

Conservation Commission Meeting Minutes

December 3, 2015

Members Present: Ed Hoopes, Chairman, Tom Durkin, Phil Johnston, Audrey Russano,

Rick Bishop and Maureen Gallagher

Member Absent: Joan Carr

Staff: Sandi Clark

Start Time: 7:00 p.m.

MW YARMOUTH TOWN CLERK
'15DEC28AM10:52 REC

Request for Determination of Applicability

1. Cont. from 11/19/15 Applicant is Paul Butler (property owner is Fine Tobe TRS), 164 & 170 Driftwood Lane, Yarmouth. Applicant requests to verify if boundaries of a resource area are accurately delineated, if the area and work depicted on plan is subject to the jurisdiction of the Wetland Protection Act and Town of Yarmouth Wetland By-law, proposed work is the placement of fill.

Kieran Healy, BSC Group, represented the applicant and explained that he met with Chairman Hoopes on site and flagged the site and confirmed the wetland is non-jurisdiction by Town of Yarmouth and State Regs.

Rick Bishop signed the Affidavit that he reviewed the previous hearing (11/19/15) tape.

Motion for a Negative 2 was made by Commissioner Bishop – seconded by Commissioner Durkin. Motion carries unanimously.

Minor Plan Change:

1. SE 83-2025-152 Pawkannawkut Drive, South Yarmouth. Kieran Healy, BSC Group, explained to the Commission that the request to flip/flop the house (rotate the house to the south side and the garage to the north). No change in the footprint. Revised plan dated 11/25/15 BSC Group. Commissioner Johnston made a Motion to approve – seconded by Commissioner Russano. Motion carries unanimously.

Continued N.O.I. from 11/5/15:

1. SE83-2041, Jeffrey Chizmas, 66A River Street, South Yarmouth. Applicant represented by Bob Perry, Cape Cod Engineering. The reason for the continuance was the original meeting he was scheduled for did not have a quorum. Proposal to raze and replace existing dwelling, add retaining wall, patio and pool within the riparian of Bass River. Mr. Perry addressed the Commission explaining that the Site Plan has been revised and dated 11/12/15 and a Restorative Landscape Plan has been submitted dated 11/10/15. The vast majority of the

3. Continued from 11/5/15 SE83-2038, Chleck Family foundation Inc., 29 Scallop Road, West Yarmouth. Proposal to demolish or relocate existing single family dwelling, construct replacement dwelling with pool, retaining wall, driveway utilities and landscaping with Land Subject to Coastal Storm flowage. Arlene Wilson of A.M. Wilson Associates represented the applicant. Ms. Wilson gave a recap of the project that she presented to the Commission on November 5, 2015. A revised plan from Stephen Doyle and Associates dated 11-12-15 was submitted. No area will have lawn it will all be native mix. Chairman Hoopes stated that this project still has to go before Historical Commission and Board of Health. If the plans are changed by either of these boards you must come back with final plans. He also felt that there is a lot going on at this site. Commissioner Durkin mentioned that at the previous hearing an abutter raised concern regarding the oil tank. Ms. Wilson stated that she inspected the above ground tank and it is empty and has been for quite a while. Commissioner Bishop had concern with the runoff and Ms. Wilson stated that she does not think run off will be an issue at all. Commissioner Johnston felt that more information is needed.

Chairman Hoopes read into the minutes correspondence received from Loren and Sheila Charif, 50 Channel Point Drive, West Yarmouth.

Chairman Durkin made a Motion (upon Board of Health and Historical approval and any new plans be submitted to the Conservation Commission) to approve with the following conditions:

1-6, 7 (at retaining wall), 8,9,10,11,12,13,14,15,16 (with special attention to run off), 17, 30 (no lawn beyond the retaining wall) 31,32,33,34 and 35. Also;

- a. A landscape plan shall be submitted for review prior to start of work;
- b. The retaining wall should be the work limit line;
- c. The area beyond the work limit line shall remain natural with the exception of invasive species removal and the foot access path to the beach;
- d. The retaining wall shall be constructed from the upland side of the resource area;
- e. In the event the pool has to be emptied, water shall be pumped to a truck and disposed of in a legal upland location. The pool should also be maintained with chlorine free bactericide. Commissioner Johnston seconded. Motion carries unanimously.

Meeting Minutes: Commissioner Durkin made a Motion to approve with two minor exceptions on page 2. Commissioner Johnston seconded. Motion carries unanimously.

Request to Extend an Order of Conditions: SE83-1616, Wayne Kurker, 21 Arlington Street. Request from Braman Surveying & Assoc. Robert Braman, Jr. Kerry and Mr. Braman had shared e-mails regarding this request. The Commission, after discussion, made a Motion to deny this request based on the length of time this project has been ongoing (13 years) and findings that a new Notice of Intent should be filed. Commissioner Russano made a Motion to deny seconded by Commissioner Durkin. Motion carries unanimously.