

**YARMOUTH CONSERVATION COMMISSION
MINUTES
DECEMBER 6, 2007**

PRESENT: Ed Hoopes Chaired, Gary Ellis, Hugh March and Gerry Duffy.

ABSENT: Bill Fenton, Dave Flaherty and Joan Carr

STAFF: Brad Hall, Administrator

MICHAEL CIMMINO, 29 LEWIS BAY BOULEVARD, WEST YARMOUTH, MA

To construct a 17 x 17 pergola with covered deck. Mr. Cimmino represented himself and his project is to go 17 feet towards the water where the existing patio is and 17 feet back towards the house for the pergola. The second floor existing deck will be extended for shade.

Gary Ellis stated that the area underneath the deck can not be enclosed unless you return to the Commission. Mr. Cimmino stated that it will not be enclosed.

Gerry Duffy made a motion for a Negative 3 with the condition that the deck underneath not be enclosed and the water coming off the second floor deck go to a drywell. Gary Ellis seconded. Unanimous.

BUSINESS:

1. Certificate of Compliance SE 83-1760, Town of Yarmouth, Shore Road, West Yarmouth, MA Hugh March made a motion to approve – Gary Ellis seconded. Unanimous.
2. Certificate of Compliance SE 83-1797, Martin Reilly, 369 Great Island Road, West Yarmouth, MA Letter read from Hamlyn Consulting requesting the Certificate. Hugh March made a motion to approve – Gerry Duffy seconded. Unanimous.
3. Gerry Duffy made a motion to approve the minutes of November 15, 2008 – Ed Hoopes seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
NOVEMBER 15, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Gary Ellis, Joan Carr, Hugh March and Gerry Duffy.

ABSENT: Bill Fenton

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

REQUEST FOR DETERMINATION:

JOHN FORDE, 19 WADSWORTH LANE, YARMOUTHPORT, MA

To construct an addition to a deck, a 2 car garage with a room over at the above location. Mr. Forde represented himself and certified notification to DEP was received. The Commission felt that the project more than meets the by-law. Gary Ellis suggested that the work limit line be returned on each end.

Gerry Duffy made a motion for a Negative 3 – Joan Carr seconded. Unanimous.

BUSINESS:

1. Kieran Healy, BSC, addressed the Commission regarding a project at 51 Cove Road, West Yarmouth, MA that had been approved by the Commission previously. Mr. Healy explained that they have a proposal that reduces the house size addition and reduces the lawn area. The top of foundation will be at elevation 12, no full basement, drywells and gutters are proposed. Brad Hall stated that it is no closer than what is currently existing and the new footprint is no closer. Commission would vote favorably if a Notice of Intent was proposed as presented this evening. (Gary Ellis did not sit on this informal business item).
2. Conservation Restriction Guido R. Perera - Commission to sign restriction for 2.6 acres on Strawberry Lane, YarmouthPort, MA. Ed Hoopes made a motion to sign the Restriction – Joan Carr seconded. Unanimous.

3. Conservation Restriction Cape Cod Hospital – 13.07 acres of upland around the bogs.
Gerry Duffy made a motion to sign the Restriction – Ed Hoopes seconded.
Unanimous.

Hugh March made a motion to adjourn at 8:20 p.m. – Ed Hoopes seconded.
Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
NOVEMBER 1, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Gerry Duffy, Joan Carr, Gary Ellis
and Hugh March

ABSENT: Bill Fenton

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

NOTICE OF INTENT:

MICHAEL & KATHRYN LOWERY, 101 WIMBLEDON DRIVE, W. YARMOUTH, MA

To construct an addition to an existing structure and upgrade the septic at the above location. Certified notification to abutters and DEP was received. Matt Farrell, Bennett & O'Reilly, Inc. represented the applicants.

Mr. Farrell explained that the applicant proposes an addition on the southwest side of the house. The footprint will stay the same, dwelling will be for 3 bedrooms, upgrade to the septic. The grading will remove fill from the flood plain creating a level area in the southwest side of the lot.

Commission had no objection to the project as it is keeping everything more than 50 feet away.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 12, 13, 14, 15, 16, 17 and 18. No irrigation within 50 feet of the wetland. Hugh March seconded. Unanimous.

CONTINUED HEARINGS:

MARTIN T. REILLY, 7 STONE AVENUE, WEST YARMOUTH, MA

This hearing was continued for a file number from DEP. A file #of SE 83-1812 has been assigned to this project. The approval is for a plan dated 10/2/07.

Hugh March made a motion to approve with the following conditions: 1-6, 11, 14, 15, 16, 17 and 18. Ed Hoopes seconded. Unanimous.

CONTINUED HEARINGS:

JON PERSSON, ONE RAILWAY BLUFFS, WEST YARMOUTH, MA

This hearing was continued for a file number from DEP. The # SE 83-1813 has been assigned to this project. Ed Hoopes made a motion to approve – Gerry Duffy seconded. Unanimous.

LINDA & JOHN NELLENBACK, 72 GLEASON AVE., WEST YARMOUTH, MA

This hearing was continued for a file number from DEP. The # SE 83-1814 has been assigned to this project.

BUSINESS:

1. Plan change Mitchell, 250 Long Pond Drive, South Yarmouth, MA Kieran Healy, BSC Group, represented the project. The proposal is for a smaller house, walkout, move the septic and enclose the porch. Brad Hall felt that the Commission should approve the change as the house is smaller and further from the wetland. Ed Hoopes made a motion to approve the plan of 10/15/07 as the plan of record. Gerry Duffy seconded. Unanimous.
2. Certificates of Compliance for SE 83-1546 and 1590, 218 Blue Rock Road, South Yarmouth, MA. Letters from Sweetser Engineering requesting compliance were read into the minutes. Hugh March made a motion to approve SE 83-1546 – Ed Hoopes seconded. Unanimous. Hugh March made a motion to approve SE 83-1590 – Ed Hoopes seconded. Unanimous.
3. Gary Ellis made a motion to approve the minutes of 10/18/07 as written – Ed Hoopes seconded. Unanimous.
4. Brad Hall informed the Commission that we will be holding a public hearing on 11/15/07 @ 7:00 p.m. prior to our regular scheduled meeting to Amend the Wetland Regulations.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
OCTOBER 18, 2007**

PRESENT: Dave Flaherty, Chairman, Gerry Duffy, Ed Hoopes and Gary Ellis

ABSENT: Hugh March, Joan Carr and Bill Fenton

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

DAVID BLAUER, 24 OLD SALT LANE, YARMOUTHPORT, MA

To construct an in-ground swimming pool at the above location. Jim Treese, Cape Cod Aquatics, represented the applicant. Certified notification to DEP was received.

Gary Ellis inquired about the apron and felt that the applicant's contractor should perform the landscaping under the supervision of the Conservation Administrator.

Ed Hoopes made a motion for a Negative 3 – Gerry Duffy seconded with the condition that the swimming pool landscaping be done under the direction of the Conservation Administrator and the Administrator be contacted prior to the species selection.

JIM & SUE DESPO, 67 WIMBLEDON DRIVE, WEST YARMOUTH, MA

To install a 3 foot retaining wall and install plantings at the above location. Kevin McNamara, McNamara Bros., represented the applicants. Certified notification to DEP was received.

Commission felt that this is a positive improvement and will encourage plantings.

Ed Hoopes made a motion for a Negative 3 – Gerry Duffy seconded. Unanimous.

NOTICE OF INTENT:

MARTIN T. REILLY, SEVEN STONE AVENUE, WEST YARMOUTH, MA

To raze & replace a single family dwelling, shed, patio, and construct new single family with drive under garage, decks and front entryway, upgrade existing septic system, reconfigure drive. Ms. Hamlyn stated that the applicant proposes to reconfigure the existing drive and upgrade the existing septic system. The edge of coastal dune was delineated, the coastal beach is located from the mean low water line. The existing dwelling and appurtenances are to be removed from the site. The new house is to be constructed over the general footprint of the existing house and concrete patio.

The minimum setbacks of the new foundation are 41 feet to the top of the coastal bank, 70 feet to the coastal dune to the south. The proposed deck is located a minimum of 54 feet to the edge of coastal dune and 43 feet from the top of the coastal bank. Roof run-off is to be directed to drywells or stone trenches.

A stockade fence exists along the northeast property line that was installed by the abutter. A work limit line is to be established with trenched siltation fencing a minimum of 50 feet from the top of the coastal bank. This project was approved by the Zoning Board of Appeals.

Gary Ellis stated that we adhere to the 50 foot line and new construction is to be no closer than the original. Ms. Hamlyn stated that the net setback includes the old shed and no new shed is proposed. Brad Hall asked about the grades and Steve Haas stated that they are using the same grades and the whole house is in the V Zone and conforms.

Ed Hoopes agreed with Gary Ellis and felt that on a raze and replace it is considered new construction and this can meet the 50 foot setback. Gerry Duffy also agreed. Commission suggested that applicant meet with Jim Brandolini, Building Commissioner, prior to returning.

Brad Hall stated that we can not close the hearing because we have not received a file # from DEP. Brad suggested that we continue for applicant to meet with Jim Brandolini, Building Commissioner.

Ed Hoopes made a motion to continue to 11/1/07 – Gerry Duffy seconded. Unanimous.

JON PERSSON, ONE RAILWAY BLUFFS, WEST YARMOUTH, MA

To remove leaching system and construct a single family dwelling at the above location. Steve Wilson, Baxter & Nye, represented the applicant. Certified notification to DEP and abutters was received. Mr. Wilson explained that the project site was a former parking lot and the proposal is for a single family dwelling, garage under and septic system. A small retaining wall is proposed to the west. Stan Humphries, Senior Coastal Geologist, LEC, conducted a site visit to delineate the coastal resource areas.

Commission commended Mr. Wilson for a well designed plan, the site was well staked and had no issues with this request. Mr. Hall inquired about the small retaining wall to the west and wanted to assure the abutter that it will blend in.

Mr. Johnson, abutter, residing @ 8 Railway Bluffs was concerned with the wall and wanted reassurance that the wall will blend in. Mr. Wilson stated that it will be a stone masonry wall and will blend in.

Gary Ellis made a motion for approval with the following conditions: 1-6, 7, 12, 13, 14, 15, 16, 17 and 18 and that the plantings are coordinated with the Conservation Administrator. Gerry Duffy seconded. Unanimous.

LINDA JEAN & JOHN NELLENBACK, 72 GLEASON AVENUE, WEST YARMOUTH, MA

To construct an addition, deck and landscape at the above location. Norman Hayes, BSC Group, represented the applicants. Certified notification to DEP and abutters was received. Mr. Hayes explained the project includes an addition to the existing house, and an increase in the size of the deck. The new addition will be 50 feet to the wetland at its closest point. The mitigation is 550 sq. ft. of native vegetation.

Correspondence was read into the minutes received from The Marshes, 62 Gleason Ave., in support of this project.

The Commission felt that this was an improvement to the site and that the mitigation was a good trade off.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 13, 14, 15, 16, 17, 18 except for stone strip for plantings. Gary Ellis seconded. Unanimous.

CONTINUED HEARINGS:

TOWN OF YARMOUTH, DPW, 37 SHORE ROAD, WEST YARMOUTH, MA

This hearing was continued for comment from NHESP which has now been received stating they have no issues with the project. Also, DEP has sent a file # SE 83-1811.

