

On 9/6/2018, on a motion by Commissioner Lawrence, seconded by Commissioner Luttazi, the Commission voted unanimously, 5-0, to approve these minutes as presented.

CONSERVATION COMMISSION MEETING MINUTES

August 16th, 2018

Members Present: Rick Bishop, Tom Durkin, Cris Luttazi, Paul Huggins and Ellie Lawrence

Member(s) Absent: Philip Johnston

Staff: Kelly Grant – Conservation Administrator

Start Time: 6.30pm

YARMOUTH TOWN CLERK

'18SEP13AM10:20 REC

Request for Determination of Applicability:

James & Yvonne McFarland, **14 Television Lane**, West Yarmouth, MA, raze and replace a single-family dwelling with new Title 5 septic system within Land Subject to Coastal Storm Flowage. Mr. Craig Ferrari of Downcape Engineering represented the applicant and presented the proposed work. Commissioner Lawrence asked for clarification on the elevations. Mr. Ferrari confirm the first floor will be 7 feet above grade. Commissioner Luttazi asked that the driveway be pervious. Commissioner Durkin made a motion to issue a negative 2 determination with a pervious driveway shown on an updated plan. The motion was seconded by Commissioner Luttazi. The motion carried unanimously.

Continued from 8/2018: John G. Reeve, **Mill Creek**, Yarmouth Port, MA, proposed three-acre shellfish aquaculture farm in the intertidal zone to the east of the entrance to Mill Creek. Commissioner Bishop commented that the entrance to Gray's Beach is very difficult to access by boat now due to shoaling. Mr. Reeve responded that Scudders Lane provides another option for boat access if needed. He commented that he cannot deliver the shellfish at Wharf Lane but he can use that location to get equipment out to the site. Commissioner Lawrence expressed concern with the travel distance to get equipment out. She also commented that the site is high a dry at low tide and asked what impact this will have on the shellfish. Mr. Reeve responded that conditions were suitable for the shellfish. Commissioner Durkin commented that NHESP comments haven't been received. Commissioner Luttazi asked if DMF has done an eel grass survey as this wasn't mentioned in the DMF letter. She expressed concerned with gear being left out over the winter. Mr. Reeve responded that the gear will be removed for the winter. Commissioner Luttazi commented that the Waterways Committee has not reviewed the project. She also asked which method would be used and commented that floating cages can become an aesthetics issue. Mr. Reeve responded that both methods would be trialed. Commissioner Huggins asked for more detail on the scale of equipment to be used. Mr. Reeve responded that there will be 100's of cages and probably 100,000 seed to start off with. They will be placed three feet apart on the bottom. It is less protected than other sites so floating cages will be more risky. Cages will be put out in March/April and removed in early December. Commissioner Luttazi suggested a Notice of Intent may be appropriate. Commissioner Bishop suggested a continuance to get comments from NHESP. Commissioner Durkin made a motion to continue to September 20th .The motion was seconded by Commissioner Luttazi. The motion carried unanimously.

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Continued Notice of Intent:

Continued from 7/19/2018, 8/2/2018: **SE83-2165**, Paul and Susan Butka, **271 Setucket Road & 34 Follins Pond Road**, Yarmouth, MA, after-the-fact filing to mitigate for work previously conducted within 100' buffer to a coastal bank. Jen Crawford of Crawford Land Management presented the proposed restoration plan and met with the abutter to address concerns. Commissioner Bishop summarized the content of the letter received from the abutter and commented that the restoration plan appears to address their concerns. Commissioner Luttazi asked for clarification on plans for mowing. Mowing of cool season grasses will be done in mid to late June. Commissioner Durkin made a motion to issue an Order of Conditions approving the project with conditions: 1-6, 7, 8, 9 10, 11, 12, 15, 16, 17, restoration shall follow the plan submitted by Crawford Land Management, maintenance shall be carried out by a qualified ecological restoration company for 3 years. The motion was seconded by Commissioner Luttazi. The motion carried unanimously.

Continued from 6/7/18 and 7/19/2018: **SE83-2162** Paul Lucey, **44 Studley Road**, South Yarmouth, MA, after-the-fact filing for replacement of pre-existing retaining wall; installation of natural stone steps and native plantings on an inland bank. The applicant requested a continuance to September 6th to allow for the surveyed plan to be submitted. Commissioner Durkin made a motion to continue to September 6th. The motion was seconded by Commissioner. The motion carried unanimously.

Request for Certificate of Compliance:

Cont. from 7/19/2018, 8/2J2018: **SE83-2040**, **271 Setucket Road**, Yarmouth, MA. The applicant requested a continuance to September 6th to allow for the removal of dock segments from the salt marsh. Commissioner Durkin made a motion to continue to September 6th. The motion was seconded by Commissioner Luttazi. The motion carried unanimously.

SE83-2094, **21 Bentbluff Lane**, Yarmouth Port, MA. On the recommendation of the CA, Commissioner Lawrence made a motion to issue a Certificate of Compliance. The motion was seconded by Commissioner Luttazi. The motion carried unanimously.

Request for Approval of an Updated Plan:

SE83-2157, 8 Jannor Way, West Yarmouth, MA. Commissioner Luttazi made a motion to approve the updated plan. The motion was seconded by Commissioner Durkin. The motion carried unanimously.

Violations:

Charles Street properties - mowing of BVW. A number of properties on Charles Street continue to mow the BVW along Bass River. The CA asked the Commission how they would like to proceed in terms on enforcement. An educational approach was agreed upon with suggestions for restorations and a warning of potential enforcement. The Chairman asked the CA to obtain Town Counsel's input of the enforcement process in this instance.

133 Mayflower Terrace. The property owner has confirm that the restoration work will proceed by Labor Day.

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44 Studley Road. Continued foot and boat traffic on the bank is exacerbating erosion. The Commission requested the property owner refrain from all access and storage on the bank and add a fence to the top of bank to stop access down the bank.

Discussion:

Center Street sidewalk. DPW Director Mr. Jeff Colby presented a request for feedback on proposed location and materials for a sidewalk on Center Street in Yarmouth Port. Commissioner Huggins commented that a wider notification on such town projects is important to get town-wide input rather than just for those in the immediate neighborhood. He commented that he doesn't consider a side walk appropriate in this location. Commissioner Lawrence agreed that the proximity to the wetland area is concerning and did not support the project. Commissioner Durkin abstained from commenting. Commissioner Luttazi asked how many people are using the street and what the demand is for the project as the benefits do not appear to outweigh the impacts. Commissioner Bishop was not in support of the project.

Jet ski floats and mooring of boats inside floats. The Commission discussed the issue and agreed to send a letter out to all properties identified as having an additional float. They agreed to address mooring of boats on the inside of floats in a regulation update and/or the special conditions for docks.

Fee Schedule Review – The County is currently compiling a list of all the local bylaw fees for Towns on the Cape.

Request for funding for Thacher Shore Road tidal restriction. The CA asked the Commission if they would be interested in funding a culvert replacement study from the Conservation Fund. The Commission agreed in concept, pending a formal request and confirmation of funding required.

Seagull Beach Emergency Certification. The Emergency Certification was not required as the seaweed nuisance issue was resolved naturally.

Meeting Minutes: 8/2/2018: There was not a quorum to approve the minutes.

Commissioner Luttazi made a motion to adjourn at 8.37. Seconded by Commissioner Lawrence. The motion carried unanimously.