

On 4/7/2022, on a motion by Commissioner Durkin, seconded by Commissioner Bishop, the Commission voted unanimously, 6-0, to approve these minutes as amended.

## CONSERVATION COMMISSION MEETING MINUTES

March 17, 2022

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

**Staff:** Kelly Grant

**Start Time:** 5:00 pm

YARMOUTH TOWN CLERK

'22APR25PM3:35 REC

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### Request for Determination:

1. Evangelia Zambelis, [175 Route 28](#), Yarmouth, proposed removal of pavement and parking lot improvements in the buffer zone to vegetated wetland and coastal bank.

Presenting: Kieran Healy, BSC Group

Mr. Healy commented that the trash on bank is to be removed. The catch basins are cleaned out regularly.

Commissioner Bishop made a motion to issue a Negative 3 determination. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 7-0.

### Continued Notice of Intent:

2. **SE83-2325** Karl von Hone, [Town of Yarmouth](#), proposed long-term maintenance dredging with beach nourishment disposal of dredged sediments, at various locations within the Town of Yarmouth and Town of Dennis.

Presenting: Brad Saunders, GEI Consultants

Grove Street, River Street, and Wilbur Park were removed from the nourishment plans. Material that is not suitable for nourishment will be disposed of in an upland location.

Commissioner Bernstein asked where the material will be disposed of. Brad Saunders stated that it is not known yet. Commissioner Bernstein stated that sediment fills in quickly at Mill Creek, and asked how we avoid this. Brad Saunders stated that this is an issue with dredging. Some areas fill in quickly and require regular dredging. Commissioner Bernstein expressed concern with impacts to beaches in Lewis Bay.

Commissioner Durkin stated that a 5-year permit is recommended by agencies, and asked how this impacts the 10-year permit. Brad Saunders responded that the town would like a 10 year permit to avoid the need to re-permit so quickly.

Commissioner Lawrence asked why Englewood is not included. Brad Saunders stated that he doesn't know. Commissioner Lawrence asked why salt marsh and dunes are proposed for

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nourishment. Mr. Sanders responded that nourishment in salt marshes has been removed from the plans.

Commissioner Huggins stated that Dennis Pond and Sandy Pond are a different environment and asked what is proposed. Brad Saunders stated that nourishment added to existing beaches only. Commissioner Huggins asked about nourishment on the restricted beach at Dennis Pond. Mr. Sanders was not able to comment.

The CA read through the special conditions required by DMF and NHESP. The CA commented that DEP does not allow a 10 year permit. The longest permit is 5 years with an option to extend an additional 5 years after agency review.

Sandy Van Dora asked if Malfa Road is still included. Brad Saunders answered, yes.

Attorney Brian Wall, representing Andrea Graveline and Ken Stout, stated that they would like Grove Street and Vernon Street removed. The A confirmed that Grove Street was removed.

Mark Burgess, point of information, stated they can do downstream nourishment or bypass nourishment.

Commissioner Durkin made a motion to issue a 5-year Order of Conditions with special conditions and a stamped set of plans. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 7-0.

3. *Continued from 1/20/2022, 2/3/2022* **SE83-2318** Phyllis Tomaiolo, [40 Prince Road](#), Yarmouth, proposed extension of existing shorefront protection within a coastal beach, coastal bank and within land subject to coastal storm flowage.

Presenting: Mark Burgess, Shorefront Consulting  
Lindsay Strode, Cape Organics

Commissioner Bishop asked if the stone will remain. Mr. Burgess responded that it would. Commissioner Bishop asked how the stone will be placed. Mr. Burgess responded that a mini-excavator would be used.

CA commented that the planting plan appears to include buffer vegetation only. Plantings for the bank itself should be included on the plan and should include botanical names. She commented that annual inspections and reports of the bank health should be made and additional material and plants added as needed. Maintenance of a soft solution is important for the success of the project. Neglecting to maintain the soft solution is not a demonstration that the solution has failed.

Commissioner Bernstein made a motion to issue an Order of Conditions with special conditions and a revised plan. The motion was seconded by Commissioner Bishop. The motion carried unanimously 7-0.