JEAN WACKROW, 5 GLENWOOD STREET, WEST YARMOUTH, MA

This hearing was continued for comment from NHESP. Comment has been received and no issues are noted.

Ed Hoopes made a motion to approve with the following conditions: 1-6, 14, 15, and 16. Gerry Duffy seconded. Unanimous.

ROGER MCGOVERN, 341 GREAT ISLAND RD., WEST YARMOUTH, MA

This project was continued for a revised plan and a file number. The revised plan reflects the change of the septic, re-grading and rotating the house. A file # of SE 83-1808 was received.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 13, 14, 15, 16, 17 and 18. Ed Hoopes seconded. Unanimous.

BUSINESS:

1. Plan change for SE 83-1779 Cunningham, 167 River St., South Yarmouth, MA Norman Hayes, BSC Group, represented this item. Mr. Hayes stated that the new plan shows the corner of the new house at 73 feet away from the concrete wall and an added grade. Commission had no problems with project when it was before them. Ed Hoopes made a motion to accept the amended plan dated 9/12/07– Gerry Duffy seconded.
2. Extension Permit, Brooks/Turner, 7 Drake Street, YarmouthPort, MA Letter from applicant read into the minutes. Gerry Duffy made a motion to extend project for 3 years – Gary Ellis seconded. Unanimous.
3. Certificate of Compliance SE 83-1734, Nantucket Sound Nominee Trust, 22 Highland Street, West Yarmouth, MA Letter read into the minutes. Ed Hoopes made a motion to issue – Gerry Duffy seconded. Unanimous.

BUSINESS CONTINUED:

4. Certificate of Compliance SE 83-1740, Tagliavini, 126 Breezy Point Road, South Yarmouth, MA Letter read into the minutes from Down Cape Engineering requesting Certificate.
Gerry Duffy made a motion to approve – Ed Hoopes seconded. Unanimous.
5. Ed Hoopes made a motion to approve minutes of 9/20/07-Gerry Duffy seconded.
6. Gerry Duffy made a motion to approve the minutes of 9/06/07 –Ed Hoopes seconded.
7. Commission to sign the Conservation Restriction for Dennis Pond.
8. The last Open Space and Recreation Plan will be presented on 10/24/07 at the Town Hall before the Planning Board.
9. Brad Hall stated that we will be re-doing the regulations and adding fees for Certificates of Compliance and Extension Permits.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
SEPTEMBER 20, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Gary Ellis, Hugh March, and Gerry Duffy

ABSENT: Joan Carr and Bill Fenton

STAFF: Brad Hall, Administrator

REQUEST FOR DETERMINATION:

RICHARD & LINDA SELLNER, 16 DRAKE STREET, YARMOUTHPORT, MA

To elevate existing dwelling, repair septic and modify the grades. Mr. Sellner represented himself and certified notification to DEP was received. The project is to raise the dwelling and replace the existing concrete block foundation with a full basement underneath.

Gerry Duffy asked about the elevation of the house so that it will accommodate the septic in the rear as opposed to the front. Gary Ellis inquired about the contours to the east, the grade on the neighbor's lot is not changing and abandoning the septic tank and going out back.

Ed Hoopes made a motion for a negative 3 – Gerry Duffy seconded. Unanimous

NOTICE OF INTENT:

ROBERT MCGOVERN, 341 GREAT ISLAND RD., WEST YARMOUTH, MA

To raze and replace a single family dwelling, construct a garage and landscape at the above location. Tris Weller, Weller & Assoc., represented the project. Certified notification to DEP and abutters was received. Present dwelling is a cottage and will be removed and replaced with a new single family dwelling with a Title 5 septic. The new dwelling will not be any closer to the edge of wetland than the existing.

Hugh March felt that it is too close to the creek and the structure is too large for the size of the lot. Mr. Weller stated that they meet all the regs for a Title 5 septic and it does not require any ZBA review. Gary Ellis asked about the retaining wall detail that is around the septic. Gary also inquired if the basement is a walkout and Mr. Weller stated that it will be a crawl space. Gary

would like to see a buffer from the coastal bank landward. Brad Hall stated that from the top of the coastal bank to the proposed dwelling is about 30 feet and it is all dune grass with some shrubs. Ed Hoopes commented that the buffer is important to him and that this project could be done better in terms of setback by a change in the size of the house.

Brad Hall stated he would like to see a revised plan showing more than 30 feet from the bank and that the existing vegetation to remain and or replaced. Brad recommends approval with the recommendations stated.

Gary Ellis made a motion to continue to 10/18/07 for a revised plan and file # from DEP– Ed Hoopes seconded. Unanimous.

CHARLES ODAMS, 18 ROUND DRIVE, WEST YARMOUTH, M Gary Ellis

Chairman Flaherty was recused from this hearing. Ed Hoopes chaired.

To construct a single family dwelling at the above location. Dan Ojala, Down Cape Engineering, represented the applicant. Certified notification to DEP and abutters was received. Mr. Ojala gave a history of the property. The complete narrative can be read in the file. The dwelling is planned for a four bedroom design,

Gary Ellis asked if the project has been through the Board of Health and when they do if any changes are made you will have to come back before this board. Gary felt that the barn pushes the 50 foot.

Brad Hall had no issues with this project.

Hugh March made a motion to approve with the following conditions: 1-6, 11, 13, 14, 15, 16, 17, and 18. Gerry Duffy seconded. Unanimous.

YARMOUTH NEW CHURCH PRESERVATION FOUNDATION, 266 MAIN STREET, ROUTE 6A, YARMOUTHPORT, MA

Chairman Flaherty was recused from this hearing. Ed Hoopes chaired.

To construct new parking area with drainage at the above location. Certified notification to abutters and DEP was received. Dan Ojala, Down Cape Engineering, represented the applicant. Mr. Ojala showed photos of the site. The applicant proposes to construct a handicap accessible ramp and a small paved parking area in the rear of the existing church building. The proposal is for one van accessible handicap space and two conventional parking spaces.

In the rear a small retaining wall is proposed to keep the grades within code. The closest point of the retaining wall to the wetland resource area is 51'. The work limit line will be established with siltation fence backed with haybales.

Commission had no problems with this request.

Gerry Duffy made a motion with the following conditions: 1-6, 11, 13, 14, 15, 16, 17 and 18
Hugh March seconded. Unanimous.

CONTINUED HEARINGS:

TOWN OF YARMOUTH, DPW, 37 SHORE ROAD, WEST YARMOUTH, MA

This hearing was continued for response from Natural Heritage and Endangered Species Program which has not been received as of this date.

Hugh March made a motion to continue to 10/18/07 – Ed Hoopes seconded. Unanimous.

TOWN OF YARMOUTH, DPW, MILL LANE BRIDGE, YARMOUTHPORT, MA

This hearing was continued for a revised plan. Joe Magni, P.E., VHB represented the applicant. A memorandum addressing the concerns from the first meeting of 9/6/07 was distributed and Mr. Magni went through the items. This list can be read in the Notice of Intent file.

Chairman Flaherty commended Mr. Magni on an excellent project well presented and efficiency in addressing all the items raised in a timely matter. Gary Ellis raised a question regarding the northside access and his concern would be that the access be maintained because that is where the parking space is. Walkway access to the river is critical and should be part of the motion. If the rock wall is moved 2 ft to the north you will not be able to go across. Mr. Magni explained where the stones will be placed.

Mrs. Elizabeth Bishop stated that what is being called “parking” spaces is her land. They placed the stones in this area due to the amount of cars being parked and the sandy part where people are parking is her land as far as she knows. Gary Ellis brought up the issue of ownership of the property in question and is glad Mrs. Bishop is present tonight. Gary would like the public to have access to the river but not across her property.

Mr. Magni explained the 40 foot right of way that was established in 1944, the delineation of the existing parking lot and about 1/3 of the parking lot is on Mrs. Bishops property. The project intends to remove it, loam and seed the area and contain all the parking within the public way. Mrs. Bishop will gain back her property.

Paul Fitzgerald, neighbor on the other side of the bridge, asked if the property line and the right of way could be layed out physically so they could see it. . Mr. Magni felt that it would be

possible for them to meet on site and place some field stakes. Mr. Fitzgerald inquired how the water will be diverted while the project is in construction phase. Mr. Magni addressed this question and stated that this phase will last about a week for each side.

Mrs. Fitzgerald asked a question regarding the erosion and will this project help it. Mr. Magni explained that the project is to help prevent this by replacing the rip rap on all four sides.

Protocol for the town was explained to audience present by Mr. Magni.

Brad Hall suggested that when the vegetation is replaced he would be happy to take in some of the neighbors suggestions that they would like to see happen on the project.

Ed Hoopes made a motion to approve with the following conditions: 1-6, 14, 15, 16, 17, public access on the northside shall be maintained. Gerry Duffy seconded. Unanimous.

BUSINESS:

1. Ed Hoopes made a motion to approve the minutes of 8/16/07 as written. Hugh March seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
SEPTEMBER 6, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Gerry Duffy, Gary Ellis and Joan Carr

ABSENT: Hugh March and Bill Fenton

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

REQUEST FOR DETERMINATION:

DAVE FLETCHER, 26 AUNT DORAH'S LANE, YARMOUTHPORT, MA

To remove trees, clear brush & minor grading at the above location. Certified notification to DEP was received. Mr. Fletcher explained that the trees are up against the house and would like to remove them. Brad Hall visited the site and felt an approval by the Commission for this project was appropriate.

Ed Hoopes made a motion for a Negative 3 – Joan Carr seconded. Unanimous.

TOWN OF YARMOUTH, DPW, SOUTH STREET, SOUTH YARMOUTH, MA

To construct a sidewalk at the above location. Tim Myland, Yarmouth Engineering Department, represented the hearing. Certified notification to DEP was received. Mr. Myland explained that this road is a very busy road, particularly in the summer time, with pedestrian and bicycle traffic. The Department of Public works proposes to construct a 5 foot wide bituminous concrete sidewalk and granite curb along the eastern edge of South Street.

Commission felt that this is a much needed project.

Gerry Duffy made a motion for a Negative 3 – Ed Hoopes seconded. Unanimous.

CONTINUED HEARING:

DAVENPORT BCCH, LLC, 481 BUCK ISLAND RD., WEST YARMOUTH, MA

This hearing was continued from September 6, 2007 for a file number from DEP. The file # has been received and it is SE 83-1802.

NOTICE OF INTENT:

TOWN OF YARMOUTH, DPW, 37 SHORE ROAD, WEST YARMOUTH, MA

To repair existing stone revetment at the above location. Tim Myland, Yarmouth Engineering Department, represented the applicant. Certified notification to abutters and DEP was received. Mr. Myland explained that the Department of Public Works was contacted by the neighborhood to repair the porous stone revetment. The revetment was damaged during recent storms and the repair will help reduce the wave energy and storm surge. The stone revetment will be rebuilt to the height of the surrounding stone revetment. The existing stones in the footprint of the proposed reconstruction will be rearranged as needed and new large stones will be brought in to achieve the elevation of 5 NGVD. The complete narrative can be read in the Notice of Intent file.

Chairman Flaherty read the letter received from Marine Fisheries regarding this project into the minutes.

Gary Ellis inquired about removing the existing stones and according to the plan it appears they will be keeping them there. Gary felt that removing the stones will cause more detriment. Mr. Myland stated that they may rearrange some of them and place them between larger ones. Commission felt that this is a great project and the fewer disturbances the better.

