

On 2/7/2019, on a motion by Commissioner Tom Durkin, seconded by Commissioner Ellie Lawrence, the Commission voted unanimously, 4-0, to approve these minutes as presented.

## CONSERVATION COMMISSION MEETING MINUTES

January 17, 2019

**Members Present:** Rick Bishop (Chairman), Tom Durkin, Philip Johnston, and Ellie Lawrence

**Member(s) Absent:** Paul Huggins, Cris Luttazi

**Staff:** Kelly Grant – Conservation Administrator

YARMOUTH TOWN CLERK

**Start Time:** 6.30pm

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In the absence of Consultant Mark Burgess the Chairman went out of order.

### **Notice of Intent:**

John and Carolyn Kane, **23 Tanglewood Drive**, West Yarmouth, MA, proposed conversion of deck to screened porch within the buffer zone to wetlands and within the Riverfront Area. Mr. Ron Cadillac represented the applicant and presented the application. The deck is being converted to a porch and a new deck is proposed. 290 feet of mitigation is proposed due to the expansion of the footprint in the Riverfront Area. The property owner is working on a planting list for the mitigation area. The backyard is not large so the area for mitigation is not extensive. The proposed area leaves them some backyard. Commissioner Lawrence expressed concern with the mitigation area and asked if the cobbles stones will be removed and the area behind the trees will be naturalized rather than landscaped. Mr. Cadillac responded that he was not sure of the plan for the area but they will come up with a planting plan and provide it to the Conservation Administrator. Commissioner Lawrence also requested the condition that the screened porch not become habitable space in the future. Commissioner Bishop commented that the planting plan should have accompanied the application. Commissioner Durkin commented that he would like to see a landscape/planting plan. Commissioner Johnston asked for clarification on the mitigation area. He would prefer to see a buffer zone established to the wetland. Mr. Cadillac commented that usually they would do this but the yard is small and it is existing development. Commissioner Bishop suggested a continuance to the next meeting as we don't have a certified abutter list and a landscaping plan. Mr. Cadillac confirmed with the Commission that the current location of the mitigation area is acceptable.

Commissioner Lawrence made a motion to continue to February 7, 2019. The motion was seconded by Commissioner Durkin. The motion carried unanimously.

Paul Buckley, **32 Mayflower Terrace**, Yarmouth Port, MA, proposed pier, ramp, and float in Dinah's Pond. Mr. Mark Burgess of Shorefront Consulting represented the applicant and presented the proposed work. Mr. Buckley was also present. The BVW is a combination of salt marsh, phragmites and freshwater vegetation. Commissioner Bishop asked for green receipts for the abutter notification and commented that no comment had been received from DMF. He suggested the Commission would need to continue the hearing until the DMF comments were

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received. Commissioner Bishop also commented on an old COC that was approved for the property but never issued as the office was waiting on an updated plan. Mr. Burgess received the original COC from Commissioner Bishop to have recorded with the Registry of Deeds.

Commissioner Lawrence made a motion to continue to the February 7, 2019 meeting. The motion was seconded by Commissioner Durkin. The motion carries unanimously.

Mr. Burgess asked if there were any questions or comments from the Commission that he needs to address. The CA commented that there was an administrative review done for the property owner in spring of 2018 for the removal of invasive vegetation and replacement with native shrubs and meadow grasses. The expectation is that the area be maintained as meadow area but it appears to be managed as lawn.

Mr. Craig Williams, abutting property owner, addressed the Commission and expressed concern that the property owner was allowed to clear all the vegetation down to the creek. The Conservation Administrator approved the work based on a sketch plan that included native shrubs and a wildflower meadow. Commissioner Bishop commented that the commission will address this buffer area in the Order of Conditions and require the vegetation be replanted if it is dead. Mr. Williams asked why there was no meeting for this project. The CA responded that Administrative Review is often sufficient for vegetation management projects. The applicant proposed the removal of invasive growth with native plantings. The work was carried out as approved with the exception of the meadow grasses that are now being addressed by the Commission. Mr. Williams also expressed concern with the abutter notification process as the meeting date and time was not included on the notification letter. Commissioner Bishop confirmed that the abutter notification was confirmed to be complete. Mr. Williams responded that he received the notification but it did not tell him the date and time of the meeting. The CA confirmed that the regulations require the abutter notification include details of where information on the date, time and location of the public hearing may be obtained. This process has not been changed in Yarmouth. Mr. Burgess commented that different Towns have different templates for notification. Mr. Williams commented that in 35 years he has always received a date and time for the hearing in the abutter notification.

The Chairman moved the Enforcement Order on 72 Mayflower Terrace up on the agenda to allow Mr. Burgess to address it with the Commission. Mr. Burgess and the current property owner of 72 Mayflower Terrace, Mr. David Adam Scott, addressed the Commission. Mr. Burgess commented that he has reviewed aerial images of the property and confirmed the dock was present historically and sand has been added more recently. Mr. Adam Scott commented that he added sand box sand to the intertidal area. Mr. Burgess asked what the Commission requires as part of a filing. There is 3 feet of water at the end of the dock currently. A survey has not been done as yet. Mr. Burgess is looking to permit the current dock and asked for guidance on the beach area. The CA commented that there looks to be salt marsh vegetation along the shore before the sand was added. Commissioner Bishop asked when the property was purchased. Mr. Adam Scott responded that he purchased it in 2002 and rebuilt the dock in the same year. Mr. Burgess commented that it looked like the outer section of dock was removed and replaced with a longer ramp. Commissioner Lawrence asked where the low tide is. Mr. Burgess confirmed that it is at the seaward edge of the salt marsh. The CA commented