

CONSERVATION COMMISSION MEETING MINUTES

January 5, 2023

Members Present: Ed Hoopes (Chairman), Ellie Lawrence (Vice Chairman), Paul Huggins, Patricia Mulhearn

Absent: David Bernstein, Rick Bishop, Thomas Durkin

Staff: Brittany DiRienzo

Start Time: 5:00 pm

Certificate of Compliance

1. SE83-2046 202 Pleasant Street

Commissioner Lawrence made a motion to issue the certificate of compliance
The motion was seconded by Commissioner Mulhearn
The motion carried unanimously

Request for Determination of Applicability

2. George Davis, Inc for Bob and Ann Wiggins, 61 Pheasant Cove Circle, Proposed addition on sonotubes in location of existing deck in the buffer zone to a bordering vegetated wetland and land subject to coastal storm flowage
Presenting: Danny Gonsalves, Down Cape Engineering

Discussion: Filed concurrently with George Davis, Down Cape Engineering will be presenting the project and moving it forward. The project is replacing area of deck with an addition inside 50' over existing deck. No sonotubes will be needed any more as it can be spanned.

Commissioner Huggins made a motion to issue a negative two and negative three determination

The motion was seconded by Commissioner Mulhearn

The motion carried unanimously

Continued Notice of Intent

3. 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 number and comment)

Presenting: Laura Krause, BETA Group

Discussion: DEP comments that the area of degraded riverfront must be calculated so the mitigation is proven to be met. 3/21 test pits did not meet the degraded definition so will require mitigation.

Commissioner Lawrence made a motion to Continue to January 19, 2023

The motion was seconded by Commissioner Mulhearn

The motion carried unanimously

On 03/02/2023, on a motion by Commissioner Huggins, seconded by Commissioner Mulhearn, the Commission voted 4 -0, to approve these minutes as written.

4. Laura Krause, BETA, for Town of Yarmouth, [669 Route 28](#) Proposed kayak launch and boardwalk in riverfront area, BVW, land under the ocean, coastal beach, salt marsh, land containing shellfish, fish run, land subject to coastal storm flowage, coastal dune, and buffer zone to an IVW. (Continued for sole purpose of DEP number and comment)
Presenting: Laura Krause, BETA Group

Discussion: DEP #. No DEP comments. DEP #083-2372 issued.

Commissioner Lawrence made a motion to issue an order of conditions with special conditions
The motion was seconded by Commissioner Huggins
The motion carried unanimously

5. **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.

The representative requested to continue to January 19, 2023, via an email read aloud by the chairman.

Commissioner Lawrence made a motion to Continue to January 19, 2023
The motion was seconded by Commissioner Mulhearn
The motion carried unanimously

Notice of Intent

6. Thomas Young, [71 Arrowhead Rd.](#) Proposed 15 x 28 and 9x9 decks on sonotubes in the buffer zone to a bordering vegetated wetland
Presenting: Thomas Young

Discussion: Homeowner Thomas young presented the project. The commissioners shared that DEP would require the stream to be delineated to prove that it is intermittent, which requires 4 days of observation of not holding water during non- drought period. The chairman mentioned that mosquito may be able to provide helpful data.

Commissioner Lawrence made a motion to Continue to January 19, 2023.
The motion was seconded by Commissioner Huggins
The motion carried unanimously

7. **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
Presenting: Robert Perry, CC Engineering

Discussion: Proposed swimming pool. 350. Lap pool. Mr. Perry thinks it qualifies as an exempt Minor activity. Commissioners explain why it does not. Commissioners asked if it will be Salt or chlorine pool? Mr. Perry will ask. Discussion on size of tree and its replacement. Replace in 100'. 10% degraded discussion. Certify the connection to draw down. Continue to January 19, 2023

On 03/02/2023, on a motion by Commissioner Huggins, seconded by Commissioner Mulhearn, the Commission voted 4 -0, to approve these minutes as written.

Commissioner Lawrence made a motion to Continue to January 19, 2023
The motion was seconded by Commissioner Huggins
The motion carried unanimously

Enforcement

8. Harvey Wright, [370 Weir Road](#) Unpermitted vegetation removal and beach creation in the buffer zone to a resource area
Presenting: Harvey and Doreen Wright- description of work done

Discussion: vegetation removed and site altered; restoration plan needed to restore area. Restoration plan to be filed within 2 months up to the 50' buffer. Submit plan to the CA for approval, and the Planting must be completed by June 1, 2023.

Commissioner Lawrence made a motion to Ratify the enforcement order.
The motion was seconded by Commissioner Mulhearn
The motion carried unanimously

Request for Extension of an Order of Conditions

9. **SE83-2218** Mark Burgess, Shorefront Consulting, for Acres of Pines beach association [65 Lewis Bay Blvd](#), beach nourishment and maintenance in Lewis Bay
Presenting: Mark Burgess, Shorefront Consulting

Discussion: The project has been completed, commissioners suggest that the applicants apply for the COC as it expires, which they would allow one subsequent nourishment tied with ongoing condition of trigger point exposure, keeping same original requirements.
Extension not required

Commissioner Lawrence made a motion to issue the extension permit for 3 years
The motion was seconded by Commissioner Huggins
The motion did not carry 0-4

Certificate of Compliance

10. **SE83-2168, Parcel 121.5 Mill Lane** Phragmites management and planting
11. **SE83-2169, Parcel 121.6 Mill Lane** Phragmites management and planting
Presenting: Nick Crawford, Crawford Management. Both projects will be heard at this time. Commissioners will allow ongoing condition for follow up management of phragmites and to monitor slopes for erosion and re-seed if necessary for 3 years.
Commissioner Lawrence made a motion to issue the Certificate of Compliance for both properties. The motion was seconded by Commissioner Mulhearn.
The motion carried unanimously

12. Approval of Meeting Minutes: December 15, 2022
Commissioner Lawrence made a motion to approve the minutes
The motion was seconded by Commissioner Huggins
The motion carried 4-0

13. Other business
CA mentions that an executive session will be required at next meeting.

The chairman deemed the meeting Adjourned at 6:17