

Conservation Commission Public Hearing Minutes – February 18, 2021

Time: 7:00 – 10:10 PM **Location:** Remote

Members Present: Toni Bandrowicz, Vice Chair; Colleen Hitchcock; Jonathan Grabowski, Monica Lagerquist, A. Randall Hughes

Members Absent: Tom Ruskin

The public hearing of the Conservation Commission was called to order at 7:00 pm.

The public hearing was video recorded.

PUBLIC HEARING ITEMS

- 1. Request for Determination of Applicability (RDA): 75 Puritan Rd** – filed by Elise Brault. Request to extend first-story deck and construct second-story deck. (Map 21, Lot 21)

Elise Brault, homeowner, provided the Commission with the scope of work for her deck construction.

C. Hitchcock clarified that the access way to Cassidy Beach would remain clear of equipment.

MOTION: M. Tamborini to issue negative determination for RDA as submitted, with general conditions. C. Hitchcock seconds; unanimously approved.

- 2. Amended Notice of Intent (ANOI): DEP #071-0336, 85 Puritan Ln** – filed by Peter Ogren, PE. Request to perform renovation work on existing pool. (Map 24, Lot 8)

Peter Ogren, PE, appeared before the Commission. Explained that pool will be resurfaced with new fencing.

T. Bandrowicz addressed note from Town Planner, Molly O’Connell, which asked for a more detailed plan to be submitted. P. Ogren stated that there is no new physical plan, as the aspect of the pool remains the same from when original plans were submitted.

T. Bandrowicz asked what steps were taken to ensure protection of resources, etc. C. Hitchcock clarified that former pool equipment room would be filled with flowable fill (cement).

The item was open for public comment.

Ralph James, former homeowner, stated that he agrees with plans of P. Ogren and thinks it is the best solution.

MOTION: M. Tamborini to accept Amended Order that details work to be done at 85 Puritan Lane, including the work designated for the pool equipment room. M. Lagerquist seconds; unanimously approved.

3. Minor Modification to Notice of Intent: DEP #071-0331, 81 Puritan Ln – filed by Peter Ogren, PE. Request to downsize footprint of proposed house. (Map 24, Lot 8)

Peter Ogren, PE, presented before the Commission and explained the homeowner's plans to downsize the previously-planned footprint. Stated that he is seeking approval of amendment to the plan and not the Order of Conditions that was previously issued.

T. Bandrowicz asked if there would be any changes to the environment. The response was no.

The item was opened for public comment.

Abutter Nicholas Weinand stated that this is a great amendment, there is no change in geometry, and he is in favor of this change.

Sam Andler, son of abutters Marc & Beth Andler, stated that the longer that both sites are exposed (81 & 85 Puritan Lane), the more damaging they are to the environment.

MOTION: C. Hitchcock to approve Minor Modification to site plan under the condition to determine process of paperwork following the hearing. M. Lagerquist seconds; unanimously approved.

4. Notice of Intent (NOI): DEP #071-0341, 178 Puritan Rd – filed by John Dick. Request to repair deck, repave driveway, and perform general landscaping on property. (Map 21, Lot 1F)

John Dick explained to the Commission that much of the yard is being converted to landscaping, pavers are being converted to more permeable pavers.

The item was opened for public comment.

Abutter Lindsay Dahlberg stated that much of the proposed work has, in fact, already been done, and homeowner Bruce Paradise appears to be asking the Commission for forgiveness rather than permission. The proposed deck has already been built out. She stated that Paradise has not been a friendly neighbor – he has left trash that other neighbors have been picking up, he threatened her if she tries to approach his daughter (for whom he purchased the house), and he has repeatedly ignored neighbor concerns. Additionally, the flooding from storms travels into her yard, and lastly, the planned trees will block her ocean view and decrease her property value.

Abutter Jim Smith explained that the trees directly abut his property. T. Bandrowicz interjected to state that it is not within the purview of the Commission to dictate size of trees.

Abutter Alex Rabinovich stated that the size of the trees as they are on the plans is not their size at full maturity. The trees will cause windbreak that would increase the size of the snowbank, therefore causing increased flooding when the snow melts.

Abutter Jan Pope stated that she did not care for the fact that work had already begun, and they are just now appearing before the Commission to seek approval. Additionally, the snow always gets dumped on her driveway.