Joan Carr made a motion to continue to September 20, 2007 for NHESP comment – Gerry Duffy. Seconded. Unanimous.

TOWN OF YARMOUTH, DPW, MILL LANE BRIDGE, YARMOUTHPORT, MA

To repair bridge, install new drainage, retaining walls, and rip rap at the above location.

Joe Magni,VHB,has been retained by the Town of Yarmouth & Barnstable to design specific rehabilitation improvements to the structure. Bob Penfield, Structural Engineer, and Dave Picart,

Environmental Scientist on the project was also present. Mr. Magni's presentation stated that the bridge was constructed in 1978 and is approximately 60 feet long and 16 feet wide with a 13 foot wide roadway and no sidewalks. The superstructure is composed of two equal 30 foot spans. Approximately 150 feet of this project is in Yarmouth. The abutments and pier are visually concealed by stacked and mortared stonework.

Under existing conditions, significant erosion has occurred primarily at the roadway edges of both approaches. Due to narrow waterways under the bridge, incoming tides produce very high velocity flow rates. Tidal flow has shifted and deteriorated a large portion of the abutment and pier stonework.

The proposed repairs will be a 50-60 year repair. The roadway and drainage improvements along Mill Lane involve 78 feet in Yarmouth. Haybales and silt fence will be provided around the entire perimeter of the property.

The entire text of the narrative can be read in the Notice of Intent file.

Ed Hoopes felt that this is an excellent project and has no problem with the project. Gary Ellis asked if all the property is town property, who is the owner of the shed, and where are the property lines. Mr. Magni explained the existing condition plan, provided by the Town of Yarmouth, which shows the retaining walls on the Yarmouth approach and specified delineation further up the road. The gravel area, northside of the east approach, is also being repaired and is town property. Mr. Magni did not see where any property lines were placed on the plan. Gary felt that it should be known if it is town property or not.

Gary asked about public access which is a concern of his for people walking on shore. Gary's concerns are property lines and ownership, manner of construction, and public access to the salt marsh. Joan Carr agreed with the concerns raised by Gary Ellis but overall thought it was a very comprehensive plan.

Brad Hall inquired how the flowable fill is going to get in the soil and get out. The consultants explained this procedure and answered questions. Brad also felt that the stones that are in the stream bed create habitat for the fish and would not want the bottom ones to be disturbed. Mr. Magni stated that there are not enough stones available to repair the walls and will be importing stones of a higher volume.

Questions were raised on public access and Mr. Magni stated that all improvements will be constructed in such a way as to allow pedestrian access to the water without crossing private property. The design of the riprap slope will include that retaining walls be constructed to allow pedestrians access to the waters edge.

Chairman Flaherty read into the minutes correspondence received from Natural Heritage and DEP with the file number assigned to this project SE 83-1804.

Ron & Laurel Gabel, abutters to the northeast, addressed the Commission stating that they are very supportive of the project. Mr. Gabel had four points that he was going to raise and during the hearing three have been pre-empted. The areas of concern Mr. Gabel had were the gravel parking area, property line issues and the access to the creek on the north. The north side is of very little problem but on the south the bridge is heavily used. Fisherman travel south to the pond area so whatever access that could be arranged for i.e. walking over rip rap because there will be a wall there that currently does not exist and this is important. The public land to the south of Mill Lane people do use this for parking just as much as the area adjacent to the boat house and maybe a gravel area could be considered for the south as well as the north. Mr. Gabel supports the issues that have been raised regarding the stones and agrees that it is very difficult to know which stones originated in the project and what stones were there naturally. Mr. Gabel agrees with the engineers that all the stones need improvement. Mr. Gabel requested the pavement overlay on Mill Lane be extended to a point by the existing fire hydrant. Also, the Gabel's requested that the placement of double yellow centerline pavement markings be omitted.

Mrs. Gabel asked how long the construction will be if started in spring. Mr. Magni stated a 3-4 month period and done by summer. Mrs. Gabel asked if there any state or federal financing and what mandates have to be followed if any. Mr. Magni stated the town is using Chapter 91 funds and the project will be followed by the Mass Highway Department specifications.

Ed Hoopes made a motion to continue to September 20, 2007 for a revised plan addressing the issues stated. Joan Carr seconded. Unanimous.

RONALD & JEAN WACKROW, FIVE GLENWOOD ST., WEST YARMOUTH, MA

To repair an existing stone groin, add to stone revetment and re-vegetate at the above location. Norman Hayes, BSC Group, represented the applicant and certified notification to abutters and DEP was received. Mr. Hayes explained the diagram displayed and the history of the property. This proposal is to increase the height of the existing revetment from elevation 6.5 to 8 feet, filter fabric and then backfilled. At the house area we will be raising the existing railroad tie bulkhead about 2 feet to elevation 8.5 with no impact to the resource area so that the storage area can be maintained. The revetment will be raised to elevation 8.5 and we are asking the commission for two options: 1) continue the wall until it dies out at elevation 8; 2) allow the Wackrows the option to put in a stop/tide gate.

The complete text of the project can be read in the Notice of Intent.

Mr. Hayes stated that there is 120 feet of groin that is in disarray and when we build the wall we would like to level it. He has submitted a letter to Rick deMello and has spoken with Mr. deMello's assistant and it does not appear that the town has any issue with this.

Mr. Hayes stated that when he filed the Notice of Intent, he felt that the project was outside the jurisdiction of Natural Heritage and Endangered Species but on closer look it is within so he will be asking for a continuance until we get a response from NHES.

Joan Carr asked about the length of the wall and Mr. Hayes stated that the entire portion is approximately about 120 feet. Gary Ellis would like the applicant to show on the plan a line that shows where it goes from lawn to beach grass. Mr. Ellis inquired about the amount of fill and Mr. Hayes stated it should be about 15-25 yards and will show it on the plan.

Chris Latozie, 22 Park Avenue, supports the project but had concern with the 6 foot area where the end of the chain link fence is. She wanted to make sure the public could still pass across the jetty. Mr. Hayes responded that there will be no increase in elevation and the public trust rights to use this area from the mean high water line to the mean low water line will not be encumbered in anyway nor will this particular jetty be increased in height or width or outside this footprint.

Joan Carr made a motion to continue to October 18, 2007 – Gerry Duffy seconded. Unanimous.

WILLIAM & SUSAN TOWNER, 43 VERNON STREET, WEST YARMOUTH, MA

To raze & replace an existing single family dwelling, construct a new single family dwelling and add a Title 5 septic at the above location. Certified notification from DEP and abutters was received. Kieran Healy, BSC Group, represented the project. The project is for a 3 bedroom dwelling with two small additions. One addition is on the southerly side over the existing deck which will be removed and the second is on the rear of the property and falls within the zoning setbacks. This will be a completely new house when finished. Complete narrative can be read in the Notice of Intent.

Gary Ellis commented that if anything changes at either Board of Health or the Zoning Board of Appeals you need to come back to the Cons Com.

Chairman Flaherty read into the minutes two letters received from abutters at 36 Vernon Street and 39 Vernon Street in support of the project.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 11 (pervious); 12, 13, 14, 15, 16, 17, 18 and a revised plan if any changes occur. Ed Hoopes seconded. Unanimous.

WILLIAM & LYNN PIERI, 228 BLUE ROCK ROAD, SOUTH YARMOUTH, MA

Chairman Flaherty recused himself from this hearing. Ed Hoopes chaired.

To replace existing retaining wall, construct pier, ramp and floats at the above location. Melissa Freedman, Hamlyn Consulting, represented the applicant. The Pieri's would like to replace the existing retaining wall and construct a pier, ramp and float. A new retaining wall is to be constructed with landscape ties as shown on the plan. A work limit line will be installed upgradient of the salt marsh. A 5 foot strip of lawn adjacent to the wall is to be replaced with Rosa Rugosa.

Letter from Waterways Committee granting an approval to this project was read into the minutes.

Commissioners were in favor of the project.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 7, 14, 15, 16, 17, 18, 19, 20 and 23. Joan Carr seconded. Unanimous.

ARDAN BUILDING SERVICES, 115 RTE. 28 & 29 BAXTER AVE., W. YARMOUTH, MA

Chairman Flaherty was recused from this hearing. Ed Hoopes chaired.

To raze and replace the Windrift Motel with residential condos including the upgrade of the existing septic system, reconfiguration of the existing parking area with drainage system and landscape. The majority of the project is outside the 100 foot buffer zone. The only work proposed within the buffer zone is the construction of one unit of a condo duplex, modifications to the entrance include drainage components, utilities and landscaping. The minimum setbacks of the condo to the resource area is 94 feet as measured from the BVW and 76 feet from the top of coastal bank. This project has approval from Zoning Board of Appeals and Board of Health.

Joan Carr asked if there will be access onto Baxter Avenue and Ms. Freedman stated there will be access to Baxter Ave. Gary Ellis asked if the applicant will be installing haybales and silt fence against the road. Gary's concern is that during demolition you use both in order to keep debris from blowing around.

Joan Carr made a motion to approve with the following conditions: 1-6, 14, 15, 17 both; and 18. Gerry Duffy seconded. Unanimous.

CONTINUED HEARING:

ANDREW WALLERSTEIN, 1139 GT. ISLAND RD., WEST YARMOUTH, MA

Gary Ellis was recused from this hearing.

To construct a 12 x 24 accessory building at the above location. Bob Perry, Cape Cod Engineering, along with Malcolm Kent, architect, represented the applicant and certified notification to DEP was received. We have received approval comment from NHESP and DEP has issued a file number of 83-1800. The project involves the construction of a post-supported accessory building. The work limit line will be the existing open path and no trees will be removed. The building construction utilizes cast in place concrete posts and wood framed construction. Most of the work shall be performed by hand labor eliminating disruption caused by machinery.

Commission had no problems with this project. Brad Hall stated that the house is 50 feet away and the cantilevered deck portion is 42 feet away and so it meets the regs. Mr. Perry will show on the plan the delineation between deck and superstructure.

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

BUSINESS:

1. Certificate of Compliance SE 83-1445, 30 Buttercup Lane, South Yarmouth, MA
Ed Hoopes made a motion to approve – Joan Carr seconded. Unanimous.

Meeting adjourned at 9:55 p.m.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
AUGUST 16, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Joan Carr, Gary Ellis and Gerry Duffy

ABSENT: Bill Fenton and Hugh March

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

REQUEST FOR DETERMINATION:

TOWN OF YARMOUTH, DPW, MERCHANT AVENUE, YARMOUTH, MA

To repair existing drainage system at the above location. Tim Myland, Yarmouth Engineering Department, represented the project. Mr. Myland has brought his green receipt into the Conservation Office. Mr. Myland gave an overview of the property and characteristics of the site. Merchant Avenue sits atop of a steep embankment with a wetland to the east. The road sheds untreated storm runoff onto a steep paved swale and into the wetland, which causes an erosion problem. The proposed rip-rap stone will slow the velocity of the discharge and protect the bank and the wetland from erosion.

Ed Hoopes asked if they thought about getting rid of the swale. Mr. Myland replied that it would cause more damage if they disturbed the trees in this area which help to keep the bank in place. Gary Ellis inquired how far the rip rap would go. Mr. Myland stated it will be about 3 feet off the pavement.

Ed Hoopes made a motion for a Negative 3 – Joan Carr seconded. Unanimous.

