

On 5/16/2019, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as presented.

CONSERVATION COMMISSION MEETING MINUTES

May 2, 2019

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

Member(s) Absent: Paul Huggins and Cris Luttazi

Staff: Kelly Grant – Conservation Administrator

Start Time: 6.30pm

YARMOUTH TOWN CLERK
'19JUN4PM1:39 REC

Notice of Intent:

Shrinath Narahari, **5 New Hampshire Ave.**, West Yarmouth, proposed raising and relocation of single-family dwelling; addition; and deck expansion within land subject to coastal storm flowage and the buffer zone to salt marsh. Mr. Dan Ojala of Down Cape Engineering represented the applicant and presented the proposed work. Commissioner Lawrence commented that the addition over the deck is not in compliance with the regulations. The deck is slated so it is open to light. She commented that she would like to see further expansion of the mitigation plantings up to the work limit line (WLL) behind the structure. Commissioner Johnston commented that the Commission does not usually allow expansion of structures outside the existing footprint within the setback. Mr. Ojala responded that the Commission can grant a variance based on the net benefit to the resource area of the project. Commissioner Durkin expressed concern with the additional structure in the 35 foot setback. Commissioner Bishop asked if the applicant had considered a variance through the Board of Appeals to allow the house to be moved closer to the road. Mr. Ojala responded that this would be very difficult to get and would be a detriment to the owner in the future. Commissioner Lawrence asked mitigation line to be extended across the back on the property.

The Conservation Administrator (CA) commented that she supported the issuance of a variance in this instance if the mitigation area was extended up to the WLL behind the structure as it would enhance the natural vegetated buffer to the salt marsh which would be beneficial to the marsh. She commented that she did not see any negative impacts to the resource area from the expansion of the footprint within the deck area due to the net benefit of the project. The CA noted that the new proposed location of the shed was within a vegetated area and should be revised.

Commissioner Lawrence made a motion to approve a variance to the bylaw regulations and issue an Order of Conditions approving the project, pending reviewing by MassDEP and receipt of a file number, with the following conditions: 1-6, 7, 8, 10-12 15-17, 29, (per approved plan), 30, 31, 36, 37, and receipt of an updated plan showing the expanded mitigation area and relocated shed. The motion was seconded by Commissioner Durkin. The motion carries unanimously.

Continued Notice of Intent:

Continued from 4/4/19, 4/18/19, SE83-2191, Lisa Warren, 18 Crab Creek Lane, Yarmouth Port, maintain historic path for water access, vista pruning, invasive species management along Crab Creek.

On 5/16/2019, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as presented.

Commissioner Lawrence made a motion to continue to the May 16 meeting. The motion was seconded by Commissioner Mulhearn. The motion carries unanimously.

Request for Approval of Extension:

SE83-2069, 140 Blue Rock Road, Yarmouth. Mr. Richard Mello presented the request. The CA commented that the ramp should be removed when work is complete. Commissioner Durkin made a motion to issue an extension for one year. The motion was seconded by Commissioner Lawrence. The motion carries unanimously.

Request for Certificate of Compliance:

SE83-1355, 67 Sullivan Road, West Yarmouth, Mr. Dan Ojala of Down Cape Engineering represented the applicant and presented the requested. Commissioner Mulhearn expressed concern with cutting along the edge of the pond. Commissioner Lawrence expressed concern with addition of the outdoor shower. The CA commented that the area beyond the work limit line was supposed to remain undisturbed but the undergrowth has been cleared. There should be no mowing or cutting beyond the location of the work limit line.

Commissioner Durkin made a motion to issue the Certificate of Compliance with ongoing condition number 22 and the allowance of a 3-4 foot wide natural access path to the pond. The motion was seconded by Commissioner Mulhearn. The motion carries unanimously.

Request for Emergency Certification

MassDOT, **Route 6A at Whites Brook**, Yarmouth Port, sink hole over culvert on roadway shoulder. The CA presented the request. Commissioner Lawrence made a motion to ratify the Emergency Certification as presented. The motion was seconded by Commissioner Mulhearn. The motion carries unanimously.

Meeting Minutes:

3/21/2019, Commissioner Durkin made a motion to approve the minutes as written. The motion was seconded by Commissioner Lawrence. The motion carries unanimously.

4/4/2019, Commissioner Durkin made a motion to approve the minutes as amended. The motion was seconded by Commissioner Mulhearn. The motion carries unanimously.

4/18/19 Commissioner Durkin made a motion to approve the minutes as written. The motion was seconded by Commissioner Lawrence. The motion carries unanimously.

Staff Updates:

The CA asked for a letter of support from the Commission for the funding of the Barnstable County Land Management Grants

Vernal Pools - The CA updated the Commission on an effort to document a vernal pool on Weir Road.

Commissioner Bishop made a motion to adjourn at 7.28pm. The motion was seconded by Commissioner Lawrence. The motion carries unanimously.