Homeowner Bruce Paradise stated that this has been a tough neighborhood to work in. All work performed on his property has been allowed by a building permit, and he is simply before the Commission to ask for the permeable pavers and stone columns.

C. Hitchcock and J. Grabowski suggested that the matter be continued following a site visit. J. Grabowski explained that the Commission has been put into a difficult situation where the neighbors are claiming one thing and homeowner is saying something else, so they therefore need to step back and evaluate.

T. Bandrowicz and M. Tamborini stated that a site visit wouldn't change anything.

B. Paradise stated that if the petition were to be continued, he would rather just withdraw his NOI and not go forward with the hardscaping on his property. J. Grabowski explained that if digging has already occurred, then it would therefore already be subject to jurisdiction of Commission. T. Bandrowicz, however, stated that there are no performance standards because property is not within the buffer zone, just Land Subject to Coastal Storm Flowage. M. Tamborini stated that to allow for withdrawal would be unethical as Commission has now been notified of the project.

James Emmanuel, Landscape Architect, suggested that Commission could set forth conditions which would be discussed during pre-construction site visit.

Abutter Jan Pope said that dump trucks have already arrived on site. Abutter Jim Smith stated that pavers are not the issue – the neighbors just want the project to finish and they don't want the comments of the neighbors to get lost in the shuffle.

MOTION: M. Tamborini to issue Order of Conditions with general conditions and pre-construction site visit. C. Hitchcock seconds; unanimously approved.

5. Amended Notice of Intent (ANOI): DEP #071-0334, 10 Palmer Rd – filed by Scott Patrowicz, PE. Request to raise lowest finished floor of structure above the FEMA floodplain. (Map 33, Lot 13D)

T. Bandrowicz stated she is familiar with the property after already having performed a site visit.

MOTION: C. Hitchcock to amend existing Order of Conditions with revised plans. M. Tamborini seconds; unanimously approved.

- 6. Notice of Intent (NOI): DEP #071-0340, 48 Tupelo Rd** – filed by Scott Patrowicz, PE. Request to perform site work and landscaping to discontinue use of residential septic system. (Map 36, Lot 2)

Scott Patrowicz, PE, provides presentation before the Commission.

There were no comments from the Commission. The item was opened for public comment.

Attorney Ken Shutzer, representing the prospective buyer, stated that his client would like assurance that the septic system is taken offline, and that the piping which is still connected be disconnected and distanced by 20 feet so that the home is not infiltrated by backflow. T. Bandrowicz stated that this is outside the purview of the Commission, as they preside strictly over wetlands.

MOTION: M. Tamborini to issue Order of Conditions with standard conditions, but without required site visit. C. Hitchcock seconds; unanimously approved.

- 7. Request for Determination of Applicability (RDA): 53 Puritan Rd** – filed by Gerald Sneirson. Request to construct a second-story addition for a master bedroom. (Map 19, Lot 202)

Architect Nalin Mistry explained that the RDA is for the second-floor bedroom, and the rest of the construction on the home would continue under the Order of Conditions issued in 2019.

M. Tamborini suggested that this constitutes an Amended OOC because he is currently working under the original OOC, but the plans have since changed. T. Bandrowicz stated that if homeowner had closed out the current OOC, and then came back to Commission with addition of second-floor bedroom, then petition would be treated as RDA.

The item was opened for public comment.

Attorney Ken Shutzer, representing abutter Larry Bithell, claimed that the RDA application is deficient because it was not submitted to DEP as the instructions clearly state must be done. He additionally referenced the deficient Site Plan application that is currently before the Planning Board.

T. Bandrowicz stated that the Site Plan application is not before the Conservation Commission, and what concerns them is the bedroom. Being the Conservation Commission, the only issue that concerns them is whether or not the proposed construction affects a wetland resource. Asked Attorney Shutzer for more clarification on RDA deficiency, to which he responded that there was no written description. T. Bandrowicz stated that the plans submitted provide description, and now the Commission has the chance to ask questions before the petitioner/homeowner.

T. Bandrowicz asked for clarification on stockpiling and placement of equipment, to which J. Sneirson responded that there will not be any stockpiling, and all materials will be lifted up to the second floor. T. Bandrowicz stated that for procedural purposes, it would be best to continue item to April.

MOTION: M. Tamborini to continue RDA to April. M. Lagerquist seconds; unanimously approved.