

On 3/3/2022, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 7-0, to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

February 17, 2022

Members Present: Ed Hoopes (Chairman), Ellie Lawrence (Vice Chairman), Tom Durkin, Patricia Mulhearn, David Bernstein, Rick Bishop and Paul Huggins

Staff: Kelly Grant

Start Time: 5:00 pm

YARMOUTH TOWN CLERK

'22MAR7PM12:39 REC

Request for Determination of Applicability

1. Don Morrison, [9 Millard Road](#), Yarmouth, proposed construction of a two bedroom/one bathroom addition to existing house within land subject to coastal storm flowage.

Presenting: George Avery, representing the property owner

Will have drywells and work limit line added to the plan.

Commissioner Lawrence made a motion to issue a Negative 2 Determination with plan changes. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

2. Mark Doran, [23 Glenwood Street](#), Yarmouth, proposed raise and relocation of a single family dwelling within the buffer zone to a coastal bank and salt marsh.

Presenting: Kieran Healy, BSC Group

No comments.

Commissioner Bernstein made a motion to issue a Negative 3 Determination. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 7-0.

3. John Arena, [22 Willow Lane](#), Yarmouth, proposed septic system upgrade and second story dormer addition within the buffer zone to a bordering vegetated wetland and within land subject to coastal storm flowage.

Presenting: Dan Ojala, Down Cape Engineering

Commissioner Lawrence stated that there is no 35-foot line shown on the plan, and that the house is at the edge of a 35-foot setback to the wetland. She asked if they plan to continue to cut in the wetland.

Commissioner Bernstein asked if the Commission can make a condition of no fertilizer use.

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Chairman Hoopes requested demarcation along the wetland line to allow natural revegetation; a 12" boulder, for example. He requested a revised plan with no-disturb zone shown along the edge of the delineated wetland.

Commissioner Lawrence made a motion to issue a Negative 2 & 3 Determination with the condition that an updated plan be submitted. The motion was seconded by Commissioner Bishop. The motion carried unanimously 7-0.

Notice of Intent

4. Karl von Hone, Town of Yarmouth, proposed long-term maintenance dredging with beach nourishment disposal of dredged sediments, at various locations within the Town of Yarmouth and Town of Dennis.

Presenting: Karl von Hone, Department of Natural Resources Director, Harbormaster for Town of Yarmouth

Provided overview of project. Stated that he has issues with the DMF comments; 75-foot buffer to eel grass is not possible where eel grass colonizes in the navigation channel. New TOY restrictions have also been recommended by DMF.

Public Comments:

Cindy Van Doren, 4 Malfa Road, Yarmouth, stated she is concerned with erosion at this location and concerned with the sediment moving toward Grove Street. Supports nourishment of the beach and dune area at the end of Malfa Rd. Karl von Hone commented that they are unable to nourish private property.

Jeff Shrago, or 45 Park Ave, Yarmouth, asked why the entire area was nourished in 1995, and if dredging will be done in front of Vernon/Grove Street? Karl von Hone replied that the channel was dredged by the Army Corp of Engineers; Hyannis channel; property owners agreed to receive sand, permits have expired.

Map indicates dredging will occur along the Park Ave section of Lewis Bay. Karl von Hone stated that there is an error on the map – it is nourishment only.

Brian Wall, Attorney for Andrea Graveline and Ken Stout, of 7 Grove/9 Vernon Street, Yarmouth, stated that per the letter provided for the record, he is concerned with impacts on vegetation. Nourishment is not necessary at this location; the sand is accreting at the groin.

Karl von Hone stated that nourishment is for end of roads to protect shorelines, only if needed.

The CA commented that no MassDEP file number has been issued and agency comments have not been received. Resource areas are also not shown on the plans provided which make them difficult to review for any impacts

Commissioner Bishop made a motion to continue to March 17, 2022. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.