

On 10/19/2023, on a motion by Commissioner Lawrence, seconded by Commissioner Mulhearn, the Commission voted 4-0, with 2 abstentions, to approve these minutes as written.

## CONSERVATION COMMISSION WORKSHOP MEETING MINUTES

June 27, 2023

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

Absent: Rick Bishop and Paul Huggins

**Staff:** Brittany DiRienzo

**Start Time:** 5:00 pm Yarmouth Town Hall Conference Room A

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1. **Yarmouth Wetland Bylaw Chapter 143:** Discussion on draft updates to the wetland bylaw:
    - The bylaw is a rewrite- last amended in 1987. It moves some provisions from regs to bylaw to strengthen authority, adds clarifying detail in line with MACC model bylaw, adds jurisdiction for vernal pools, local jurisdiction for Riverfront area, and adds the Coastal Resiliency Zone as a new resource area.
    - Flood Risk Area is based on the MA coastal flood risk model target year 2050
    - Waiting to hear from Cape Cod Commission for confirmation on new definitions
    - Vernal pools- new resource area w/performance standards, does not have to be certified
    - Will ask the Town attorney if it is necessary to include duplicate information in the local bylaw and regulations
    - The revised bylaw was approved by the Commission
    - Waiting for definition confirmation for highly developed area for bylaw final.

### Next steps

- Staff review and review from Town Counsel
- Post on website and social media for public comment- Public meeting
- Present at BOS meeting
- Submit to be on the Warrant for special Town meeting Fall 2023- November

2. Review and discuss Preliminary **Wetlands Regulations Updates:**

- Regulations don't need to be approved at Town meeting, only a conservation hearing. *General*
- Add boundary of naturally vegetated areas and trees to plan requirements for NOI
- Added continuance request maximum to 3 before project must be heard or withdrawn.
- Intermittent stream- will have 100' buffer zone as written. -add at commissions discretion to definition. Mosquito ditches could be included in these.
- Vegetated wetland-Decrease or remove minimum size for isolated wetland. Current 3000 sqft minimum, propose 500 sqft minimum.
- Redefine wetland to match new BVW delineation handbook since we require DEP delineation sheets.

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- imitate Harwich and Orleans statement omitting 'bordering' from DEP regs and prohibiting wetlands replication in favor of avoiding impact. This protects wetlands whether bordering or not- Chairman Hoopes would prefer to allow replication of small areas in specific circumstances to avoid a regulatory taking of land  
*Docks, piers, shellfish*
- Dock height width ratio: Require 1.5:1 in areas over salt marsh Measured from bottom of decking, including an increase to 1 inch deck spacing, or the use of grated material.
- No new docks within 100 feet of eelgrass
- Specific dates for seasonal float removal between Nov 1-April 1
- Proposed: Existing legal docks and piers that are destroyed by natural causes may be re-constructed, provided they meet the current regulations to the greatest extent practicable as determined by the commission.
- Proposed: Existing permitted structures (holding an approved Order of Conditions for which a Certificate of Compliance has been issued, or who's construction pre-dates the promulgation of the relevant regulations) shall not be reconstructed, improved, modified, or extended without the approval of the Commission and compliance with the regulations to the greatest extent practicable, as determined by the commission. Unpermitted structures shall not be reconstructed, improved, or extended without the approval of the Commission and compliance with the regulations.
- Dock repair/replacement of boards must meet current regulatory requirements for materials.
- Jet ski floats included in 200 sqft float limit
- Jet ski lifts shall have no decking, covers, walls or roof.
- CCA piles may be allowed if >3 in diameter until suitable alternatives exist.
- Permit number and address must be displayed on water side of docks that are new or reconstructed.
- Lighting must have an on off switch at both ends of the dock.
- Notice must be provided to the commission for repairs over 20% of the dock.  
*Setbacks and mitigation*
- Pools and spas must be outside 50'. Minor structures only allowed up to 140sqft total coverage within 50', and no closer than 35'. Discussion of 50' NDZ instead.
- Fertilizer banned in 50' and in RFA. Fertilizer in 100' must be slow release.
- Automatic in-ground irrigation banned in the 50' and RFA.
- Review Mitigation ratios- 2:1 in 100', 3:1 in 50', 4:1 or at discretion in 35' with variance.
- No further mitigation required if 50 is fully vegetated' for structure increases- does not apply for tree replacement.
- Mitigation areas guidelines- mulch only allowed under the drip line at the time of planting for moisture retention and weed control, hand weeding only is allowed within mitigation area. Groundcover is encouraged to reduce the need for future disturbance.
- Guidelines for foundation landscape beds in the buffer zone: Require natives, native cultivars, or non-natives with CA or Commission approval.
- *Tree replacement* – Trees must be replaced inch for inch as determined by the DBH. The same species must be planted unless otherwise approved by the CA. If the space is mitigation limited, 16 square feet of mitigation plantings can be substituted for each caliper inch to make up the difference. These plantings must be installed adjacent to any existing buffer vegetation to increase the width of this buffer. EX 15in white oak was removed, 15 inches total must be replaced. Standard for tree removal in LSCSF can be less strict, at 2:1 ratio per tree removed with no option for shrub substitute  
*Coastal Resilience Zone and LSCSF performance standards*