



**Minutes** of a public meeting held on **June 15, 2016**, by the **Sandwich Conservation Commission** in the Town Office Building, Conference Room, 270 Quaker Meetinghouse Rd., E. Sandwich, MA.

**Members Present:** Karen Gagneax (KG), Neal Holmgren (NH), Melissa Romano (MR) and Matthew Waldrip (MW).

**Members Absent:** Christopher Kirrane (CK), Erin Jacque (EJ), Mike Zylich (MZ) and Christopher Sellstone (CS).

Chairman, Neal Holmgren appointed alternate members (KG) and (MW) as voting members for the evening.

**1. INFORMAL:**

- a. DEP File No. SE66-1412, 8 Foxcroft Lane. Owner, Eleanor Vander Mel would like to speak with the Board regarding the approved Order of Conditions and approved plan.** Present was Homeowner, Eleanor Vander Mel (EV). Eleanor gave the Board the history of the property, letting them know that the next door neighbor at 10 Foxcroft Lane had been maintaining a lawn area that was technically the property of 8 Foxcroft Lane. The neighbor had been using as his lawn for more than forty (40) years. EV and her husband decided to have the property surveyed and to give the neighbor an easement so that he will be able to maintain the lawn, but not encroach further onto their property or be able to claim the property as his own. The easement is the area on the approved plans that was supposed to be for mitigation planting, after having had the easement recorded they will not be able to do the plantings where the Commission originally asked. A **Motion** was made (MR) to allow the owner to come to them with an Amendment to the original Order of Conditions-Seconded (MW). The Motion was passed with a vote of 4-0-0.

**2. NEW HEARINGS:**

- b. DEP File No. SE66-1728 Thomas & Julia Courtney c/o Sabatia, Inc.** has filed a Notice of Intent for the proposed approval of the wetland boundaries and the proposed raze/rebuild at Assessor's Map 70- Parcel 0116 & 0117 located at **151 & 153 North Shore Boulevard, East Sandwich, MA**. Documents submitted with the application as follows: Notice of Intent application, design plans and a proposed site plan. Representative, Bob Gray and Designer Anne Michniewicz were present. Bob Gray presented the project as proposed. Chairman, Neal Holmgren (NH) asked if the septic is being touched, it is not. NH asked if the woody vegetation was being taken out, it is, but can be replanted. Public comment was asked for, there was none. Anne Michniewicz (AM) was asked if the two different house numbers were a problem, they are not. A **Motion** was made (MR) to close and take under advisement-Seconded (KG). The Motion was passed with a vote of 4-0-0. After setting the special conditions a **Motion** was made (MR) to approve with standard and special conditions-Seconded (MW). The Motion was passed with a vote of 4-0-0.

- c. **DEP File No. SE66-1727 Rudy Dajie c/o Sabatia, Inc.** has filed a Notice of Intent for the proposed construction of a dock and pier into the waters of Old Harbor Creek at Assessor's Map 76- Parcel 040 located at **62 Salt Marsh Road, East Sandwich, MA.** Documents submitted with the application as follows: Notice of Intent application and a proposed site plan. Representative, Bob Gray and Engineer, Roger Michniewicz were present. Bob Gray and Roger Michniewicz presented the project as proposed. Bob Gray asked if he would need to do a Shellfish survey, the Board said yes they would require one. Public comment was asked for, there was none. The Board wants to do a site visit. A **Motion** was made (MW) to continue for a site visit-Seconded (MR). The Motion was passed with a vote of 4-0-0.
- d. **DEP File No. SE66-1729 Susan Davis and Kevin Kiernan c/o Environmental Consulting & Restoration, Inc.** has filed a Notice of Intent for the proposed construction of a single family home with appurtenances at Assessor's Map 38- Parcel 36 located at **11 Shaker House Road, Sandwich, MA.** Documents submitted with the application as follows: Notice of Intent application and a proposed site plan. All documents received post submission: 06/15/16 new project narrative and Cape Cod Cooperative Extension list of fresh water plants for the buffer zone. Present were Representatives, Cameron Larson, Chris Harris and Rob Sykes. Cameron Larson (CL) passed out a new project narrative. CL presented the project as proposed. Chairman, Neal Holmgren asked if any pathways were planned to get to the water, CL replied, not at this time. Public comment was asked for, there was none. A **Motion** was made (MR) to close and take under advisement-Seconded (MW). The Motion was passed with a vote of 4-0-0. After setting the special conditions, a **Motion** was made (MR) to approve with standard and special conditions-Seconded (KG). The Motion was passed with a vote of 4-0-0.

