

On 11/21/2019, on a motion by Commissioner Lawrence, seconded by Commissioner Mulhearn, the Commission voted unanimously, 4-0, to approve these minutes as presented.

CONSERVATION COMMISSION MEETING MINUTES

October 17, 2019

Members Present: Rick Bishop (Chairman), Ellie Lawrence, Tom Durkin, Patricia Mulhearn, and Ed Hoopes

Member(s) Absent: Paul Huggins and Phil Johnston

Staff: Kelly Grant – Conservation Administrator

Start Time: 6.30pm

YARMOUTH TOWN CLERK

'19NOV22PM1:49 REC

Continued Notice of Intent:

Continued from 9/5/19, 9/19/19, SE83-2209, Paul Sage, 272 & 280 Union Street, Yarmouth Port, proposed installation of bituminous paved storage pad and stormwater management system, grading, and planting within the buffer zone to bordering vegetated wetland. To allow for review of the updated plans by the town engineer, Commissioner Hoopes made a motion to continue to the November 7th, 2019 meeting. The motion was seconded by Commissioner Lawrence. The motion carries unanimously.

Request for Certificate of Compliance:

SE83-1379 - 28 Minnetuxet Way. Commissioner Durkin made a motion to issue a Certificate of Compliance. The motion was seconded by Commissioner Hoopes. The motion carries unanimously.

SE83-2155 – 40 Thacher Shore Road. The CA recommended a continuance to November 7th to allow for the property owner to complete the fence as required under the Order of Conditions. Commissioner Durkin made a motion to continue to November 7th. The motion was seconded by Commissioner Hoopes. The motion carries unanimously.

SE83-2029 – 2 Channel Point Drive. The work being completed per the Order of Conditions, Commissioner Hoopes made a motion to issue a Certificate of Compliance with the ongoing condition that the invasive vegetation be managed using an approved management plan. The motion was seconded by Commissioner Durkin.

Violations:

Update from Conservation Administrator on open violations. Properties on Exeter Road and Pierce Street have received violation notices for dumping of landscaping debris and fill added in the buffer zone to create a driveway. 104 River Street received a violation notice for removing vegetation. The property owner is going to submit a landscaping plan for the area.

Meeting Minutes:

On 11/21/2019, on a motion by Commissioner Lawrence, seconded by Commissioner Mulhearn, the Commission voted unanimously, 4-0, to approve these minutes as presented.

September 17, 2019 Commissioner Lawrence made a motion to approve the minutes as written. The motion as seconded by Commissioner Durkin. The motion carries unanimously.

Other Business:

Letter of Support for MVP Action Grant application. The Commission support the grant application for funding of a regulatory review for climate adaptation.

Working Session on the Update to the Wetlands Protection Bylaw Regulations:

Commissioner Bishop commented that he has reached out to three of the engineering firms the Commission deals with often to gather feedback on the current regulations and suggested changes.

Commissioner Lawrence commented that vernal pools should be added as a resource area. She also noted that fertilizer and herbicide use within the buffer is problematic and should be addressed in the updates. Commissioner Bishop commented that it is difficult to enforce such requirements. Commissioner Hoopes suggested a recommendation within the Order to avoid fertilizer use or encourage organic fertilizer. Irrigation is another item to be address by perhaps prohibiting it within the 35 foot setback. She also support the idea of formalizing the requirement to have old Orders closed out with a Certificate of Compliance before any new Orders are issued.

Commissioner Bishop asked how other communities handle beach nourishment requests. Commissioner Hoopes responded that Barnstable handles requests on a case by case basis. He is not generally supportive of beach nourishment. He is also not supportive of dredging for depth of water around docks. The CA responded that sometimes nourishment is required where a sediment source has been lost due to the construction of a CES. That is different to projects that propose nourishment to temporarily enhance a beach. Commissioner Bishop responded that the issue in that scenario is the CES. The CA responded that a CES should only be permitting to project an eligible property when there is no other viable alternative. Commissioner Hoopes commented that he would rather see large nourishment projects to protect a property rather than to add the CES. He commented that wanting a bigger beach is not a good reason to nourish. If a beach has eroded, adding more sand will only be a temporary solution and will contribute to shoaling elsewhere.

The CA confirmed that the regulations currently state that dredging is not allowed to reach the depth of water requirements. However, dredging to maintain depth of water is still allowed where it has been carried out in the past. Commissioner Hoopes questioned whether the 3 feet depth was always required. The CA commented that we should have permitted depth for most docks in town per the approved plans so they could be allowed to maintain that depth. Commissioner Lawrence commented that there are instances where floats are bottoming out at low tide. Commissioner Hoopes commented that there is a distinction between dredging to maintain the permitted depth and dredging to get greater depth for a bigger boat. He suggested not allowing dredging to greater depth than three feet. The distinction between maintenance and improvement dredging should be made clear.

Commissioner Bishop suggested resolving the question of dock materials. He suggested not allowing greenheart due to the unsustainable nature of it. The CA confirmed the other alternatives are fiberglass and steel. Commissioner Bishop asked for clarification on the latest science on the impacts of CCA. Commissioner Hoopes commented that he had heard CCA was now classified as being acceptable. The CA confirmed the state is OK with its use. Commissioner Lawrence suggested limiting its use in areas with less flushing and water