DAVID & ALEXANDRA PAIGE, 266 NORTH DENNIS ROAD, YARMOUTHPORT, MA

To construct an 18 x 24 foot addition to an existing dwelling at the above location. Mr. Paige represented his project and certified notification to DEP was received. The work limit line will be staked with haybales.

Commission was all set with the project.

Ed Hoopes made a motion for a Negative 3 with haybales staked for the work limit line. Joan Carr seconded. Unanimous.

NOTICE OF INTENT:

DAVENPORT BCCH, LLC, 481 BUCK ISLAND RD., WEST YARMOUTH, MA

To construct 24 unit residential housing with access road, drainage, landscaping, parking areas, water main installation, replace 12” clay culvert with new 18” reinforced concrete culvert at the above location.

Representing the project were Paul Rumul & Russ Nesbit, from the Davenport Companies and Dave Michniewicz, P.E., Coastal Engineering Co.

Mr. Rumul stated that they have been working on this project for about a year and half and have been to the Zoning Board of Appeals for approval of the use of the property and twice informally before the Conservation Commission. The plan is to construct 8 residential buildings that will house twenty-four residential units. These new buildings will mirror what is presently on the site. We have provided for the Commission a color landscape plan and building elevations.

David Michniewicz gave an overview of the property, showed the wetlands delineation and the limited portion of the project that is within the riverfront. Access to the three new buildings will be through the existing paved driveway. Additional paved parking will be added. The clay culvert, which has been discussed with the Commission previously, has been increased from 12” to 18” to increase the flow. A new water main is proposed to serve the eight buildings. There is no subsurface sewage disposal being proposed but there is an existing sewage disposal treatment plant with leaching fields. This proposal includes a sewage collection system to connect to the existing treatment plant.

The complete narrative of this project may be read in the Notice of Intent file.

Gerry Duffy asked about the road and the culvert. Ed Hoopes commended the applicant for taking the Commission’s suggestions and doing exactly as they had suggested. Mr. Michniewicz gave an explanation of how the water main will be installed. Ed Hoopes stated he does not want to see the existing ditch filled in or caved in and prevent the water flow. Mr. Michniewicz stated

they will push it in. Gary Ellis raised questions on the sewage collection system. Mr. Michniewicz explained that it is a sewage collection line and the manholes are a paved invert. Gary questioned why on the southeast side it runs to the wetland side and the northwest it goes to the street side. Mr. Michniewicz stated this is due to the alignment of the existing structures and this is a more direct route. Gary was not in favor of the sewer pipe being on the wetland side but it meets the by-law. Joan Carr inquired if the treatment plant serves the whole complex. Mr. Michniewicz stated it does and meets the DEP requirements. When all the units are completed the property will contain 142 units. The lighting will match what is on the property now.

Paul Rumel went through the landscape plan and provided a booklet explaining all the different species that will be used.

Joan Carr commended the applicant for taking the Commissions suggestions and using them.

Brad Hall stated that we do not have a file number from DEP as of this date so we can not close the hearing. The applicant has covered everything that we have asked them and every structure has been staked and labeled.

Ed Hoopes made a motion to approve with the following conditions: 1-6, 13, 14, 15, 16, 17 and work limit line shall be installed as per direction of the Conservation Administrator, 18, decks not to be enclosed (screening only) and construction schedule to be submitted to Conservation Administrator. Joan Carr seconded. Unanimous.

CONTINUED HEARING:

ANDREW WALLERSTEIN, 1139 GREAT ISLAND ROAD, WEST YARMOUTH, MA

Letter from Bob Perry, Cape Cod Engineering, requesting a continuance to September 6, 2007 for comment from Natural Heritage and Endangered Species Program was read into the minutes. Ed Hoopes made a motion to continue to September 6, 2007 – Joan Carr seconded. Unanimous.

BUSINESS:

1. Joan Carr made a motion to approve the minutes of August 2, 2007 as written. Gerry Duffy seconded. Unanimous.
2. Ed Hoopes made a motion to approve the minutes of July 19, 2007 as written. Gerry Duffy seconded. Unanimous.
3. Commission discussed the problem of all the cars parked at the Sailing Center. Brad Hall suggested that the Conservation Commission draft a letter addressing the problem so that next year (08?) this will not be a problem. When this came before us we suggested that they park at the Recreation Center and commute down.

4. Brad mentioned to the Commission that Arlene Wilson called and wondered if any of the Commissioners have been out to look at the property at Kings Way. This is for a driving range at Kings Way. She will give a guided tour if anyone would like to go out as a group. Brad stated he will take anyone that would like to go so call him and let him know. Gary asked that he be called and would like to go and look at it but he has already stated his opinion, as well as Ed has. Chairman Flaherty felt that the Yarmouth Conservation Commission tries to work with people and we are willing to take a look at the property.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
AUGUST 2, 2007**

PRESENT: Dave Flaherty, Chairman, Joan Carr, Hugh March and Ed Hoopes

ABSENT: Bill Fenton and Gary Ellis

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

**TOWN OF YARMOUTH, NATURAL RESOURCES DEPT., CLEAR BROOK RD.,
SOUTH YARMOUTH, MA**

To construct a fish ladder and catching pool. Tim Myland, Town of Yarmouth Engineering Department, presented the project. Certified notification to DEP and abutters was received. Project is to improve fish passage and stream ecologically. The removal of the existing pavement culvert and the installation of a catching pool, stream elevation controls and improved fish ladder. Mr. Myland explained the existing conditions at this site and the complete text can be read in the file.

Grant money has been made available to the Department of Natural Resources to remove the barriers for fish migration. This project should benefit the ecological health of Herring Brook and be a benefit to the Town of Yarmouth.

Commission suggested that jute matting be used for the slope during the construction of the project.

Commissioners felt that this is a great project and support it.

Ed Hoopes made a motion to approve with the following conditions: 1-6, 7, 14, 15, 16. Hugh March seconded. Unanimous.

ANDREW WALLERSTEIN, 1139 GREAT ISLAND RD., WEST YARMOUTH, MA

Letter received from Bob Perry, Cape Cod Engineering, requesting a continuance to August 16, 2007. Joan Carr made a motion to accept the continuance – Ed Hoopes seconded. Unanimous.

BUSINESS:

1. Bob Perry, Cape Cod Engineering, addressed the Commission regarding a plan change for E. Paul Tinsley, 356 Great Island Rd., West Yarmouth, MA. This Commission approved a raze and replace at this location at a previous meeting. We have a zoning issue with the Zoning Board of Appeals and are reducing the size of the house. The reduction will be removing a section off the deck and reducing the garage.

Joan Carr made a motion to accept the revised plan dated 7/31/07 – Ed Hoopes seconded. Unanimous.

2. Ed Hoopes made a motion to accept the minutes of July 5, 2007 as written Joan Carr seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
JULY 19, 2007**

PRESENT: Ed Hoopes, Gerry Duffy, Gary Ellis, Joan Carr, and Hugh March

ABSENT: Bill Fenton and Dave Flaherty

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

NOTICE OF INTENT:

ROBERT ARMSTRONG, 45 MOORING LANE, SOUTH YARMOUTH, MA

To perform vista pruning, landscaping and construct a patio at the above location. Mark Burgess, Coastal Engineering, represented the applicant. Certified notification to DEP and abutters was received. Mr. Burgess explained the project involves the addition of a 10 foot ramp extension to the existing elevated walkway, the construct of an access path, steps, patio, 24 inch high retaining wall for the patio landscaping and vista pruning with maintenance provisions. Access for all of the work will be from the applicant's property. The complete narrative can be read in the Notice of Intent file.

Commission did not have any objections to this project.

Ms. Teresa Harron, abutter at 28 Mooring Lane, voiced her opposition to the project. Mr. Burgess explained the pruning and landscaping and the positive aspects of this project to Ms. Harron.

Joan Carr made a motion to approve with the following conditions: 1-6, 7, 13, 14, 15, 16, 17, 18 and 24. Gary Ellis seconded. Unanimous.

CONTINUED HEARING:

ELIOT BRADLEY-NOLEN, 100 WHITE CEDAR ROAD, WEST YARMOUTH, MA

To raze and replace a single family dwelling, construct patios and landscape at the above location. Andrew Garulay, Down Cape Engineering, represented the applicant. This project was before the Commission on June 21, 2007. The Commission had issues with the buffer, septic and wells and requested that the applicant continue for a revised plan addressing these concerns.

Commission stated that Mr. Garulay had addressed all the concerns.

Hugh March made a motion to approve with the following conditions: 1-6, 11, 13, 14, 15 and 16. Joan Carr seconded. Unanimous.

TOWN OF YARMOUTH, DPW, PACKET LANDING, 1377 BRIDGE ST., SO. YARMOUTH, MA

Joe Magni, P.E., VHB firm, represented the Town on this project. This is a continued hearing and Mr. Magni gave a presentation on the new landscape and construction plan that he submitted.

A letter to Brad Hall from George Allaire, Director, DPW, dated July 12, 2007 was read into the minutes. The basis of this letter was to explain the construction time period for the Cellar House.

Commission felt that all there concerns were answered and thanked Mr. Magni for his time.

Gary Ellis made a motion to approve with the following conditions: 1-6, 7, 8, 14, 15, 16 and all siltation barriers shall be installed as per the Conservation Administrator during all construction. Joan Carr seconded. Unanimous.

YARMOUTH HOUSING AUTHORITY, 534 WINSLOW GRAY RD., W. YARMOUTH, MA

Mike Carter, P.E., GCG Assoc., Inc. represented the applicant and a revised plan was distributed showing new drainage for the entire site.

Commission commended Mr. Carter for the speed in which he and GCG Assoc. came up with a new design for the drainage.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 14, 15, 16, 17 and 18. All work phases be coordinated with the Conservation Administrator. Joan Carr seconded. Unanimous.

BUSINESS:

1. Memo from Peter Johnson-Staub was read into the minutes regarding Shore Road Seawall. Brad Hall explained the situation in this area to the Commission. The Commission voted to authorize the repair of the seawall along Lewis Bay at Shore Road. The repair project will be designed to comply with the Mass Wetland Act Regulations. Brad Hall will send a letter to Peter Johnson-Staub with the Commission's decision. Ed Hoopes made a motion to approve – Joan Carr seconded. Unanimous.
2. Certificate of Compliance SE 83-1760, Town of Yarmouth, Shore Road, South Yarmouth, MA. Postponed.
3. Certificate of Compliance SE 83-1683, Baker, 44 Prince Rd., West Yarmouth, MA
Letter from Down Cape Engineering read into the minutes. Hugh March made a motion to approve – Joan Carr seconded. Unanimous.
4. Certificate of Compliance, SE 83-1674, Connolly, 74 Grandview Dr., South Yarmouth, MA. Joan Carr made a motion to approve – Hugh March seconded. Unanimous.

Hugh March made a Motion to adjourn @ 9:00 p.m. Joan Carr seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
AGENDA
JULY 5, 2007**

PRESENT: Bill Fenton (Chaired), Gerry Duffy, Ed Hoopes, Gary Ellis and Hugh March.

ABSENT: Joan Carr and Dave Flaherty

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

PAUL LLANES, 10 & 14 BUTTERCUP LANE, SOUTH YARMOUTH, MA

To remove pitch pine trees at the above location. Certified notification to DEP and abutters was received. Mr. Llanes showed pictures of the trees that are leaning toward the house.

