

On 4/20/2023, on a motion by Commissioner Bishop, seconded by Commissioner Lawrence, the Commission voted 4-0, to approve these minutes as written.

## CONSERVATION COMMISSION MEETING MINUTES

April 6, 2023

YARMOUTH TOWN CLERK

'23APR24PM3:53 REC

**Members Present:** Ed Hoopes (Chairman), Thomas Durkin, Rick Bishop, Paul Huggins

Absent: Ellie Lawrence, Patricia Mulhearn, David Bernstein

**Staff:** Brittany DiRienzo

**Start Time:** 5:00 pm

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

1. Robert C. Garrahan **184 Unit 13 South Sea Avenue** Proposed vista pruning in the buffer zone to a salt marsh and land subject to coastal storm flowage

Presenting: Robert Garrahan

Discussion: none

Commissioner Huggins made a motion to issue a negative 3 determination.

The motion was seconded by Commissioner Durkin and the motion carried unanimously 4-0.

2. Mark Burgess, Shorefront Consulting, for Cherin Nestor, **49 Shore Road** Proposed repairs to existing sea wall and removal and replacement of stairs in land subject to coastal storm flowage and the buffer zone to a coastal bank

Presenting: Mark Burgess, Shorefront Consulting

Discussion none

Commissioner Durkin made a motion to issue and negative 2 and negative 3 determination.

The motion was seconded by Commissioner Huggins, and the motion carried unanimously 4-0.

### **Continued Notice of Intent**

3. **SE83-2382** Christopher M. Lucas, Lucas Environmental LLC, for Diane Morris & Julie French, **1044 Route 28** proposed construction of a telecommunications facility and gravel driveway within land subject to coastal storm flowage

Presenting: Chris Lucas, Lucas Environmental LLC

Discussion: 4.7 acre property owned by RC church. No areas of wetlands concern, only land subject to coastal storm flowage. Vegetated swale and trench drain system proposed for stormwater.

Commissioner Durkin made a motion to issue an order of conditions with special conditions.

The motion was seconded by Commissioner Huggins, and the motion carried 4-0.

4. **SE83-2378** Bob Falzarano, Fraser Construction Company, Inc., for Jeffrey Gabriels **18 Roads End** Proposed removal and replacement of 21' x 10' deck with 21' x 12' deck in the buffer zone to a bordering vegetated wetland and freshwater pond

Presenting: Bob Falzarano, Fraser Construction

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Discussion: Remove and replace deck with 2 ft extension, no digging, use existing footings. Chairman Hoopes recommended 4:1 mitigation for the extra 42 square feet of deck within the 35 foot no disturb zone, totaling 168 square feet. Updated plan to be submitted by 4/13 for 4/20 hearing.

Commissioner Bishop made a motion to continue to April 20, 2023, meeting. The motion was seconded by Commissioner Durkin, and the motion carried unanimously 4-0.

5. **SE83-2385** Christopher Gilbert, Farland Corp. Inc., for Lisa George [41 Short Way](#) proposed addition with partial basement, attached deck, fence, driveway expansion and walkway within the buffer zone to a bordering vegetated wetland

Presenting: Christopher Gilbert, Farland Corp.

Discussion: The addition project is entirely outside 50' buffer. The proposed stockade fence is 9 feet from the wetland edge. The commission suggested a split rail fence or to take the fence out to the lawn edge.

Commissioner Bishop made a motion to continue to the April 20, 2023 meeting for a revised plan.

The motion was seconded by Commissioner Durkin, and the motion carried unanimously 4-0.

6. **SE83-2384** Michael D. Ball, Marsh Matters Environmental, for Gary and Elaine Roy [277 Buck Island Road](#) proposed in-ground pool within the buffer zone to an inland bank, bordering vegetated wetland, and freshwater pond

Presenting: Mike Ball, Marsh Matters Environmental

Discussion: NHESP comment was received and resulted in a no take. CA will require the boat and float to be removed from the pond.

Commissioner Durkin made a motion to issue an order of condition with special conditions. The motion was seconded by Commissioner Huggins, and the motion the motion carried 4-0.

