

On 2/2/2023, on a motion by Commissioner Bernstein, seconded by Commissioner Lawrence, the Commission voted 5 - 0, to approve these minutes as written.

YARMOUTH TOWN CLERK

## CONSERVATION COMMISSION MEETING MINUTES

'23FEB6AM11:13 REC

January 19, 2023

**Members Present:** Ed Hoopes (Chairman), Ellie Lawrence (Vice Chairman), Patricia Mulhearn, Thomas Durkin, David Bernstein, Rick Bishop

Absent- Paul Huggins

**Staff:** Brittany DiRienzo

**Start Time:** 5:00 pm

---

### Request for Determination of Applicability

1. Garry Ellis for Amedee Prouvost, [875 Great Island Road](#), Proposed addition to a single-family dwelling located over existing deck, and dormer installation in the buffer zone to a coastal bank.

Presenting: Gary Ellis

Discussion: Short presentation about a 4X10 addition off the rear and dormer.

Commissioner Bishop made a motion to issue a negative 2. The motion was seconded by Commissioner Lawrence, and the motion carried 6-0.

### Continued Notice of Intent

2. **SE83-2373** Laura Krause, BETA, for Town of Yarmouth, [669 Route 28](#) Proposed event space and park with trails, parking, bath house and art shanties in riverfront area, land subject to coastal storm flowage, and buffer zone to salt marsh, coastal dune, and coastal bank. (Continued for sole purpose of DEP comment)

Presenting: Arek Galle

Discussion: DEP comments stating that only portions of the site qualify as degraded riverfront, so 2:1 mitigation is need for the areas that are not degraded and proposed for development. The invasive species management and restoration proposed covers the mitigation needed under the rivers act. Planting plan will be presented at a future time depending on gaps left from management.

Commissioner Bernstein made a motion to issue an Order of Conditions with special conditions, The motion was seconded by Commissioner Lawrence, and the motion carried 6-0.

3. **SE83-2370** Scott Skuncik, Foth Infrastructure & Environmental, LLC for Malcolm Chace [1111-1121 Great Island Road](#) Proposed removal of seawall debris and coastal stairs and installation of a stone revetment and native plantings on Great Island located on coastal beach, coastal bank, and land subject to coastal storm flowage (*Withdrawn* without prejudice.)

4. Thomas Young, [71 Arrowhead Rd.](#) Proposed 15 x 28 and 9x9 decks on sonotubes in the buffer zone to a bordering vegetated wetland  
Applicant sent a written request to continue to 2/2/23 for time to address DEP comment on perennial stream determination

Commissioner Bernstein made a motion to continue to 2/2/23. The motion was seconded by Commissioner Lawrence, and the motion carried 6-0.

On 2/2/2023, on a motion by Commissioner Bernstein, seconded by Commissioner Lawrence, the Commission voted 5 - 0, to approve these minutes as written.

5. **SE83-2371** Bob Perry, Cape Cod Engineering, for Susan and Dewitt Davenport 62A Pleasant Street Proposed swimming pool in the riverfront area (inner riparian zone), land subject to coastal storm flowage, and the buffer zones to a salt marsh and coastal bank Applicant sent a written request to continue to 2/2/23. Commissioner Lawrence made a motion to continue to 2/2/23. The motion was seconded by Commissioner Mulhearn, and the motion carried 6-0.

6. **SE83-2361** Brad Holmes Environmental Resource Consultants for Kerry King 8 Tide Lane, After the fact proposal for a patio, hardscape, and driveway in the riverfront protection area, land subject to coastal storm flowage, and buffer zone to a coastal bank Presenting: Brad Holmes

Commissioners Mulhearn and Durkin recused themselves.

Discussion: presented revised plans including

- Proposed removal of a portion of the concrete patio resulting in the same size as the original patio, removed area to be returned to lawn
- New infiltration trenches to be added around the impervious areas.
- Bottom portion of driveway to be gravel based with tiles on top, concrete to remain in upper portion.
- One row of buffer plantings to be completed by spring.
- Construction material has been moved.

