad building. A Motion was made (TS) to approve the 3-year extension for SE66-1759, 16 Dewey Avenue-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

c. DEP File No. SE66-1508 Amend 1, 130 Main Street, Town Square Reconstruction Phase II. A Motion was made (TS) to approve the 3-year extension for SE66-1508 Amend 1, 130 Main Street-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

d. DEP File No. SE66-1757, 85 Salt Marsh Road, 3-year extension, raze/rebuild. A Motion was made (TS) to approve the 3-year extension for SE66-1757, 85 Salt Marsh Road-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

e. DEP File No. SE66-1760, 216 North Shore Boulevard, 3-year extension, raze/rebuild. A Motion was made (TS) to approve the 3-year extension for SE66-1760, 216 North Shore Boulevard-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

5. ENFORCEMENTS:

a. 119 Tupper Road, cutting in the buffer zone, deck work – JW updated the Board on what was happening on this property. A Motion was made (TS) to send a cease and desist letter to the homeowner and also request that he appear at the July 15, 2020 meeting-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.
b. **7 Feake Avenue, stone patio in the buffer zone** - JW updated the Board on what was happening on this property. A **Motion** was made (TS) to send a letter to the homeowner requesting that he appear at the July 15, 2020 meeting-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

c. **113 Salt Marsh Road, structure in the dune** - JW updated the Board on what was happening on this property. A **Motion** was made (TS) to send a letter to the homeowner requesting that he appear at the July 15, 2020 meeting-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

6. **OTHER BUSINESS:**

   a. **Authorizing vote for staff to sign on behalf of Con Com** – A **Motion** was made (TS) to authorize David J. DeConto and Joshua K. Wrigley to sign on behalf of the Commission-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

   b. **Con Com Interest: Roy Anderson, Lillie Peterson** – Roy introduced himself and spoke with the Board about becoming an alternate member, Lillie decided she would not be able to make the commitment. A **Motion** was made (BB) to recommend Roy Anderson to the Board of Selectmen as an alternate member of the Conservation Commission-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

   c. **Cameron Murphy – full member, New Chair, Vice-Chair** – A **Motion** was made (BB) to recommend Cameron Murphy to the Board of Selectmen as a full member of the Conservation Commission-Seconded (TS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, JS- aye. A **Motion** was made (BB) to nominate Scott Boutilier as Chairman and Jack Sidar as Vice Chairman for the Conservation Commission-Seconded (TS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye. Brett Butz and Thomas Shevory resigned from the Commission.

7. **MINUTES:**

   a. A **Motion** was made (TS) to approve the Minutes for the March 04, 2020 Con Com Hearing-Seconded (JS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

8. **ADJOURNMENT:**

   a. A **Motion** was made (BB) to adjourn at 10:46PM, Seconded (TS). The Motion was passed with a roll call vote: BB- aye, TS- aye, SB- aye, KW- aye, CM- aye, JS- aye.

Respectfully Submitted,
Heidi Hawkins

Date Approved: 3/19/20

Chairman: 

Date & Time Received by Town Clerks
TOWN CLERK
TOWN OF SANDWICH

AUG 20 2020
4.21.20
RECEIVED & RECORDED