Commission had no problem with this request.

Ed Hoopes made a motion for a Negative 3 – Gerry Duffy seconded. Unanimous.

KEYSPAN ENERGY DELIVERY, GREAT WESTERN RD., SO. YARMOUTH, MA

To replace and enlarge existing gas main. Brad Malo, Coastal Engineering, represented the applicant. Certified notification to DEP and abutters was received. The complete narrative can be read in the Notice of Intent file. Mr. Malo stated that the project is to install a gas main along the southwesterly edge of the existing paved roadway (Great Western Road). Siltation barriers will be placed in locations where the work is closest to the resource areas. Haybales will also be used, no grade changes are proposed. Disturbed areas will be re-vegetated and stabilized upon completion of project.

Gary Ellis would like to see the applicant use haybales along the base of the existing guardrails as added protection.

Mr. Kelly, 48 Great Western Road, abutter to the project asked what the duration would be once it begins. Mr. Malo stated that the total time would be about 7 days and it will be started and finished.

Hugh March made a motion to approve with the following conditions: 1-6, 14, 15, 16, 17,(silt fence) except around catch basins which will have haybales, and 18. That work be completed within the 7 day period. Ed Hoopes seconded. Unanimous.

TOWN OF YARMOUTH, DPW, PACKET LANDING, 1377 BRIDGE ST., SO. YARMOUTH, MA

To construct a new Harbor Master building, resurface existing parking lot, construct drainage and perform landscaping at the above location. Joe Magni, P.E., VHB, Inc. represented the applicant. Certified notification to DEP and abutters was received. Brad Hall, Conservation Administrator delineated the wetlands. Project includes improvements to the site with the reconstruction of the parking area, walkways, new on-site septic system, landscaping, new storm drainage collection/leaching system. Wheelchair ramps at sidewalks adjacent to the site and resurfacing the access roadway is also proposed. The historic Cellar House that has been razed for structural reasons will be replaced in the same location with a 2 foot high retaining wall. This house will be two stories and contain rest rooms and showers for the public and meeting rooms. It will be recreated in the original 18th century architecture.

Mr. Magni went on to explain the resource area, the coastal bank, and the riverfront area. The complete narrative along with diagrams of the proposed project can be read in the Notice of Intent.

Gary Ellis raised the question that the proposed Cellar House is not in the exact same footprint as the old. Mr. Magni stated that what is on the plan is within confines of the former structure and that the former structure was three levels. Ed Hoopes felt that the landscape plan should be part of the packet that we have before us tonight.

Gary Ellis felt that the project as proposed is costly if you are not doing the rebuild of the Cellar House and the landscaping at the same time. The proposal as proposed completes a portion of the work, the landscaping and then at a future date return and do the Cellar House. Why couldn't it all be done at the same time and save money. Mr. Magni stated that he had no control over the procedure as it is a Mass Highway project. Questions were raised about the grades and the Commission suggested a continuance for a landscape plan.

Ed Hoopes made a motion to continue to July 19, 2007 – Gerry Duffy seconded. Unanimous.

MARTIN REILLY, 369 GREAT ISLAND RD., WEST YARMOUTH, MA

To reconstruct deck, porch, construct fieldstone walls, pillars, bluestone patio, walkway, steps, driveway & landscape at the above location. Lynne Hamlyn, Hamlyn Consulting, represented the applicant. Certified notification to DEP and abutters was received.

Ms. Hamlyn explained that this Conservation Commission had issued an Enforcement Order for work done on the deck and porch. At that time the Enforcement Order was issued the property

was owned by Mr. Martin Reilly and has since changed hands and the current owners are the Micozzi Management Co. The current owners are anxious to clean up the Order and put the property into compliance. A landscape plan has been submitted, the retaining walls are to be set on an 8" concrete footing, the driveway will be minimally reconfigured and constructed with crushed shells. The work limit line is shown with haybales that will remain until the completion of the hardscape.

Brad Hall stated he was contacted by the new owner's agent and met him on site and they have done an excellent job of cleaning the property up.

Commission agreed that the property looks excellent and thanked the current owners for doing a great job.

Hugh March made a motion to approve with the following conditions: 1-6, 11, 13, 14, 15 and 16. FOR THE MOTION: Gary Ellis, Gerry Duffy, Ed Hoopes and Hugh March. NAY: Bill Fenton. Motion carries 4-1.

ALMAJANE RODRIQUEZ, 66 LOOKOUT ROAD, YARMOUTHPORT, MA

To remodel an existing single family dwelling, remove existing garage, construct 2 additions, porch, deck, remove existing retaining wall, construct new retaining walls, reconfigure drive, walkway, upgrade septic and naturalize lawn areas.

Lynne Hamlyn, Hamlyn Consulting, represented the applicant. Certified notification to DEP and abutters was received. Ms. Hamlyn explained the project and the complete narrative can be read in the Notice of Intent. The dwelling is presently a three bedroom dwelling and will remain a three bedroom dwelling. The existing garage is to be removed and an addition is proposed on the northeasterly side of the house. The driveway will be reconfigured to access the new garage and the walkways is to be reconfigured to connect to the front door of the house. A second addition is proposed at the northwesterly house corner, over existing lawn. The retaining walls at the rear of the house are to be rebuilt to accommodate the windows in the basement.

A landscape plan was submitted showing the various species to be planted.

Commission had no problems with this project.

Gary Ellis made a motion to approve with the following conditions: 1-6, 11, 13, 14, 15, 16, 17 (silt) and 18. Hugh March seconded. Unanimous.

EDWARD CAREY, 29 TELEVISION LANE, SOUTH YARMOUTH, MA

To raze & replace existing single family dwelling, reconfigure existing drive, relocate existing shed, and upgrade septic system. Lynne Hamlyn, Hamlyn Consulting, represented the applicant and certified notification to DEP and abutters was received.

Ms. Hamlyn stated that the applicant proposed to raze and remove existing single family dwelling, deck and construct a new single family dwelling with a porch, decks, upgrade existing septic system with retaining wall, reconfigure the existing drive and relocate the existing shed. The existing shed is located with the footprint of the proposed SAS and will be located slightly to the north. The existing bluestone drive is to be reconfigured to be circular.

Gary Ellis questioned the run off from the lot. Ms. Hamlyn addressed this question and with the proposed elevations and the Title 5 the project will be in compliance. Brad Hall stated that this Commission approved a house across the street from this one and also the house two doors down from the one before us tonight. Mr. Hall has visited the site several times during the spring and did not see a lot of water.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 11, 13, 14, 15 and 16. Ed Hoopes seconded. Unanimous.

CONTINUED HEARINGS:

SALT BOX ASSOC., BOAT HAUL WALK, SOUTH YARMOUTH, MA

To repair bulkhead and perform beach nourishment at the above location. Norman Hayes, BSC, represented the applicant and certified notification to DEP and abutters was received. Correspondence from DEP assigning the project a file number and letter from the Division of Marine Fisheries was read into the minutes.

Mr. Hayes explained that they are requesting to re-permit 150 cubic yards of beach nourishment and all the previous work that has been permitted by this Commission to make this all clean and up to date. No work that was previously permitted by this Commission is changing. Mr. Hayes distributed a hand out showing the project and gave an explanation of the hand out. The project has been before the Waterways Committee and they have approved it as proposed. The complete narrative on this project can be read in the Notice of Intent file.

Hugh March inquired as how the project will be carried out. Mr. Hayes stated it will be done by dump trucks, small loader and will be completed by 3/15/08. Commission felt that this is a good project and can see why they would like to do it. Gary Ellis asked about the bulkhead and if this project is approved it will cover only minor maintenance. If the bulkhead was to fail it would have to come back. before the Commission.

From the audience, Ms. Sequin, abutter, asked about re-nourishment years from now. Mr. Hall explained that the Order of Conditions is good for 3 years and a month before it expires if an Extension Permit is requested thru the Commission and approved it can run for another three years. If the Extensions are kept up they will keep the project running.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 7, 8, 10, 14, 15, 16 sand to be 95% compatible with existing. Ed Hoopes seconded. Unanimous.

CONTINUED HEARINGS:

YARMOUTH HOUSING AUTH., 53 WINSLOW GRAY RD., WEST YARMOUTH, MA

To enlarge existing parking area, install drainage at the above location. Correspondence read into the minutes from DEP issuing a file # and from Tim Myland, Engineering Department. Donna Killeen, Director, Yarmouth Housing, and Mike Carter, GCG Inc., represented the project. Certified notification from DEP and abutters was received.

Mr. Carter explained that the buildings were built in the 60's and consists of 4 two story buildings with 10 apartments. The roadway and walkway pavement are in deteriorated state and we hope to get an approval to repair. There are currently 41 parking spaces and we wish to add an additional 15 for a total of 56. Drainage improvements include the installation of two new catch basins and four new infiltration areas.

Brad Hall stated that the Engineering Department wants more drainage than has been available. Discussion continued on infiltrators and, drainage calcs when the pavement is torn up to contain it on site.

Ms. Killeen spoke on the money aspect and funds to perform the repair work.

The Commission felt that what was submitted could be better and asked that the applicant request a continuance to study the drainage and come up with a better plan.

Gerry Duffy made a motion to continue to July 19th – Ed Hoopes seconded. Unanimous.

BUSINESS:

1. Gary Ellis made a motion to approve the minutes of June 7, 2007 as written. Hugh March seconded. Unanimous.

ADJOURN:

Hugh March made a motion to adjourn at 10:00 p.m. – Ed Hoopes seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
JUNE 21, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Hugh March, Joan Carr, Gary Ellis, Gerry Duffy and Bill Fenton.

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

REQUEST FOR DETERMINATION:

PAT ADAMS, 86 LOOKOUT ROAD, YARMOUTHPORT, MA

To construct additions at the above location. Certified notification to DEP and abutters was received. Kevin Fair, representing the applicant, explained that Ms. Adams would like to put on a 14 x 16 screened porch extension to the master bedroom.

Ed Hoopes would like to see the distance from the screen porch corner to the resource area shown on the plan. Brad Hall stated the distance is about 80 feet. Gary Ellis agreed with Ed Hoopes that two distances need to be noted on the plan. The distance from the screen porch corner and from the master bedroom were added.

Ed Hoopes made a motion for a Negative 3 – Joan Carr seconded. Unanimous.

NOTICE OF INTENT:

JOHN & SUSAN L. CARUSO, 41 SHORE SIDE DR., SOUTH YARMOUTH, MA

Gary Ellis was recused from this hearing.

Chairman Flaherty stated that this hearing had been continued due to lack of quorum. Erik Tolley, Architect, present representing the applicants. Certified notification to DEP and abutters was received. The applicants were also present. Mr. Tolley stated that the project started about one year ago as an addition and at the time of an inspection a waterfall was discovered coming down the stairs. The house was a total loss. This project has received Zoning Board of Appeals approval. The western side line is being maintained, improving the eastern and proposed structure is no closer to the resource than the existing structure. This plan shows a deck but the Caruso's would prefer a patio.

Mr. Fenton asked about the decks and Mr. Tolley stated that there is a small deck 16 x 16 that is the proposed increase in the footprint that is close to the resource area. Joan Carr asked about top of foundation at 13 feet and Mr. Tolley stated that the basement and slab will be lifted up about 2 feet.

Chairman Flaherty asked that the tank and leaching area be staked out to avoid any incidents.