### 3. CONTINUED HEARINGS:

- a. **DEP File No. SE66-1726 Charles H. Stevens, Jr. c/o JC Engineering, Inc.** has filed a Notice of Intent for the proposed raze/rebuild of an existing cottage with appurtenances, a new septic system and a proposed screened porch at Assessor's Map 14- Partial Parcel 328 located at **10 Percival Lane, Sandwich, MA.** Documents submitted with the application as follows: Notice of Intent application and a proposed site plan. All documents received post submission: 06/01/16 the wetland delineation field data form. Present was Representative, Mike Pimental. Mike Pimental presented the plan changes to the Board. Public comment was asked for, there was none. A **Motion** was made (MR) to close and take under advisement-Seconded (MW). The Motion was passed with a vote of 4-0-0. After setting the special conditions, a **Motion** was made (MR) to approve with standard and special conditions-Seconded (MW). The Motion was passed with a vote of 4-0-0.
- b. **RDA File No. SCC2016D-02 The Town of Sandwich** has filed a Request for Determination of Applicability for the construction of a swale to handle Stormwater overflows at Assessor's Map 35 Parcel 007 located at **82 Old County Road, East Sandwich, MA.** Documents submitted with the application as follows: Application for Request for Determination of Applicability and site plans. All documents received post submission: 02/17/16 letter from The Nye Family of America Association, Inc., 02/17/16 picture of the new swale, 02/23/16 notice from Sam Jensen to continue the hearing to 03/02/16, 02/24/16 notice from Sam Jensen to continue the hearing to 03/16/16, 03/11/16 email sent to the Board to set up a site visit, 03/11/16 notice from Sam Jensen to continue the hearing to 04/06/16, 03/14/16 letter from Norman Hayes, 03/29/16 letter from John Cullity, 04/05/16 notice from Sam Jensen to continue the hearing to 04/20/16, 04/13/16 letter from Natural

Heritage, 04/19/16 notice from Sam Jensen to continue the hearing to 05/18/16, 04/28/16 email from Division of Marine Fisheries, 05/18/16 from Sam Jensen a rough layout of improvements and a notice to continue the hearing to 06/01/16, 06/01/16 list of concerns from the Nye Family of America Association, Inc., 06/10/16 memorandum from Paul Tilton, 06/13/16 newspaper article, 06/15/16 notice from Sam Jensen to continue the hearing to 07/20/16. No Representative was present. No discussion occurred; a **Motion** was made (MW) to continue to the July 20, 2016 hearing, per the Representative's request-Seconded (MR). The Motion was passed with a vote of 4-0-0.

- c. **RDA File No. SCC2016D-04 Mass Coastal Railroad** has filed a Request for Determination of Applicability for vegetation management along their rail line in **Sandwich, MA**. Documents submitted with the application as follows: Application for a Request for Determination of Applicability. Present was Representative, Tom Lewis. Tom Lewis (TL) gave the Board the background of Mass Railroad vegetation management. TL explained to the Board how the process works and how it is completed. TL asked for a five (5) year permit, he also asked for a +2A, -3 and -5 determinations. A **Motion** was made (MW) to approve the Request with +2A, -3 and -5 Determinations which state (+2A – The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is Valid. -3 – The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any). -5 – The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required.)-Seconded (MR). The Motion was passed with a vote of 4-0-0.

▪ **Enforcement:**

- **10 George's Rock Road** – A site visit was set for June 27<sup>th</sup> at 4:30 PM to meet the Homeowners at this address.

▪ **Adjournment:**

- A **Motion** was made (MR) to adjourn at 8:10 PM – Seconded (MW). The Motion passed with a vote of 4-0-0.

Respectfully Submitted,  
Heidi Hawkins

Date Approved \_\_\_\_\_

Chairman \_\_\_\_\_

Date & Time Received by Town Clerks

TOWN CLERK  
TOWN OF SANDWICH

JUL 21 2016

10 H 02 M A Mef  
RECEIVED & RECORDED