7. **SE83-2371** Bob Perry, Down Cape Engineering, for Susan and Dewitt Davenport, [62A Pleasant Street](#) Proposed swimming pool in the riverfront area (inner riparian zone), land subject to coastal storm flowage, and the buffer zones to a salt marsh and coastal bank

Presenting: Bob Perry, Down Cape Engineering

Discussion: Applicant provided revised plan with 2:1 mitigation and a list of species to use.

Commissioner Huggins made a motion to issue an order of condition with special conditions including that the CA approve the planting pallet before installation. The motion was seconded by Commissioner Durkin, and the motion carried 4-0.

### **Notice of Intent**

8. **SE83-2389** Paul Mancuso, BSC Group Inc., for Colleen Bueller [12 Fairwind Circle](#) proposed public access stairway, and after the fact filing for changes to dock system within land subject to coastal storm flowage, riverfront area, land under ocean, land containing shellfish and the buffer zone to a salt marsh and coastal bank.

Presenting: Kieran Healy, BSC Group

Discussion: extension/ new construction for 84' dock. Asking for 6' wide deck, need to add public access stairs. BSC to submit revised plan showing a 4' deck to comply with the bylaw regulations.

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Commissioner Huggins made a motion to issue an order of conditions with special conditions upon receipt of a revised plan showing the 4' wide deck. The motion was seconded by Commissioner Durkin and the motion carried unanimously 4-0.

9. Robert Perry, Cape Cod Engineering Inc., for David and Daphne Geanacopoulos [24 Frothingham Way](#) Proposed pier, ramp, and float system in riverfront area, land under the ocean, coastal beach, salt marsh, land containing shellfish, and land subject to coastal storm flowage.

Presenting: Bob Perry, Cape Cod Engineering

Discussion: Requested to continue hearing to April 20, 2023 in order to present to a fuller board of Commissioners.

Commissioner Durkin made a motion to continue to April 20, 2023. The motion was seconded by Commissioner Huggins, and the motion carried unanimously 4-0.

10. **SE83-2386** Mark Burgess, Shorefront Consulting, for Joseph and Nina Ianelli [80 Grandview Drive](#) Proposed reconstruction of existing rock revetment, repairs to existing dock, and dredging in land under the ocean, land containing shellfish, land subject to coastal storm flowage, and the buffer zones to a coastal bank and coastal beach.

Presenting: Mark Burgess, Shorefront Consulting

Discussion: Repair of seawall with un-grouted structure vs. current grouted and damaged one. The increase in deck size would require mitigation, the owners opted to keep the deck size the same. Replace vegetated buffer 1:1, and substitute for more salt tolerant species.

Commissioner Bishop made a motion to issue an order of conditions with special conditions upon receipt of a revised plan. The motion was seconded by Commissioner Durkin, and the motion carried unanimously 4-0.

11. **SE83-2387** Mark Burgess, Shorefront Consulting, for Richard and Ellen Mello [140 Blue Rock Road](#) Proposed bulkhead, garage, and tree removal in land subject to coastal storm flowage, riverfront area and the buffer zones to a coastal dune and coastal bank.

Presenting: Mark Burgess, Shorefront Consulting

Discussion: Large scale project with multiple elements. Discussion about whether this project includes a coastal beach and if it meets the performance standards therein. Requirement of mitigation planting for trees to be removed. Requiring arborist to present reasoning for the removal of all the trees proposed.

Commissioner Bishop made a motion to continue to April 20, 2023. The motion was seconded by Commissioner Durkin, and the motion carried unanimously 4-0.

12. **SE83-2388** Mark Burgess, Shorefront Consulting, for Alan and Julie Shawcross [60 Ice House Road](#) Proposed seasonal dock on Long Pond in land under waterbodies and waterways and the buffer zone to a bordering vegetated wetland.

Presenting: Mark Burgess, Shorefront Consulting

Discussion: Seasonal dock installation on a great pond. Addition of handrail to stairs approved.