Joan Carr made a motion to approve with the following conditions: 1-6, 8, 13, 14, 15, 17 and 18. Hugh March seconded. Unanimous.

SALT BOX ASSOCIATION, BOAT HAUL WALK, SOUTH YARMOUTH, MA

Letter read into the minutes from BSC Group who represent the applicant requesting a continuance to 7/5/07 so that additional abutters maybe notified.

Ed Hoopes made a motion to continue to 7/5/07 – Bill Fenton seconded. Unanimous.

ELIOT BRADLEY-NOLEN, 100 WHITE CEDAR RD., WEST YARMOUTH, MA

Chairman Flaherty was recused from this hearing. Gary Ellis stated he has spoken with the representative regarding this project but has no punitive interest in the project.

Bill Fenton chaired this hearing.

To raze and replace a single family dwelling, construct patios and landscape at the above location. Certified notification from abutters and DEP was received. Andrew Garulay, Down Cape Engineering, represented the applicant. Mr. Garulay displayed various boards showing the project. This is a seven bedroom house and a three bedroom cottage. The new dwelling will be 2900 sq. feet an increase from 2600 square feet. The new house will be slightly angled differently for views and pulled back further from the top of coastal bank. The driveway is still being re-configured to be pulled back from the house. The landscape plan is still under construction and is not available this evening.

Brad Hall suggested that the landscape plan come in on a separate Request For Determination review. Gary Ellis felt that the landscape plan should not be part of this project and that the work limit lines do not concur. Gary also noted that the floor plan does not match the footprint and that the landscape plan is very important because the buffer is critical to protecting the wetlands.

After lengthy discussion the Commission requested that the hearing be continued.

Joan Carr made a motion to continue the hearing to 7/19/07 for a new plan showing a 10 foot buffer, if you can't meet the 50 feet, the septic as proposed, the existing septic and wells, remove existing patio and take the walls off plan, show the decks and patios on the site plan. Hugh March seconded. Unanimous.

YARMOUTH HOUSING AUTHORITY, 534 WINSLOW GRAY RD., W. YARMOUTH, MA

Letter from GCG Associates, representing the applicant, requesting a continuance to July 5, 2007 for procedural procedures.

Ed Hoopes made a motion to continue to 7/5/07 – Bill Fenton seconded. Unanimous.

CONTINUED HEARINGS:

DON MEYER, 362 WEIR ROAD, YARMOUTHPORT, MA

Mr. Meyer represented himself and explained that he is proposing an addition on the rear of his house, adding a deck, relocating a rock wall and changing the grades in the back yard. Mr. Meyer had notification of DEP receiving the proper paperwork.

Commission all set with this project.

Ed Hoopes made a motion for a Negative 3 – Joan Carr seconded. Unanimous.

E. PAUL TINSLEY, 365 GREAT ISLAND ROAD, WEST YARMOUTH, MA

This hearing was continued to receive the DEP file number and a new plan. A new plan showing the distances was submitted and DEP has assigned the project a file # of SE 83-1791.

Gary Ellis made a motion to approve with the following conditions: 1-6, 10, 11, 12, 13, 14, 15, 16, 17 and 18. Ed Hoopes seconded. FOR THE MOTION: Dave Flaherty, Ed Hoopes, Joan Carr, Gary Ellis and Gerry Duffy. ABSTAINING: Bill Fenton

BUSINESS:

1. Commission to sign self help grant.
2. Letter from Conservation Commission to Angela Park, Town Treasurer, was read into the minutes requesting to use Conservation Fund monies to pay for vegetative removal of fragmities at Lewis Bay Road, West Yarmouth, MA. Brad Hall explained that Americorp along with Seth Wilkinson will do the work. Hugh March made a motion to approve the expenditure – Ed Hoopes seconded. Unanimous.
3. Certificate of Compliance SE 83-1572-Kelly, 28 Georgetown Landing, S. Yarmouth
Letter read into the minutes from Schofield Bros.
Gerry Duffy made a motion to approve – Ed Hoopes seconded. Unanimous.
4. Certificate of Compliance SE 83-1045 & 1455, Kelly, 28 Georgetown Landing,
South Yarmouth, MA. Letter from R.J. O’Hearn read into the minutes requesting the
Certificate.
Ed Hoopes made a motion to approve – Gerry Duffy seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
JUNE 7, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Gary Ellis and Hugh March

ABSENT: Joan Carr, Bill Fenton and Gerry Duffy

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

DONALD MEYER, 362 WEIR ROAD, YARMOUTHPORT, MA

To construct house addition, deck, relocate existing rock wall and re-grade at the above location. Mr. Meyer represented himself and did not send a certified copy of the project to DEP.

Ed Hoopes made a motion to continue for DEP notification – Hugh March seconded. Unanimous.

KENNETH CASSON, 9 KNOLLWOOD DRIVE, YARMOUTHPORT, MA

To construct a wooden deck at the above location. Certified notification to DEP was received. Mr Casson would like to replace the deck and stairs. Distance from the BVW will still stay at 38 feet.

Commission had no problems with this project.

Ed Hoopes made a motion for a Negative 3 – Hugh March seconded. Unanimous.

NOTICE OF INTENT:

JOHN A. CARUSO, 41 SHORE SIDE DR., SOUTH YARMOUTH, MA

To raze and replace a single family dwelling at the above location. Ron Cadillac, R.S. representing the Caruso's. Certified notification to DEP and abutters was received. A file number has been assigned to the project SE 83-1789.

Mr. Cadillac stated that the Caruso's had hired an architect to look at the house and upon the inspection water was found leaking from the upstairs and had done considerable damage. The Caruso's wish to replace the entire house, increase the living space and decrease the size of the deck. Essentially the new dwelling will be in the same footprint as the old. Existing fence is

holding back the dune, proposed work limit is 4 feet off the fence, the shrubs and haybales will stabilize the project. This project is filed with the Board of Appeals for a hearing.

Gary Ellis stated that he has looked at this plan with the architect and would prefer that he be recused. Chairman Flaherty stated we do not have a quorum without Mr. Ellis so a motion to continue will be needed.

Hugh March made a motion to continue to June 21, 2007 – Ed Hoopes seconded. Unanimous.

TOWN OF YARMOUTH, DPW, FOREST RD., SOUTH YARMOUTH, MA

To construct a 10 foot wide multi-use path at the above location. Tim Myland, Yarmouth Engineering Department, represented the project. Certified notification to abutters and DEP was received. The file #SE 83-1790 has been assigned to this project from DEP. Mr. Myland explained his project to the Commission and the complete narrative can be read in the file.

Gary Ellis mentioned the culvert and discussed the flow from the pond and feels this is a good project. The Commission felt that this is a good project and were in favor of an approval.

Hugh March made a motion to approve with the following conditions: 1-6, 14, 15, 16, 17, 18 – Gary Ellis seconded. Unanimous.

E. PAUL TINSLEY, 356 GREAT ISLAND RD., WEST YARMOUTH, MA

To raze and replace a single family dwelling at the above location. Bob Perry, Cape Cod Engineering, representing Mr. Tinsley. Certified notification to abutters and DEP was received. The complete narrative can be read in the file. The main points are an effort to shift the house back (moving west 2-4 feet so it conforms with the zoning requirements) approximately 7 feet, septic will be in same location but several feet higher, all the work will take place within the work limit line.

Gary Ellis inquired about the floodzones, the work limit line to the edge of dune and would like to see more dimensions on the plan. A revised plan showing distance from the house to the work limit line, setback at top of the dune, distance to leaching and work limit with snow fence and haybales.

Brad Hall commented that the applicant filed with Natural Heritage and they state that this project is outside of there jurisdiction.

Gary Ellis made a motion to continue to 6/21/07 for a revised plan – Hugh March seconded. Unanimous.

BUSINESS:

1. Ed Hoopes made a motion to approve the minutes of May 17, 07 as written. Hugh March seconded. Unanimous.
2. Arlene Wilson, AM Wilson Associates, discuss land use issues at Kings Way, YarmouthPort, MA Ms. Wilson stated that the Kings Way Golf Club has been trying to modernize and improve there facilities. They would like to develop a driving range and discuss the potential for a land swap. The town owns a triangular piece of property that is land locked and is about 3 ½ acres and was acquired by the Town for Conservation purposes. Kings Way owns two pieces of land that might be of interest to the Conservation Commission. One piece has wetlands and a vernal pool the other is a piece of upland and Nottingham Way runs through the property on the south side of the triangle. Although it is developed like a road it runs in an easement and services several houses beyond it and perhaps would be a good investment for the Town to control the road and have Kings Way provide the Title.

The northside of the triangle is the extension of Bray Farm Road and the eastside is a wetland that runs to the marsh. Most of this triangle of property is upland with a little piece of coastal bank. There is about three acres of developable property which could be an opportunity for the Cons Com and the Town who could restrict the number of units in view of this swapping.

Kings Way would like to develop a driving range which would require some area be turned into grass lands and some grading but the use would be to drive the balls to the south. We have met with the Rod and Gun Club and they have no objection.

Brad Hall felt that they are here tonight to see if the Commission is interested in starting a process that starts with us and goes all the way to the Governor. It requires town meeting, both houses of the legislature and all approvals. It probably needs Board of Appeals as well.

Chairman Flaherty suggested that the property be looked at and have some analysis done on the upland. Ed Hoopes inquired if it is both properties or either or. Arlene Wilson believed that the southerly property is primary property to trade, the northerly parcel is a combination of a road right of way and has some restriction of development. Ed Hoopes felt that this does not seem like a worthwhile trade given the circumstances but is willing to look at both.

The Chairman of the King's Way Trust stated they have an interest in supporting the golf club. They believe that the value to the Town is that the northern side abuts Hockanom Road so it would give 306 more feet of property on Hockanom. The east side of that property is right up against Bray Farm and would extend Bray Farm which would make it valuable to the Town.

Brad Hall stated that if we were to get any parcel in trade, and this has not been discussed with town counsel yet, that the parcel be deeded just to the Conservation Commission.

Gary Ellis felt that he is willing to go out and look at the property, but he does not want to set any precedent of swapping property. Hugh March felt that this could be opening up Pandora's box here and we need to use caution.

Arlene Wilson will send a copy of the letter from the Rod and Gun Club as soon as she receives it.

Brad Hall stated he is willing to take anyone out to look at the properties.

3. Christine A. Odiaga, Circuit Rider, for Mass DEP Wetland & Waterways Program, addressed the Commission. Ms. Odiaga explained her duties and wanted the Commission to know that she is available for any questions and also puts on workshops. Handouts were distributed with links to programs and documents.
4. Letter read into the minutes from the CPC Committee concerning election of a Conservation representative.

Hugh March nominates Gary Ellis – Ed Hoopes seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
MAY 17, 2007**

PRESENT: Dave Flaherty, Chairman, Gerry Duffy, Ed Hoopes and Hugh March

ABSENT: Joan Carr, Gary Ellis and Bill Fenton

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

BUSINESS:

1. Larry Kenney discussed a plan change for SE 83-1762-Jerome Manning, 108 Crowell Road, West Yarmouth, MA. The change is to construct a retaining wall 30 feet high and 20 feet long. Hugh March made a motion to approve revised plan—Ed Hoopes seconded. Unanimous.
2. Melissa Freedman, Hamlyn Consulting, discussed a plan change for Reef Realty, 6 Aspinet Road, South Yarmouth, MA. Commission had requested a new plan showing drywells which we show on the plan along with a minor footprint change for a bay window. Brad Hall recommended approval. Gerry Duffy made a motion to approve – Ed Hoopes seconded. Unanimous.
3. Paul Curci, 435 Highbank Road, South Yarmouth, MA. Discussed osprey pole being erected on the Conservation land north of the Highbank Bridge. Brad has discussed this with Karl vonHone and he agrees that it would be a perfect spot. There is an old dock there that the Osprey have taken up residence on and once the Osprey take up residence on the pole the dock can be removed. The projected time that this would take place would be next February or March.

