

On 10/05/2023, on a motion by Commissioner Bernstein, seconded by Commissioner Mulhearn, the Commission voted 4-0, to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

YARMOUTH TOWN CLERK

September 7, 2023

'2300T11AM11:21 REC

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

Absent:

Staff: Brittany DiRienzo

Start Time: 5:00 pm

Chairman Hoopes moved agenda item 16 to the beginning of the meeting. See below for details.

1. Presentation: **2023 Open Space and Recreation Plan update**

Kathy Williams, the Town Planner, gave a superb presentation about the plan. The Conservation Commission enthusiastically voted 6-0 to write a letter of support. Commissioner Bishop made a motion to write a letter supporting the Open Space and Recreation Plan. Commissioner Bernstein seconded the motion, and the motion passed 6-0.

Request for Determination of Applicability

2. Hannah Raddatz, BSC Group Inc., for Erik R. Tolley, ERT Architects Inc., [10 & 12 Braddock Street](#) proposed raze and replace of a single-family dwelling, shed, and septic upgrade within land subject to coastal storm flowage

Presenting: Hannah Raddatz, BSC Group

Discussion: The project was described by Ms. Raddatz as a new house and new septic will be built. Because the property is in the AE flood zone, the CA asked that the new shed be securely anchored. Any changes to the patio/driveway should be reviewed by Conservation once decided upon.

Commissioner Lawrence made a motion to issue a negative 2 determination with the shed being anchored as a special condition.

The motion was seconded by Commissioner Bishop, and the motion carried 6-0.

Continued Notice of Intent

3. **SE83-2397** Roy Okurowski, WRS Engineering, for Paul and Nancy Cruz [52 Prince Road](#), Proposed dock and boat lift in land under the ocean, coastal beach, salt marsh, land containing shellfish, and land subject to coastal storm flowage. *This project has requested a continuance to September 21, 2023*

Continued to Sept. 21 2023 by request of the applicant. Commissioner Bernstein made a motion to continue the hearing. Commissioner Mulhearn seconded the motion, and the motion passed 6-0.

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4. **SE83-2402** Bob Perry, Cape Cod Engineering, for Henry and Nadine Gill, 206 South Street proposed raze and replace of a single family dwelling with new deck, patio, and pool in land subject to coastal storm flowage and the buffer zones to a coastal bank and dune

Presenting: Bob Perry and Phil Cheney

Discussion: Mr. Perry described the project. The house is within the AE flood zone and while part of the house is within the 100 ft buffer to the coastal dune and bank, the new plans have the house further back than the original plans. After a discussion the applicant agreed to make the mitigation strip 15 feet instead of 10, and slightly reduce the proposed lawn area. The pool is going to be salt water.

Commissioner Bishop made a motion to issue an Order of Conditions, with special conditions, upon receipt of a revised plan showing the 15 foot buffer strip, and a special condition that the decks cannot be enclosed in the future.

The motion was seconded by Commissioner Bernstein, and the motion carried 6-0.

Continued Stormwater Management Permit Application

5. **SW2023-002** J.M O'Reilly & Associates, for Christian Davenport, The Davenport Companies Inc, Lot 2A Route 6A Proposed development of a 14-lot cluster subdivision in Yarmouth Port

Presenting: Bob Reedy

Discussion: All comments from the peer reviewer have been addressed with the final two being completed the day of the meeting. Mr. Reedy described the system as having a pre-treatment system, swales, overflow leaching area and a final leaching facility for large storm run-off. To compensate for clear cutting the area the plan will have 175 new native trees and 1000 native shrubs planted. Open spaces as marked on the plan will remain natural. There is a small variance request included for the pre-treatment area.

Commissioner Bishop made a motion to accept the stormwater plan. The motion was seconded by Commissioner Lawrence, and the motion carried 6-0.

Request for Certificate of Compliance

6. **SE83-2223** 4 Marsh Point
7. **SE83-2224** 10 Marsh Point
8. **SE83-2241** 24 Scallop Road
9. **SE83-274** 198 South Street
10. **SE83-320** 198A South Street
11. **SE83-321** 198A South Street
12. **SE83-1097** 198A South Street
13. **SE83-1647** 198A South Street
14. **SE83-1319** 15 Highland Street
15. **SE83-2093** 202 South Street

Discussion: Item 14 above was tabled, items 6 and 7 were approved with ongoing conditions to allow follow up management of Phragmites. Items 8-13 and 15 were approved.

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Commissioner Bishop made a motion to grant the COCs above as described. The motion was seconded by Commissioner Mulhearn, and the motion carried 6-0.

Enforcement

16. **56 Camp Street** unpermitted alteration of the buffer zone to a resource area: bordering vegetated wetland by unpermitted vegetation removal and regrading

Presenting: Walter Siguencia, homeowner

Discussion: CA described the violation. The owner regraded the backyard within the 35 ft buffer zone to a bordering vegetated wetland by removing up to 2 feet of soil and began to put down gravel without permission. There was one tree removed. The owner was required to immediately install erosion control when the violation was observed and did so. The Commission decided that a restoration plan showing revegetation of the 35 foot buffer would be required by Oct. 31. Planting will be completed by the end of May 2024. CA will send the owner a revised enforcement order.

Commissioner Bernstein made a motion to issue an enforcement order with described conditions, including removal of the gravel and regarding previous conditions by Oct 31, 2023. The motion was seconded by Commissioner Bishop, and the motion carried 6-0.

Other Business

17. Approval of Meeting Minutes: August 17, 2023 Commissioner Bernstein made a motion to approve the minutes as written. The motion was seconded by Commissioner Lawrence, and the motion carried 5-0 with one abstention.

18. Other business not reasonably anticipated. CA mentioned that the next meeting will include a public hearing for the Wetlands bylaw update.

Commissioner Bernstein made a motion to adjourn. The motion was seconded by Commissioner Lawrence, and the motion carried 6-0.

Adjourned at: 6:53.