

On 11/17/ 2022, on a motion by Commissioner Lawrence , seconded by Commissioner Huggins ,
the Commission voted 5 0 , to approve these minutes as written.

YARMOUTH TOWN CLERK

22NOV21-49517 REC

CONSERVATION COMMISSION MEETING MINUTES

October 20, 2022

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

Absent: David Bernstein

Staff: Brittany DiRienzo

Start Time: 5:00 pm

Request for Determination:

1. Steven and Kathryn Lamontagne, [6 Eider Street](#), Yarmouth Port, MA 02675, Proposal to replace an existing stone wall, construct new stone stairs and a new entryway, and extend an existing deck over an existing paved driveway within the buffer to the bordering vegetated wetland and coastal bank

Presenting: Kieran Healy, PLS BSC Group

Discussion: Only replacing the face of the wall and new stone steps. Commissioner Lawrence asked about erosion down the slope and plastic pipe on the corner of the wall, and plans for plantings to reduce erosion? Not at this time but he will speak with the homeowners about it, and erosion should be reduced with the new stairs.

Commissioner Lawrence made a motion to Issue a Negative 3 determination

The motion was seconded by Commissioner Durkin

The motion passed unanimously 6-0

Notice of Intent

2. Derek J and Jillian M Fowler, [51 Abells Road](#), West Yarmouth, proposed after-the-fact filing for clearing, grading and proposed expanded driveway and restoration plantings within the buffer zone to a vegetated wetland

Presenting: Danny Gonzalez, Down Cape Engineering

Discussion: Assigned SE83-2357

Commissioner Lawrence asked about the plans for the area between the 35 and 50 ft buffer zone, Brittany recommended that the area be left to naturalize as it is already being colonized by native shrubs, Chairman hoops agreed to the naturalization and added that a 2' strip can be left around the shed for access. Commissioner Lawrence added that a short fence or some type of delineation marker should be put in to mark this area of naturalization on the 50 ft buffer line to the BVW.

Commissioner Mulhearn made a motion to Issue an Order of Conditions with Special Conditions upon the receipt of revised plans showing the above changes.

The motion was seconded by Commissioner Lawrence

The motion passed unanimously 6-0

Continued Stormwater Management Permit Application

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3. JDB 212 Mid-Tech Drive, LLC c/o Turtle Rock, LLC, [186 & 212 Mid-Tech Drive](#), Yarmouth, proposed redevelopment of existing office building site with proposed 11,400 sq ft contactor bays building with new paved parking lot, new septic system, new drainage systems and new site lighting and landscape (Continued from October 6, 2022)
Presenting: none

Discussion: Continue for feedback from consulting peer review engineers

Commissioner Lawrence made a motion to Continue to 11/3/22
The motion was seconded by Commissioner Durkin
The motion passed unanimously 6-0

Continued Certificate of Compliance

4. **SE83-176, [175 Route 28](#)**, Yarmouth
Presenting:

Discussion: Continue request from Kieran Healy PLS

Commissioner Bishop made a motion to Continue to 11/3/22
The motion was seconded by Commissioner Lawrence
The motion passed unanimously 6-0

5. **SE83-93, [118 Driftwood Lane](#)**, Yarmouth

Commissioner Lawrence made a motion to Issue the CoC
The motion was seconded by Commissioner Durkin
The motion passed unanimously 6-0

Certificate of Compliance

6. **SE83-2009, [41 Standish Way](#)**, West Yarmouth
Commissioner Lawrence made a motion to Issue the CoC
The motion was seconded by Commissioner Durkin
The motion passed unanimously 6-0

7. **SE83-2265, [179 Center Street](#)**, Yarmouth Port

Discussion: There are significant issues outside of the originally approved plan. The commission requested an As-Built plan to be received by the office by 12/22/22 for review at the 1/5/2023 meeting. An enforcement order will be issued for cutting in the wetland resource area.

Commissioner Bishop made a motion to Deny the request for CoC
The motion was seconded by Commissioner Durkin
The motion passed unanimously 6-0

Enforcement

8. **[30 Higgins Crowell Road](#)**, West Yarmouth
Presenting: Paul Mancuso, (on Zoom) BSC Group and Kieran Healy, PLS, BSC Group

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Discussion: Brittany requested a stump management plan for existing cut trees, and that the container or caliper sizes of the proposed restoration plantings be included in the revised plan.

Chairman Hoopes asked to confirm that 335" of tree was cut and removed from the site, and a total of 6 red maple trees are proposed for restoration.

Commissioner bishop requested additional and more mature trees be planted, filling in the 70' gap between trees on the existing plan. Chairman Hoopes requested updated plans showing additional trees and more robust restoration plantings.

Commissioner Lawrence made a motion to Continue to 11/3/22
The motion was seconded by Commissioner Durkin
The motion passed unanimously 6-0

Other Business

9. Approval of Meeting Minutes: October 6, 2022
Continued to 11/3/2022

Commissioner Bishop invited all to the Friends of Bass River 'Save our Rivers Symposium' At the west Dennis Yacht Club tomorrow at 4pm, October 21, 2022.

Tom Durkin reported the effects of inflation on the wastewater program, that the total project when proposed was estimated to be 162 million and now is at 207 million and expressed the urgency to move forward quickly as not to be limited by the cost in the future.