CONTINUED HEARINGS:

**GREAT ISLAND HOMEOWNERS ASSOC., UNCLE ROBERTS COVE,
OFF WHITE CEDAR ROAD, WEST YARMOUTH, MA**

Bob Perry, Cape Cod Engineering, representing the applicant. This hearing was continued for comment from NHESP which has been received and they have no negative issues with this project.

Hugh March made a motion to approve with the following conditions: 1-6, 10, 14 15 and 21. Gerry Duffy seconded. Unanimous.

CHARLES WHITE MANAGEMENT CO., 193 SOUTH STREET, SOUTH YARMOUTH, MA

Chairman Flaherty read a letter from Bob Perry, Cape Cod Engineering, into the minutes requesting that the applicant would like to withdraw.

Gerry Duffy made a motion to accept withdrawal – Hugh March seconded. Unanimous.

BUSINESS:

4. Bob Perry, Cape Cod Engineering, to discuss plan changes to SE 83-1710-E. Paul Tinsley, 3 Powers Lane, West Yarmouth, MA. Mike Deluga, builder, along with Mr. Perry discussed the plan change for a carport. Ed Hoopes made a motion to accept the revised plan dated 5/14/07 as the plan of record. Hugh March seconded. Unanimous.
5. Extension Permit SE 83-1449-Americo Polisenno, 60 Broadway, West Yarmouth, MA. Letter from Mr. Polisenno read into the minutes. Hugh March made a motion to approve the Extension Permit for 3 years – Ed Hoopes seconded. Unanimous.
6. Certificate of Compliance SE 83-1432-Mary Ormiston, 42 Lookout Road YarmouthPort, MA Letter from Craig Short, P.E. read into the minutes. Ed Hoopes made a motion to approve – Hugh March seconded. Unanimous.
7. Certificate of Compliance SE 83-1563-Daniel Franchi, 159 South Street, South Yarmouth, MA. Chairman Flaherty made a declaration that he works for Down Cape Engineering but this project was prior to his employment. Letter from Dan Ojala, Down Cape Engineering, was read into the minutes stating the discrepancies. Commission will not issue the Certificate until the work limit line has been repaired re-vegetated and a Request For Determination has been filed for the deck and the driveway. Hugh March made a motion to hold the Certificate until all the conditions have been met. Ed Hoopes seconded. Unanimous.
8. Ed Hoopes made a motion to approve the minutes of April 5, 2007 – Gerry Duffy seconded. Unanimous.
9. Hugh March made a motion to approve the minutes of April 19, 2007 – Ed Hoopes seconded. Unanimous.
10. Enforcement Order. Brad Hall informed the Commission that he issued an Enforcement Order today to Martin Reilly, 369 Great Island Road, West Yarmouth, MA. Work on the ground has been performed without a filing. Mr. Reilly came into the office and Brad told him he has one month to get a Notice of Intent filed with the Commission.

11. Brad Hall informed the Commission that he attended a meeting for a new Open Space & Recreation Plan. Horsley Witten will be doing the new plan and Mark Robinson will prepare the self help grant.
12. Brad Hall mentioned that the Stormwater Regulations are ready and we will be advertising for a public hearing. Brad will get copies made up and send them out to all the engineers on the Cape.
13. Chairman Flaherty read a letter dated May 10, 2007, from Bob Lawton, Town Administrator, into the minutes regarding Conflict of Interest.

Hugh March made a motion to adjourn at 8:25 p.m. – Gerry Duffy seconded.
Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
APRIL 19, 2007**

PRESENT: Dave Flaherty, Chairman, Bill Fenton, Joan Carr, Gerry Duffy and Hugh March.

ABSENT: Gary Ellis and Ed Hoopes

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

LEONARD BEARSE, 34 HIGHLAND STREET, WEST YARMOUTH, MA

To construct a sunroom and wooden deck at the above address. Larry Kenney, Kenney Builders, represented the applicant and certified notification to DEP was received. Mr. Kenney explained that there is an existing deck and they wish to put a sunroom on it. This will not get any closer than what is presently existing.

Commission had no problems with this request. Brad Hall recommends approval.

Joan Carr made a motion for a Negative 3 – Hugh March seconded.

FOR: Gerry Duffy, Joan Carr, Hugh March and Dave Flaherty. ABSTAIN: Bill Fenton

PATRICK & JENNIFER BLOOM, 992 WEST YARMOUTH, YARMOUTHPORT, MA

To clear trees and brush at above location. Lynn & Don McIntyre represented the applicant. Ms. McIntyre explained that they would like to clear yard as shown on plan to plant vegetable & flower gardens.

Commission had no problem with this request.

Joan Carr made a motion for a Negative 3 – Gerry Duffy seconded. Unanimous.

NOTICE OF INTENT:

REEF REALTY, SIX ASPINET ROAD, SOUTH YARMOUTH, MA

To raze & replace single family dwelling and upgrade septic at the above location. Lynn Hamlyn, Hamlyn Consulting, represented the applicant. Certified notification to DEP and abutters was received. Ms. Hamlyn explained that this is to construct a single family dwelling in the flood zone and there are no other wetland resource areas on the property. The complete narrative can be read in the Notice.

Bill Fenton asked the representative for a clarification on the grades. Hugh March inquired about the driveways and Ms. Hamlyn explained that the one to the north will be removed and the other will be replaced with a shell drive. Brad Hall asked about the location of the drywells.

Robert Gosselin, abutter, asked about the septic tank and distances from the property line. Chairman Flaherty stated that state code is 10 feet on the septic tank from property line. Brad Hall stated that the only reason this project is before the Commission is the flood zone. Mr. Gosselin asked how high is the foundation going to be out above ground level. The retaining wall will raise the fill around the house so a big foundation will not be sticking out of the ground. There will be no run off from the site.

Brad Hall stated that FEMA requires the top of foundation to be where it is because of the flood elevation and is driven by the septic system.

Hugh March made a motion to approve with the following conditions: 1-6, 11, 12, 13, 15, 16 and a plan showing the drywells, and the deck to remain open. Joan Carr seconded. Unanimous.

DAWN KAROL, 51 SOUTH SHORE DRIVE, SOUTH YARMOUTH, MA

To repair existing house footings, pilings and rebuild stairways at the above location. Katelyn Merrill, East Cape Engineering, along with the applicant were present. Certified notification to DEP and abutters was received. The complete Notice can be read in the file. Basically the house will be jacked up and new supports will be placed. Commission had no problems with this project.

Hugh March made a motion to approve with the following conditions: 1-6, 14, 15, 16, 17 and 18. Bill Fenton seconded. Unanimous.

CARL IACCARINO, 53 SOUTH SHORE DRIVE, SOUTH YARMOUTH, MA

To repair existing foundation at the above location. Bob Perry, Cape Cod Engineering, represented the applicant and notification to DEP and abutters was received. Project is to re support the west wall, add three posts and some facing.

Commission had no objections to this project.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 14, 15 and 16. Joan Carr seconded. Unanimous.

GREAT ISLAND HOMEOWNERS ASSOC., UNCLE ROBERTS COVE, OFF WHITE CEDAR ROAD, WEST YARMOUTH, MA

To dredge access channel for Uncle Robert's Cove & perform beach & dune nourishment at the above location. Bob Perry, Cape Cod Engineering, represented the applicants and certified notification to DEP and abutters was received. Mr. Perry stated this project is to remove the significant shoaling of clean sand sediment causing the need to maintenance dredge for navigational improvement. The dredged material from the site will be used for dune nourishment and all dredging work shall be done by mechanical means.

Chairman Flaherty read the correspondence received on this project from Division of Marine Fisheries, DEP (issuance of a file number), and Karl von Hone, Director, Division of Natural Resources.

Commission felt that this is a good project and would issue an approval when we receive comment from Natural Heritage and Endangered Species program.

Brad Hall commented that no plovers have nested in this area in the last 10-15 years.

Hugh March made a motion to continue to 5/17/07 for NHESP comment – Joan Carr. Unanimous.

CHARLES WHITE MANAGEMENT CO., 193 SO. ST., SO. YARMOUTH, MA

To construct an addition to an existing garage at the above location. Bob Perry, Cape Cod Engineering, represented the applicant and certified notification to DEP and abutters was received. The complete narrative can be read in the Notice of Intent.

Mr. Perry distributed a new plan for the Commission to review. Applicant would like to add to the garage, foundation would be a frost wall and slab, work limit is established and if the project is permitted the open area behind the building will be loaded up with native shrubs and the area to the south of the building will be planted with more native shrubs. Applicant would be looking for a waiver to permit activity within 50 feet of the wetland. This project is going before the Board of Appeals.

Mr. Perry stated that they would taylor the building to make the distance and do extensive plantings.

Commission felt that this project violates anything we have ever allowed and as proposed it is too close.

Mr. Perry requested a continuance to meet with his client and see what can be done.

Gerry Duffy made a motion to continue to 5/17/07 – Hugh March seconded. Unanimous.

BUSINESS:

1. Al Roth, Nottingham Drive, along with his builder addressed the Commission. Chairman Flaherty recused himself and Bill Fenton chaired. The request is for a two foot less grade change in the rear of the house in the area of the swimming pool. Mr. Roth also requested a patio under the deck, relocate the shed and the pool moves over 20 feet towards the boulder wall.
Hugh March made a motion to approve the amended plan dated 4/17/07 with the changes around the pool, the deck and the shed location. Joan Carr seconded. Unanimous.
2. Gerry Duffy made a motion to approve the minutes of March 15, 2007 as written. Bill Fenton seconded. Unanimous
3. Letter read into the minutes to Angela Park, Town Treasurer, regarding the use of monies from our Conservation Fund for the purpose of paying for a portion of the Open Space and Recreation Plan Update. Bill Fenton made a motion to approve the use of the monies for the Open Space and Recreation Plan Update. Gerry Duffy seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
APRIL 5, 2007**

PRESENT: Dave Flaherty, Chairman, Gary Ellis, Hugh March, Gerry Duffy and Ed Hoopes.

ABSENT: Bill Fenton and Joan Carr

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

REQUEST FOR DETERMINATION:

**TOWN OF YARMOUTH ENGINEERING DEPARTMENT, WATER STREET,
PACKET LANDING, SOUTH YARMOUTH, MA**

To construct a boat pump out system @ Packet Landing, Water Street, South Yarmouth, MA

Kevin Kline, Norfolk Ram Group, represented the Town of Yarmouth. Mr. Kline stated that the project is funded by the Coastal Pollutant Remediation Grant Program through the Massachusetts Office of Coastal Zone Management. The pumping system is to be installed on the landward side of the existing timber pier with a hose stand holding 50 feet of hose, to be installed on the seaward side of the pier. The complete narrative on this project can be read in the Notice of Intent file.

