

On 11/17/ 2022, on a motion by Commissioner Bernnstein , seconded by Commissioner Bishop,
the Commission voted 6 -0 , to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

November 3, 2022

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

Absent: Tom Durkin

Staff: Brittany DiRienzo

Start Time: 5:00 pm

Requestion for Determination of Applicability

1. Troy Thomas, [15 Nauset Road](#), Yarmouth, Proposed 31x12' deck on sonotubes in Land Subject to Coastal Storm Flowage
Presenting: Troy Thomas

Commissioner Lawrence made a motion to issue a negative 2 determination
The motion was seconded by Commissioner Bishop
The motion carried 6-0

Continued Notice of Intent

2. **SE83-2350** Paul Shea for Peter M. Fairbanks, [41 Uncle Roberts Road](#), Yarmouth, proposed raze and replace of a single-family home, swimming pool, patio, fire pit, grading and landscaping, and new septic sys4tem within buffer zone to coastal bank and buffer zone to coastal dune (Continued from 9/1, 9/15, 10/6, 10/20)
Presenting: Eric Tolley and Tom Mulcahy

Discussion: The plans showed a reduction of the size of the house and pool. Brittany asked that the *Ilex crenata* be replaced since it is an emerging invasive species in the northeast.

Commissioner Lawrence made a motion to issue an order of conditions with special condition including the replacement of the species as mentioned above
The motion was seconded by Commissioner Bernstein
The motion carried 6-0

Notice of Intent

3. Eric Burgess for Joel Bois, [Lewis Bay Aquaculture](#), proposed 3 acre aquaculture farm in Lewis Bay in land under the ocean, and land containing shellfish, and NHESP Estimated and Priority Habitat of Rare Wildlife

Discussion: Waiting for waterways comments and NHESP comments

Commissioner Bishop made a motion to continue to November 17, 2022
The motion was seconded by Commissioner Lawrence
The motion carried 6-0

On 11/17/ 2022, on a motion by Commissioner Bernstein , seconded by Commissioner Bishop, the Commission voted 6 -0 , to approve these minutes as written.

4. Meredith Avery for Cynthia Richards, 0 Great Island Road, Proposed beach and dune nourishment for coastal resiliency in Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage, and in the buffer zone to a Salt Marsh.

Presenting:

Discussion: Waiting for waterways

Commissioner Bernstein made a motion to continue to November 17, 2022

The motion was seconded by Commissioner Bishop

The motion carried 6-0

5. **SE83-2358** Dan Ojala for Joseph and Meredith Zona, 33 & 39 Seth Lane, Yarmouth, proposed Raze and Replace of a single family dwelling and new title 5 septic within the riverfront protection area, land subject to coastal storm flowage, coastal bank, and the buffer zones to a coastal bank and salt marsh

Presenting: Dan Ojala and Eric Tolley

Discussion: Presented the razing of the existing house and building a new house further from the river. Also talked about the new septic system. The alternative of rebuilding in the same location was discussed.

Commissioner Bishop requested that they remove the two groins. Commissioner Lawrence expressed a concern about the new driveway and asked that it be pushed out of the 35' No Disturb Zone to the coastal bank. Commissioner Bernstein expressed concern about the removal of trees for construction.

Discussion took place about additional mitigation for lost trees, the Commission decided on an additional 4 ft of mitigation enhancing the existing proposed beach grass buffer to the Bass River.

Commissioner Bishop made a motion to issue an order of conditions with special conditions pending receipt of a new plan showing the change of driveway location and an additional 4 ft of buffer mitigation planting of native shrubs.

The motion was seconded by Commissioner Mulhearn

The motion carried 6-0

Continued Stormwater Management Permit Application

6. 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 10/ 6, 10/20

Discussion: Waiting on consultant comments

Commissioner Bishop made a motion to continue to November 17, 2022

The motion was seconded by Commissioner Bernstein

The motion carried 6-0

Continued Certificate of Compliance

7. **SE83-176**, 175 Route 28, Yarmouth

On 11/17/ 2022, on a motion by Commissioner Bernstein , seconded by Commissioner Bishop, the Commission voted 6 -0 , to approve these minutes as written.

Commissioner Bishop made a motion to grant the COC
The motion was seconded by Commissioner Lawrence
The motion carried 6-0

8. **SE83-2101, 170 Pleasant Street**, Yarmouth
Presenting: Nick Crawford

Discussion: No beach grass was planted into the fiber rolls. It was proposed to close this with ongoing conditions that plugs of appropriate native plants be installed into the rolls for stabilization.

Commissioner Bernstein made a motion to grant the COC with the ongoing condition
The motion was seconded by Commissioner Mulhearn
The motion carried 6-0

Certificate of Compliance

9. **SE83-484, 184 Blue Rock Road**, Yarmouth
Commissioner Bishop made a motion to grant the COC
The motion was seconded by Commissioner Lawrence
The motion carried 6-0

10. **SE83-2065, 184 Blue Rock Road**, Yarmouth
Presenting: Jennifer Crawford

Discussion: No monitoring was provided; wall was not removed from coastal bank. Other issues include the deterioration of the coir logs, scouring, and loss of salt marsh restoration area.

Two votes were taken. The first was a motion by Commissioner Lawrence and seconded by Commissioner Huggins to issue an enforcement order authorizing work to bring this project into compliance by maintenance of the fiber rolls, restoration of salt marsh and removal and reinstallation of the wall al per the approved plan. The motion passed 6-0

Commissioner Bishop made a motion to issue the COC
The motion was seconded by Commissioner Bernstein
The motion failed to pass, 0-6 and the COC was denied.

Enforcement

11. **30 Higgins Crowell Road**, West Yarmouth, Review updated restoration plan
Presenting: Paul Mancuso

Discussion: 50 trees were cut down within the 100 ft zone. 20 are showing regrowth with 18 to stay. More detailed plans are needed.

Commissioner Lawrence made a motion to continue to November 17, 2022
The motion was seconded by Commissioner Bernstein
The motion carried 6-0

12. **68 Horse Pond Road**, Yarmouth