

On 10/3/2019, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 7-0, to approve these minutes as presented.

## CONSERVATION COMMISSION MEETING MINUTES

September 5, 2019

**Members Present:** Rick Bishop (Chairman), Ellie Lawrence, Tom Durkin, Paul Huggins, Phil Johnston, Patricia Mulhearn, and Ed Hoopes.

**Member(s) Absent:**

**Staff:** Kelly Grant – Conservation Administrator

**Start Time:** 6.30pm

YARMOUTH TOWN CLERK

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Mr. Bob Perry asked to go out of order due to a commitment at the Dennis Conservation Commission.

### **Request for Approval of Updated Plan**

**SE83-2170** 6 Smith Point Rd. Mr. Bob Perry of Cape Cod Engineering presented the proposed revisions to the approved plan. Commissioner Durkin made a motion to accept the revised plan. The motion was seconded by Commissioner Hoopes. The motion carries unanimously.

### **Continued Notice of Intent:**

*Continued from 6/6/19, 7/18/19, 8/15/19, SE83-2199*, Edward English, Salt Box Association, **Boat Haul Walk (Salt Box Association Beach)**, proposed ongoing dredging and beach nourishment program within Bass River to maintain beach elevations and sediment control. Mark Burgess of Shorefront Consulting presented the revised plans.

Commissioner Bishop commented that the salt marsh area has not been included in the plan as requested. He also visited the area again at high tide and observed that there was sufficient space for association members to enjoy the beach. This makes him question the need for nourishment. Mr. Burgess responded that a certain amount of re-nourishment is needed to protect the wall. He also commented that the cost risk associated with the salt marsh restoration did not warrant the work. They will block access to the existing marsh to allow it to thrive. Commissioner Hoopes agreed that the salt marsh should be added to protect the bulkhead. He commented that advancements in restoration practice support its use. Commissioner Lawrence agrees that the salt marsh restoration should be a part of the plan.

Commissioner Lawrence made a motion to issue an Order of Conditions approving the project with the following conditions and the addition of a section of salt marsh restoration from the steps to the existing salt marsh: 1-6, 11, 12, 21, 26-28, 36, 37; the CA shall be notified in advance of any nourishment; grain size analysis shall be provided; and the recommended DMF comments. The motion was seconded by Commissioner Durkin (Abstain: Hoopes). The motion carried unanimously. Mr. Burgess asked if the salt marsh will require monitoring. The Chairman confirmed monitoring should be provided.

### **Request for Determination of Applicability:**

Jeff Colby, **507 Buck Island Road**, West Yarmouth, proposed demolition of existing structures, removal of pavement, and construction of new building and appurtenances. Mr. Joe Perugini

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and Mr. Mel Higgins of Weston and Sampson represented the Town and presented the proposed work. The project will be phased. The spillway as originally designed did not function as intended, so this project will reconstruct the stormwater system to better meet the site conditions. The CA asked if this project will address shortcomings of the previous Order of Conditions that was not closed out. Mr. Perugini confirmed it would. Commissioner Lawrence made a motion to issue a Negative 3 RDA with condition that the old Order of Conditions be closed out with a Certificate of Compliance. The motion carries unanimously

Shawn Barthe, **30 Reflection Way**, South Yarmouth, proposed shed, tree removal, and after-the-fact filing for a deck bordering vegetated wetland. Mr. Shawn Barthe, and Mr. Dan Ojala of Down Cape Engineering presented the proposed work. Commissioner Lawrence commented that dumped landscape debris needs to be removed and a different location found outside the buffer. Commissioner Hoopes made a motion to issue a Negative 3 determination with the condition that landscaping debris be removed and no mowing or vegetation removal occur beyond the wall for bank stabilization. The motion was seconded by Commissioner Durkin. The motion carried unanimously.

**Notice of Intent:**

Paul Sage, **272 & 280 Union Street**, Yarmouth Port, proposed installation of bituminous paved storage pad and stormwater management system, grading, and planting within the buffer zone to bordering vegetated wetland. Land surveyor Mr. Rod Fradino, and engineer Mr. Alton Stone represented the applicant the presented the proposed work. The area of the concrete pad was a previously disturbed area. The stormwater system is proposed to address runoff from the paved area and the rest of the site.

Commissioner Lawrence made a motion to continue to the September 19 meeting to allow for the DEP to issue a file number and for Town engineering staff to review. The motion was seconded by Commissioner Durkin. The motion carried unanimously.

**SE83-2208**, Stephen & Nancy DiPalma, **159 & 165 South Street**, South Yarmouth, proposed addition, detached garage, driveway, pool, and patio within land subject to coastal storm flowage and buffer zone to a salt marsh and bordering vegetated wetland. Mr. Dan Ojala from Down Cape Engineering and Landscape Architect Mr. Andrew Garuley represented the applicant and presented the proposed work. Commissioner Bishop commented that the wetland delineation is insufficient as only 2 flags were used. The CA commented that more wetland flags are needed. The USGS maps show this may be a stream at this point rather than a pond, in which case the Riverfront Area regulations may apply. This should be looked at more closely. Commissioner Hoopes decided to hold his comments until changes to the wetland delineation have been made. Commissioner Mulhearn expressed concern with the amount of vegetation removal. Natural vegetation should be retained where possible. Commissioner Huggins asked if the lot will become part of this lot rather than being a separate buildable lot. Mr. Ojala responded that in his opinion building across the lot lines will combine them. Commissioner Lawrence commented that the building up of the area with fill is concerning. There will be increased runoff to the pond which already has compromised water quality. The driveway is very large and paved. It should be pervious or there should be additional stormwater drainage. Mr. Garulay responded that the patio area will be drained to a collection system and infiltrated in the drainage system. Commissioner Bishop commented that a pervious asphalt could be used as an alternative. Commissioner Johnston asked about the type of filtering system proposed for the pool. Mr. Ojala responded that it will be salt water with a