

On 3/7/2019, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 7-0, to approve these minutes as presented.

## CONSERVATION COMMISSION MEETING MINUTES

February 7, 2019

**Members Present:** Rick Bishop (Chairman), Tom Durkin, Philip Johnston, Ellie Lawrence, Paul Huggins, Cris Luttazi, and Patricia Mulhearn

**Member(s) Absent:**

**Staff:** Kelly Grant – Conservation Administrator

YARMOUTH TOWN CLERK

**Start Time:** 6.30pm

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### **Request for Determination of Applicability:**

James L. & Mary Beth Johnson, **47 Holly Lane**, proposed addition to single-family dwelling and upgrade of existing septic system within land subject to coastal storm flowage. Mr. Robin Wilcox of Sweetser Engineering represented the applicant and presented the proposed work.

Commissioner Lawrence requested gutters, downspouts and drywells be added to the plan. Commissioner Durkin made a motion to issue a DOA approving the project pending the addition of gutters, downspouts and drywells to the plan. The motion was seconded by Commissioner Luttazi. The motion carried unanimously.

### **Notice of Intent:**

Joanne Curran, **8 Cruiser Lane**, West Yarmouth, proposed construction of single-family dwelling, driveway, and septic in the buffer zone to bordering vegetated wetland. Mr. Robin Wilcox of Sweetser Engineering represented the applicant and presented the proposed work. The lot rises about 8 feet from front to back. To make it a gravity fed septic system they need to bring fill into the site to raise the house. There are currently impound areas at the front of the lot that will be retained to catch storm runoff. Gutters, downspouts and drywells are proposed to capture roof runoff. Commissioner Bishop asked if an over dig could be used for the septic to reduce the requirement for fill. Mr. Wilcox confirmed the septic system will be in the ground.

Commissioner Lawrence expressed concern with runoff to the adjacent property and to the road. Mr. Wilcox responded that it is the same amount of runoff, it is just how quickly it gets there. The impound areas are being left for this reason. The silt fence is designed to protect the impound areas and protect the first 50 feet of vegetation. Commissioner Durkin suggested that the driveway should be pitched to both the sides direct runoff to the impound areas. Mr. Wilcox responded that this is part of the proposed design. Commissioner Luttazi commented that as much vegetation should be saved as possible. Mr. Wilcox suggested the silt fence could be enhanced. The CA suggested changing the location of the silt fence to protect more of the impound area vegetation. She asked if there will be a way to capture runoff to the property in the south west. Mr. Wilcox responded that the impoundment area to the south west will capture that surface runoff as the lot pitches toward the street. Commissioner Johnston asked for clarification on the protection of existing vegetation. Mr. Wilcox responded that the silt fence can be installed prior to any clearing to ensure the buffer vegetation is protected. The CA asked that a note to this effect be added to the plan. Commissioner Johnston commented that the plan is difficult to read. Commissioner Lawrence suggested that the plan should be stamped by

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a drainage engineer to certify that runoff will not be increased to the adjacent properties or the road.

Commissioner Lawrence made a motion to continue to the March 7 meeting to allow for changes to the plan and for a drainage engineer to certify the proposed drainage on the plan shall not increase runoff to adjacent properties. The motion was seconded by Commissioner Durkin. The motion carried unanimously.

Francat Realty Limited Partnership, **23 Snug Harbor Road**, South Yarmouth, proposed rock revetment reconstruction on Bass River. The applicant requested a continuance to the March 21 meeting to allow on old Order to be closed out with a COC and to allow for comments on the project by the Waterways Committee.

Commissioner Lawrence made a motion to continue to the March 21 meeting. The motion was seconded by Commissioner Durkin. The motion carried unanimously.

#### **Continued Notice of Intent:**

*Continued from 1/17/19*, Paul Buckley, **SE83-2184, 32 Mayflower Terrace**, Yarmouth Port, MA, proposed pier, ramp, and float in Dinah's Pond. Mr. Mark Burgess of Shorefront Consulting represented the applicant. The dock meets the bylaw regulations. Division of Marine Fisheries have no comments on the project. Commissioner Luttazi submitted an Affidavit confirming she has reviewed the audio from the last meeting.

Commissioner Huggins asked about the kayak racks and storage bench outside the footprint of the dock. Mr. Burgess responded that they allow for storage of kayaks and the bench is allowable under the Chapter 91 requirements. Commissioner Lawrence asked for clarification on the shellfish survey. The ribbed mussels were mentioned in the report but not shown in the survey results. Mr. Burgess responded they were probably found in the marsh. Commissioner Lawrence commented that the shed may still be an issue. Mr. Burgess responded that due to health issues the applicant has not been able to finish the shed and was not able to maintain the plantings but this work can be a part of the Order of Conditions to be addressed. Commissioner Luttazi commented that the kayaks should not be stored on the bank. She expressed concern with the lack of compliance by the property owner to date. Commissioner Johnston confirmed the vegetated area would be reestablished under the Order. The shed that was rebuilt was pre-existing. The CA suggested that condition 29 for the planting of vegetation be added and edited to suit this project. The vegetated area should be added to the surveyed plan. Mr. Burgess confirmed he would get Down Cape Engineering to add it to the plan. The CA stated the meadow area may need to be reseeded with meadow grasses. She asked if the Commission would allow for annual mowing of the meadow grasses. The Commission decided the meadow should not be mowed. Abutter Mr. Craig Williams addressed the Commission and asked if the shed was too close to the water. Commissioner Bishop confirmed it was a pre-existing shed. Mr. Williams stated the shed was smaller and hidden by vegetation. He asked how long the Commission will monitor the vegetation. Commissioner Bishop confirmed it will be an ongoing condition. Commissioner Johnston suggested a fence may be appropriate to stop the mowing of the area. The Commission agreed to symbolic markers and two signs saying "No Mowing".

Commissioner Luttazi made a motion to issue an Order of Conditions approving the project, pending receipt of an updated plan with conditions 1-6, 17, 19, 22-29 (3 seasons), 36, 37, and