

On 7/18/2019, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 5-0, to approve these minutes as presented.

## CONSERVATION COMMISSION MEETING MINUTES

June 20, 2019

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

**Member(s) Absent:**

**Staff:** Kelly Grant – Conservation Administrator

**Start Time:** 6.30pm

YARMOUTH TOWN CLERK

'19JUL24PM2:37 REC

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### Request for Determination of Applicability:

Joseph M Phillips, **8 Lyndale Road**, Yarmouth, proposed addition to an existing structure within land subject to coastal storm flowage. Ms. Phillips addressed the Commission and presented the proposed work. Commissioner Lawrence made a motion to issue a Negative 2 Determination for the project. The motion was seconded by Commissioner Luttazi. The motion carries unanimously.

### Notice of Intent:

**SE83-2200**, John Barker, Jr., **275 Main Street (Route 28)**, West Yarmouth, demolition and removal of structures and pavement, minor re-grading within land subject to coastal storm flowage. Mr. Dan Ojala of Down Cape Engineering presented the proposed work. Also present was Mr. John Barker Jr and Attorney Mr. Michael Stusse. The site is being demolished in preparation for sale to the Town. The site will be regraded slightly to direct stormwater toward the center of the site to avoid runoff to the wetland resource areas until it is restored. Where the concrete patio is being removed a 3:1 slope will be created and the area will be seeded and covered with erosion control blanket. Two inches of wood chips will be used to stabilize the site until it is restored. A stormwater management plan was submitted with the application. The area along the edge of the creek that is eroding will be stabilized with erosion control blanket. An LSP will assess the site prior to demolition to assess impacts related to previous site contamination. Two Requests for Certificate of Compliance were submitted for review at the next meeting. Commissioner Mulhearn asked for confirmation that the pool would be removed completely. Mr. Ojala responded that it would. Commissioner Lawrence asked if wood chips would be confined to the center of the lot or distributed across the site. Mr. Ojala responded that it would be dependent on the Town's timeframe for restoring the property. If there would be a delay before restoration then the entire lot would be temporarily stabilized with wood chips. Commissioner Luttazi confirmed the bank would be graded to a 3:1 slope in the patio area. Mr. Ojala confirmed it would be. The Conservation Administrator commented that the property should be monitored immediately following demolition to stabilize areas of bank erosion. Mr. Barker confirmed demolition is scheduled for September to avoid summer traffic. The pool and patio will be removed entirely. A paved apron will be kept at the entrance to the property until the final stages of demolition to keep the entrance stable.

Commissioner Durkin made a motion to issue an Order of Conditions approving the project with the following conditions: 1-6, 7-12, 14 (as modified), 16, 17 (per approved plan), 33, 34 (a paved apron shall remain until the final stages of the demolition), 35, 37. The motion was seconded by Commissioner Lawrence. The motion carries unanimously.

### Continued Notice of Intent:

*Continued from 2/7/19, 3/21/19, 4/4/19, 4/18/19, 5/16/19, SE83-2186*, Francat Realty Limited Partnership, **23 Snug Harbor Road**, South Yarmouth, proposed rock revetment reconstruction on Bass River. The applicant has requested another continuation to July 18, 2019. Commissioner Durkin made a motion to continue to July 18. The motion was seconded by Commissioner Lawrence. The motion carries

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unanimously. The Commission noted there has been a number of continuances for this project and the applicant should choose to proceed or withdraw the application.

**Continued Request for Certificate of Compliance:**

*Continued from 6/6/19, SE83-2149*, 151 Route 28, West Yarmouth. Commissioner Lawrence made a motion to issue a Certificate of Compliance for the project. The motion was seconded by Commissioner Huggins. The motion carries unanimously.

**SE83-1945**, 29 Lewis Bay Blvd, Unit 7, West Yarmouth. Commissioner Lawrence made a motion to issue a Certificate of Compliance for the project. The motion was seconded by Commissioner Mulhearn. The motion carries unanimously.

**Request for Extension of Orders of Conditions:**

**SE83-1788**, Salt Box Association, South Yarmouth. Commissioner Mulhearn noted that issues with the dock have not yet been addressed. Commissioner Huggins commented that the property owners have had two years re-permit the work. The Commission agreed that it would cause issues to have two Orders open for different projects within the same work area. This permit should be closed out and a new Order issued for the proposed work. Commissioner Luttazi made a motion to issue an Extension Permit for 1 year. The motion was seconded by Commissioner Durkin. The motion does not carry (0:7).

**Meeting Minutes:**

5/16/19 Commissioner Durkin asked to continue this item to the next meeting to allow more time for review.

**Staff Updates**

Commissioner Johnston made a motion to adjourn at 7.40pm. The motion was seconded by Commissioner Luttazi. The motion carries unanimously.