Commissioner Bernstein made a motion to issue an Order of Conditions with special conditions. The motion was seconded by Commissioner Bishop, and the motion carried 4-0.

#### **Notice of Intent**

7. Michael Ball, Marsh Matters Environmental, for Michael Farrell 175 Pine Grove Road Proposed raising of a single-family dwelling above the flood elevation and septic system upgrade within Land Subject to coastal storm flowage

Presenting: Michael Ball

Discussion:

- Replace existing foundation with new raised foundation.
- New septic, retaining wall, some tree removal.
- Only change to footprint is new stairways since the house will be higher off the ground.
- Repaving driveway.

Commissioner Lawrence made a motion to issue an Order of Conditions with special conditions. The motion was seconded by Commissioner Bishop, and the motion carried 6-0.

8. **SE83-2375** Dan Ojala Down Cape Engineering for Leonard D'Orlando, 17 Wild Rose Terrace, Proposed addition to a SFD in the buffer zone to a bordering vegetated wetland

Presenting: Dan Ojala

Discussion: Addition off the back in the buffer to a bwv.

Mitigation is provided. An enforcement order will be issued for the cutting, clearing and dumping in the buffer zone to the wetland and no disturb zone.

Commissioner Bishop made a motion to issue an Order of Conditions with special conditions including replacement of creeping juniper with another appropriate native plant. The motion was seconded by Commissioner Lawrence, and the motion carried 6-0.

On 2/2/2023, on a motion by Commissioner Bernstein, seconded by Commissioner Lawrence, the Commission voted 5 - 0, to approve these minutes as written.

9. **SE83-2374** Dan Ojala Down Cape Engineering for Martin Reilly, 331 Union Street Realty Trust, **331 Union Street**, Proposed Raze and Replace of a SFD in Riverfront area, land subject to coastal storm flowage, and buffer zones to a coastal bank and salt marsh

Presenting: Dan Ojala

Discussion: Raze and replace. The new structure will be 14 feet higher, and the new lowest floor will be uninhabitable. Commissioner Lawrence and Commissioner Bishop mentioned that the floats are larger than is permitted and they should be moved off town property within 10 days.

Under the deck will be permeable pavers or wash stones.

It was also mentioned that irrigation system by the river front should be removed.

Commissioner Bishop made a motion to issue an Order of Conditions with special conditions including with the removal of the floats from town property, removal of irrigation, and area under the deck to be permeable materials. The motion was seconded by Commissioner Lawrence, and the motion carried 6-0.

### **Stormwater Management Permit Application**

10. Town of Yarmouth, **669 Route 28** Proposed event space and park with trails, parking, bath house and art shanties.

Discussion: Waiting for stormwater peer review to be completed. Continued to 2/2/23.

Commissioner Bernstein made a motion to continue to 2/2/23. The motion was seconded by Commissioner Bishop, and the motion carried 6-0.

### **Enforcement**

11. **3 Powers Lane**-Unpermitted generator installation within coastal dune and Land Subject to coastal storm flowage

Presenting: Homeowner Avner Schneur, EF Winslow employee Rich Melvin also present  
Commissioner Bernstein recused himself

Discussion: The homeowner apologized for the mix up and will do whatever needs to be done to correct the situation. After a discussion the following was proposed by the commission:

- Move the generator from the dune and closer to the house in existing hardscaped area or similar. This can be accomplished by blocking one of the windows.
- Restoration of the Dune area with beach grass and beach plum or other native dune plants
- A sketch plan showing the proposed location and restorations will be acceptable.
- Sketch plan within 2 weeks to CA. Generator removed by April 1, 2024.
- Restoration planting to be completed by May 1, 2024.
- Issue a fine to EF Winslow of \$300.

### **Other Business**

12. Approval of Meeting Minutes: January 5, 2023 tabled to Feb 2, 2023

13. Other business not reasonably anticipated