

Conservation Commission Public Hearing Minutes – September 15, 2022

Time: 7:00 PM – 8:53 PM **Location:** Remote via Zoom

Members Present: Tonia Bandrowicz, Chair; Colleen Hitchcock, Vice Chair; Randall Hughes; Richard Simmons; Monica Lagerquist; Jon Grabowski

Members Absent: Scott Saunders; Molly O’Connell

Staff: Marissa Meaney, Conservation Agent

PUBLIC HEARING ITEMS

1. **Certificate of Compliance (COC) for 75 Puritan Rd** – filed by Elise Brault for DEP file number 071-0314.

MOTION: T. Bandrowicz to issue Certificate of Compliance. M. Lagerquist seconds; unanimously approved.

2. **Certificate of Compliance (COC) for 16 Sutton Pl** – filed by Attorney George Megaloudis for DEP file numbers 071-011 and 071-059.

MOTION: M. Lagerquist to approve COC for 071-059 under pretense that work described in OOC was never performed and is therefore invalid. R. Simmons seconds; unanimously approved.

MOTION: C. Hitchcock to approve COC for 07-011 under pretense that work described in OOC was never performed and is therefore invalid. J. Grabowski seconds; unanimously approved.

3. **Request for Determination of Applicability (RDA) for 53 Puritan Rd** – filed by Magdy Bishay. Request to perform repairs to seawall.

Mr. Bishay and his wife Minerva were present before the Commission. They explained that work will be done by hand by a professional mason. The intent is to add one more layer of stones to match height of neighbor’s seawall.

The work will be done by hand, with some being performed on the beach side of the wall. No equipment,

The Commission found the following:

- The resource areas affected by the proposed project involving repair to an existing seawall includes Land Subject to Coastal Storm Flowage and the Coastal Bank
- The property is additionally within the 100’ buffer zone of a Coastal Beach

The Commission agreed to issue a negative determination based on the following criteria:

- The work is within an area subject to protection under the Wetlands Protection Act, but will not remove, fill, dredge, or alter the area
- The work described is within the Buffer Zone, as defined in the WPA regulations, but will not alter an area subject to protection under the Act

MOTION: M. Lagerquist to issue a negative determination for the Request in accordance with the findings and under the condition that the work be performed solely by hand; no heavy equipment may be used. R. Hughes seconds; unanimously approved.

4. **Notice of Intent (NOI) for 100 Phillips Beach Ave #071-0352** – filed by William Gateman c/o Griffin Engineering. Request to install an in-ground swimming pool and reconstruct a paver patio. **Continued from August.**

T. Bandrowicz provided background of petition and explained what transpired between the last meeting and tonight, which included the receipt of a letter from Mr. Griffin regarding pool construction and its possible exemption from the filing of an NOI. TB provided Commission's stance in response to the letter, explaining that pool construction is, in fact, subject to an NOI filing, and she then provided further guidance on pool maintenance.

The petitioner and their team, including legal counsel provided by Attorney Jamy Madeja, agreed to proceed with the hearing, but stated that if the Order of Conditions is appealed, then they will raise this issue with the Department of Environmental Protection (DEP).

There was a lengthy discussion before the Commission between the petitioners and their direct abutters, Merry and Sam Kurtz, who were represented by their legal counsel, Attorney Ken Shutzer. The abutters maintained that there was not enough information to proceed with the issuance of an OOC, and they suggested that a third-party reviewer be sought to provide an opinion to the Commission. The Commission agreed that more information would be needed, including an impact assessment on the tree that borders the two properties and is closely located to the site of the proposed pool.

MOTION: TB to continue to October 20th, 2022 meeting. J. Grabowski seconds; unanimously approved.

Motion to adjourn at 8:53pm.