

On 9/5/2019, 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

July 18, 2019

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

**Member(s) Absent:** Phil Johnston

**Staff:** Kelly Grant – Conservation Administrator

**Start Time:** 6.30pm

YARMOUTH TOWN CLERK

19SEP6PM12:56 REC

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### Request for Certificate of Compliance:

**SE83-79**, Mark Burgess, Shorefront Consulting, off **Boat Haul Walk**. Mr. Mark Burgess of Shorefront Consulting represented the applicant and presented the request. Mr. Ed English, President of the Salt Box Beach Association was also present. Commissioner Lawrence made a motion to issue a Certificate of Compliance for the project. The motion was seconded by Commissioner Durkin. The motion carries unanimously.

**SE83-1426**, Mark Burgess, Shorefront Consulting, off **Boat Haul Walk**. Mr. Mark Burgess of Shorefront Consulting represented the applicant and presented the request. The wall was built approximately 17 feet longer than the approved plan. Commissioner Bishop commented that ideally the wall would be removed. The Conservation Administrator (CA) commented that there is erosion at the end of the wall that needs to be addressed. It was suggested this could be addressed during the Notice of Intent hearing. Commissioner Durkin made a motion to issue a Certificate of Compliance for the project. The motion was seconded by Commissioner Mulhearn. The motion carries unanimously.

### Continued Notice of Intent:

*Continued from 6/6/19*, **SE83-2199**, Edward English, Salt Box Association, **Boat Haul Walk (Salt Box Association Beach)**, proposed ongoing dredging and beach nourishment program within Bass River to maintain beach elevations and sediment control. Mr. Mark Burgess of Shorefront Consulting represented the applicant and presented the updates to the plan, included addressing the non-compliant float configurations. The northerly float is oversized but is within the 300 square foot requirement for shared-use docks. Mr. Burgess noted that the Harbormaster Karl von Hone was okay with the extended float at the north pier. The southern dock includes additional swim floats and an oversized float. He argued that the total float area of two docks is within 600 square feet. With regard to the beach nourishment, Mr. Burgess commented that Mr. Greg Berman's report is supportive of beach nourishment, finding no negative impacts. They proposed to use trigger points to manage the beach profile. The Division of Marine Fisheries did not find any issue with the proposed work. The applicant wishes to maintain the mean high water (MHW) line away from the bulkhead to allow space for the 40 plus households that use the beach. The managed MHW line would be consistent with

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where it was in 1987 and in 1989. Commissioner Bishop commented that there may be some impact of sediment movement on the navigation channel though this is difficult to quantify.

Mr. Burgess addressed the CA's notes on the property, commenting that the area of erosion at the end of the bulkhead can be stabilized with fill material, grasses and jute matting; the dune grasses around the boat racks were cut to reduce the risk of ticks; and signage can be used to stop residents creating a new path through the salt marsh vegetation. The Association acknowledged that some of their boats are stored on town property. Mr. Burgess commented that this is not uncommon. They plan to ask the Town for permission to continue to store the boats on the town parcel.

Commissioner Bishop suggested it was appropriate to establish more marsh vegetation along the bulkhead at the property, and that it should be looked at as part of the project.

Commissioner Mulhearn commented that the elevations should be good in this location for establishing salt marsh vegetation. She commented that she understood the associations desire to cut the dune vegetation to reduce the risk of tick exposure, however it is a violation of the regulations and the residents should find alternative methods of protection.

Commissioner Huggins commented that the boats are stored on town property and on marsh and dune vegetation and they should be removed to an open area above the wall. The comment that this is common place in town is not a defense. The impacts may seem minimal to the residents but cumulatively there is a significant impact. The health of the river depends on many small scale actions. Mr. Burgess responded that they did not wish to minimize the issue. The existing racks do help minimize impacts to vegetation however they have maybe exceeded the storage capacity.

Commissioner Lawrence commented that she does not support beach nourishment below MHW. Shoaling is an issue, as the river has become shallower over the years. Adding additional sand to the system contributes to the issue. She does not support adding more sand to the system. She also commented that the storage of boats on town property should be discussed with town, but should not be on a resource area. She does not support the approval of the oversized floats.

Commissioner Durkin expressed concern with mowing of the dune grasses.

The CA commented that the swim floats were permitted as platforms and were significantly smaller on the approved plan. She suggested removing a section of the swim floats to bring the overall float area for the dock to 300 square feet. She did not support the cutting of dune grasses for tick control. Other protection methods should be used such as avoiding the area. The number of boats exceeds the capacity of the racks. The Town may allow the storage of the boat on town property however they should be stored off the resource area. The association has large areas of clear space above the bulkhead wall that can be used for storage without being too far from the beach. The DMF comment requiring 25 feet from the nourishment area may provide the ability of the salt marsh grasses to continue to migrate along the wall. The old Order of Conditions will need to be closed out with a Certificate of Compliance.