

**YARMOUTH CONSERVATION COMMISSION
MINUTES
OCTOBER 1, 2009**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Gerry Duffy, Joan Carr
and Tom Durkin

ABSENT: Gary Ellis

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

**JOHN & JANET CALLAHAN, ONE BUTTERCUP LANE, SO. YARMOUTH,
MA**

To reconstruct existing groundwater drainage system & water access cart way at the above location. Bob Perry, Cape Cod Engineering, and the applicant Mr. Callahan were present. Mr. Perry presented the project to the Commission explaining that an old subsurface stone drain with a rectangular wood pipe and clay pipe was found with the groundwater saturating the ground surface which weakened the ground making the routine access impractical. The work proposed will replace the subsurface drain and provide a natural stone surface to the ground and prevent erosion of the soil. The work will involve limited excavation to replace the graded stone. This project will help to eliminate siltation to the water of Follins Pond by eliminating the runoff and erosion problem.

Commission felt that something needed to be done and that this is a great plan and did not have any problems with the project as proposed.

Joan Carr made a motion to approve with the following conditions: 1-6, 7, 14, 15, 17, and 18. Hugh March seconded. Unanimous.

BEVERLY GREIG, 121 PAWKANNAWKUT DR., SOUTH YARMOUTH, MA

To raze & replace a single family dwelling at the above location. Norman Hayes, BSC Group, represented the applicant and certified notification to DEP was received.

Mr. Hayes explained that the structure will not be any closer to the river than the existing. The house will be knocked down, new house constructed, attached garage, porch, deck, walkways, landscaping and Title 5 septic system. A silt fence will be installed along the 50 foot buffer zone, disturbed areas will be final graded, loamed and replanted with grass or landscaped.

Hugh March inquired about the driveway which is concrete currently and will be expanded to a circular and suggested it be pervious when replaced. Mr. Hayes stated that he felt it could be worked out with the client but does not have the answer this evening. The concrete is allowed under the Rivers Act and Mr. Hayes feels it is the preference of the client. Tom Durkin asked if the applicant would look at the ecological advantage of a permeable driveway that would prevent serious runoff. The abutting street does not have a good drainage system so if the driveway could absorb significant amounts of rain water it would be advantageous to the applicant and the area. Mrs. Greig stated that she has heard that the Gateway Isles Association has plans to put in drainage areas along Pawkannawkut Drive as there have been problems over the years. In front of her house she does not have a problem but neighbors along the road have experienced problems. Mr. Durkin felt it would put less stress on whatever solutions your association or group is trying to accomplish.

Chairman Flaherty inquired about the landscaping down by the river and Mr. Hayes spoke with Brad regarding this. There is an existing bulkhead & pier and the applicant would like to put in a three foot area of stone along the bulkhead. A landscape plan could be given to Brad for his approval if that is the preference of the Commission. The floats are seasonal and will be removed.

George Prior, 124 Pawkannawkut Drive, addressed the Commission stating he is here tonight in support of the project.

Brad Hall felt that this is a great upgrade to the site. The driveway could be finished with either pavers or shells. The applicant would prefer the impervious and has not had time to think about the options. The discussion ended with Mr. Hall and the applicant meeting together to come to a resolution.

Hugh March made a motion to approve with the following conditions: 1-6, 12, 13, 14, 15, 16, 17, 18 and the proposed driveway will be discussed with the Conservation Administrator prior to construction. Tom Durkin seconded. Unanimous.

BUSINESS:

1. Ed Hoopes made a motion to approve the minutes of September 3, 2009 as written. Hugh March seconded. Unanimous.
2. Norman Hayes, BSC Group, addressed the Conservation Commission regarding Sweetheart Creek. On the plan there is a small staging area

that we are looking for approval on to put a crane in this location. It would allow the crane to take the material, pivot, and put the disposal material into the truck. The Great Island Homeowners Association has seen the plan and have no objections according to Brad Hall.

Ed Hoopes made a motion to approve the plan of 9/23/09 as the plan of record. Hugh March seconded. Unanimous.

3. Certificate of Compliance SE 83-1827, Ten Compass Drive, South Yarmouth, MA Brad Hall informed the Commission that he visited the site based upon BSC's request for a Certificate of Compliance. The inspection showed the seawall was built according to the plan. However, I would recommend not to issue the Certificate of Compliance based upon the construction installation of the significant raised masonry patio at the edge of the seawall. The structure is raised approximately 3 ½ - 4 feet above ground. This structure was not on the plan that was approved by the Conservation Commission. What was there was a wooden deck which was removed in order to facilitate the construction of the bulkhead and also the wooden deck was cantilevered over the waterway. When they went for a Chapter 91 License for the bulkhead, the Chapter 91 folks said they would only allow a 4 x 6 platform and he had a 20 x 20 deck and they had to remove everything. I spoke with Mr. Keating and expected him to be here tonight. I informed Mr. Keating that the Commission would allow a patio, but not this elaborate structure that has been constructed.

Commission decided that Brad Hall should discuss with Mr. Keating what we will allow and what we won't allow there. The Commission would allow something there because he did lose a 20 x 20 deck that was already there and had been there for a long time.

In the audience Mr. Norman Hayes, BSC Group, commented that they negotiated the 6 x 4 deck which was all that was allowed by the state.

Hugh March made a motion to **not** issue a Certificate of Compliance at this time. Joan Carr seconded. Unanimous.

4. Certificate of Compliance SE 83-1818, 51 Cove Road, West Yarmouth, MA This site had two decks that were not proposed originally and when it came before us we told them to remove the decks before any Certificate of Compliance will be issued. The decks have been removed. A letter from BSC certifying the project was read into the minutes.

Joan Carr made a motion to approve – Ed Hoopes seconded. Unanimous.

5. Certificate of Compliance SE 83-202, Oman, 130 Crowell Road, West Yarmouth, MA Brad Hall explained that the Commission needs to sign two Certificates; one that no work ever commenced and the other to certify the Modified Order of Conditions.

Ed Hoopes made a motion to issue the Certificates of Compliance – Joan Carr seconded. Unanimous.

6. Brad Hall addressed the Commission that he has applied to the CPC for \$5,000.00 for the Blueberry patch. If approved the money will be available July 1, 2010.

Gerry Duffy made a motion to adjourn @ 8 p.m. – Ed Hoopes seconded. Unanimous.