Gerry Duffy asked if this is to eliminate boaters from dumping in the river and how the tank is dumped out. Mr. Kline stated the intent is to have boaters to use there tight tanks and also get them pumped out. The 3,000 gallon tank will be pumped out once or twice a year and brought to the septic treatment plant.

Gary Ellis asked if this service is available to any boater on the river and how will this service be advertised to the public. Mr. Kline stated that the service is available to any boater on the river and at this time the details for the hours of operation and manpower have to be worked out. You will be able to see the pump on the pier and signage will be installed.

Brad Hall felt that this is a service that has been needed for a long time.

Ed Hoopes made a motion for a Negative 3 – Gerry Duffy seconded. Unanimous.

MASSACHUSETTS HIGHWAY DEPT., 1000 COUNTY ST. TAUNTON, MA

To resurface sections of Route 6 within the Town of Yarmouth & Exit 8 interchange. Tom McGuire and Bill Travis, from Mass Highway represented the project. This project is for work primarily along the Mid Cape Highway and is not a town line to town line resurfacing project. This is primarily a repair project that will stretch from the Barnstable town line to the Dennis town line. The proposal is for simple pavement repairs on spot locations along the roadway. Erosion control will be installed in areas that come close to any wetland. The project maybe started in a year depending on funds.

The state highway roadway section between Whites Path and German Hill Road will be totally resurfaced from edge of pavement to edge of pavement. The ramp at Exit 8 will be cracked sealed.

Commission had no problems with this request.

Ed Hoopes made a motion for a Negative 3 – Hugh March seconded. Unanimous.

JOHN FORDE, 19 WADSWORTH LANE, YARMOUTHPORT, MA

To construct an in ground swimming pool at the above location. Chris from Shoreline Pools represented the applicant. Project is to install a 16 x 34 pool and pictures of the site were distributed to the Commission.

Commission had no problems with this request.

Gary Ellis made a motion for a Negative 3 – Ed Hoopes seconded. Unanimous.

CONTINUED HEARING:

STEPHEN WALSH, 11 & 12 CAPE ISLE DR., SOUTH YARMOUTH, MA

Kieran Healy, BSC Group, represented the applicant. Pictures of the site were distributed. Mr. Healy stated this hearing was continued for some revisions to the plan and a revised plan meeting the Commissions concerns was distributed to the members. Mr. Healy went through the revisions for the Commission.

Commission thanked Mr. Healy for making the changes to the plan that the Commission had requested.

Gary Ellis made a motion to approve with the following conditions: 1-6, 7, 8, 9, 14, 15, 16 and 17. Gerry Duffy seconded. Unanimous.

BUSINESS:

1. Letter read into the minutes from Sullivan Engineering for an Extension Permit for SE 83-1671 & 83-1694. Hugh March made a motion to extend SE 83-1671 & 1694. Ed Hoopes seconded. Unanimous.

Gary Ellis made a motion to adjourn @ 8:50 p.m. – Ed Hoopes seconded. Unanimous

**YARMOUTH CONSERVATION COMMISSION
MINUTES
MARCH 15, 2007**

PRESENT: Dave Flaherty, Chairman, Gary Ellis, Hugh March, Gerry Duffy and Ed Hoopes

ABSENT: Joan Carr and Bill Fenton

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

**TOWN OF YARMOUTH CONSERVATION COMMISSION, BASS CREEK, OFF
CENTER STREET, YARMOUTHPORT, MA**

The removal of a culvert & construction of a wooden footbridge. Neal Price from Horsley Witten represented the applicant. Certified notification to DEP and abutters was received. The complete narrative can be read in the Notice of Intent. Mr. Price gave a narrative of the drawings that he presented to the Commission.

The Commission felt that this is a great project and long overdue. Gary Ellis agreed that this is a great project and asked for a description of methodology for access to the site. The site will be set up with erosion control measures.

Brad Hall thanked Horsley Witten and the Wetlands Restoration Program for all the tireless work they have gone through to put this project together. Jeremy Bell and Neal Price have spent countless hours on this project and it will be an enhancement to the area.

From the audience, Ted Weissburger, resident in the area wanted to be on record stating he is in full support of the project. George Burke, neighbor, stated he is in support of this project.

Jeremy Bell, Coastal Zone Management Office, stated that a similar bridge is located over Scroton Creek in Sandwich if anyone is interested in seeing it.

Ruth Weissburger, inquired about the time line for this project. Jeremy Bell felt that it will probably be late fall, October or November. The planting will have to be done in the following spring.

Ed Hoopes made a motion to approve with the following conditions: 1-6, 14, 15, 16 and silt fence as per the Conservation Administrator. Hugh March seconded. Unanimous.

IRENE KANIS, 117 SOUTH SEA AVENUE, WEST YARMOUTH, MA

Dave Flaherty was recused from this hearing. Ed Hoopes chaired.

To raze and replace a single family dwelling & garage, perform landscaping and regrading at the above location. Certified notification to DEP & abutters was received. Andrew Garulay, from Down Cape Engineering presented the project. The complete narrative can be read in the Notice of Intent file.

Hugh March felt that the regulations were met for this project and had no problems. Gary Ellis inquired why they needed a wall in the rear and felt the retaining wall becomes a structure 10 feet off the wetland to create a flat backyard. Gary would like to see a 3 foot buffer around the wall so that lawn is not brought to the top of the wall. Mr. Garulay stated the lawn extends all the way to the property line and feels that the project is an improvement to the site.

Gerry Duffy asked about the foundation, the elevation of the house and any changes that may occur with this change on the site. Mr. Garulay stated the house will become 6 inches higher than it is now.

Brad Hall stated that he met with the owners on the site and they were hopeful to get a more level yard. Brad would prefer to see some type of plantings other than lawn along the rear edge. The Commission will be gaining a new septic system if this project is approved.

Hugh March made a motion to approve with the following conditions: 1-6, 13, 14, 15, 16, 17, 18 and 4 foot buffer zone with native vegetation shall be planted adjacent to the proposed retaining wall. A revised plan submitted with the changes mentioned including drywells. Gerry Duffy seconded. Unanimous.

BASS RIVER YACHT CLUB, 22 FROTHINGHAM WAY, SOUTH YARMOUTH, MA

Hugh March was recused from this hearing.

To construct a vertical bulkhead, perform beach nourishment & minor grading at the above location. Certified notification to DEP and abutters was received. Norman Hayes, BSC and Kieran Healy, BSC presented the project. The complete narrative can be read in the Notice of Intent file. The area will be leveled and 56.2 cubic yards of fill will be brought in and a tide gate about 5 feet wide is proposed. At the high tide line they will be bringing in about 10 cubic yards of compatible fill which is about 207 wheel barrels total.

Ed Hoopes requested more explanation on the tide gate by Mr. Hayes. Gary Ellis felt that there needs to be a buffer of vegetation on the top of the wall and wants a plan showing a blow up of the section showing the grading and detail.

Brad Hall agreed that the buffer is critical.

Gary Ellis made a motion to approve with the following conditions: 1-6, 7, 8, 10, 14, 15, 16 and a revised plan showing a 4 foot buffer that will run parallel to the pile wall and a detail showing the removal plank section for kayak launching showing that the water flows from both sides. Ed Hoopes seconded. Unanimous.

CONTINUED HEARING:

STEPHEN WALSH, 21 & 11 CAPE ISLE DRIVE, SOUTH YARMOUTH, MA

To replace portions of existing riprap with a vinyl sheet pile seawall, reconstruct & extend existing deck, realign existing floats, repair portions of existing stone revetment, construct patio, construct porch and perform landscaping.

Norman Hayes, BSC Group, Keiran Healy, BSC Group representing the applicant. The goal of the presenters is to close out all of the old Orders of Conditions on this property. Presently there is a house with an Order of Conditions, retaining wall that has an Order of Conditions, a float without a permit, two decks with a permit, ramp & 5 x 22 float with an Order. Our goal is to stabilize the house which is sitting on a salt marsh, stabilize the existing degraded riprap revetment by constructing a proposed vinyl sheet-pile bulkhead. This will connect to the existing wooden bulkhead which is proposed for partial replacement located on the abutting property at 11 Cape Isle Drive. Associated with the bulkhead are landscaping, planting of native plants, reconstruction and extension of a deck, realignment of existing floats to include removal of existing riprap and debris and permitting of existing patios, porches and overhangs.

The complete project description can be read in the Notice of Intent file.

This is a dual project for 11 Cape Isle Drive and 21 Cape Isle Drive, South Yarmouth. We are looking at doing several things: 1) readdress the utilities; 2) rebuild existing revetment, 3) existing deck with deck extension will be added, 4) float will be permitted, 5) Mr. Koski's authorization to rebuild that bulkhead in the same footprint.

Gary Ellis felt that the plan before the Commission lacked all the information as the one that was used in the presentation. Mr. Hayes apologized for the information on the wall that was missing from the plan and will submit a revised plan. Gary also raised a question regarding the distance from the deck to the bulkhead and asked if there was something that could be done between the deck to the top of the bulkhead besides sand fill. Brad Hall suggested that the applicants have a deck plan, a seawall plan and show the dimension from the deck to the bulkhead.

Commission raised questions regarding the deadman.

Ed Hoopes made a motion to continue to April 5, 2007 for a revised plan. Hugh March seconded. Unanimous.

BUSINESS:

1. Certificate of Compliance SE 83-1532-Ted Zambelis, Crowell Rd., West Yarmouth, MA Ed Hoopes made a motion to approve – Hugh March seconded. Unanimous.
2. Extension Permits for Blue Water Ltd. Partnership SE 83-1552; Green Harbor Ltd., Partnership SE 83-1553; Red jacket Ltd. Partnership SE 83-1554; Riviera Beach Ltd. Partnership SE 83-1555. Letter from Paul McBride read into the minutes requesting a three year extension on the projects for beach raking only. Gerry Duffy made a motion for a 3 year extension – Ed Hoopes seconded. Unanimous.
3. Hugh March made a motion to approve minutes of 3/1/07 – Gerry Duffy seconded. Unanimous.
4. Before town meeting in April the CPC will be hoping to purchase the Tufts property, last piece of property left around Dennis Pond and there will be no hunting on this 2 acre property. Hunting is allowed on the southside but not on the northside.
5. Discussed was the Osprey pole at Crab Creek.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
MARCH 1, 2007**

PRESENT: Dave Flaherty, Chairman, Bill Fenton, Ed Hoopes, Gerry Duffy, Gary Ellis, Joan Carr and Hugh March.

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

BARBARA PIERCE, 52 PRINCE ROAD, WEST YARMOUTH, MA

To repair existing septic system at the above location. Norman Hayes and Keyran Healy, BSC Group represented the applicant. Certified notification to DEP was received.

Commission had no problems with this project as presented.

Ed Hoopes made a motion for a negative 3 – Bill Fenton seconded. Unanimous.

PAUL & ANNETTE CURCI, 435 Highbank Rd., South Yarmouth, MA
(Gary Ellis and Dave Flaherty were recused from this hearing.)

To renovate an existing single family dwelling, construct garage, relocate existing dock and construct a patio at the above location. Certified notification was received from DEP. Representing the applicants was Andrew Garulay, Down Cape Engineering. Mr. Garulay explained the project and the complete narrative can be read in the Notice of Intent.

Commissioners liked the plan and were happy with the 1,000 feet of mitigation planting as proposed.

Joan Carr made a motion to approve with the following conditions: 1-6, 7, 8, 13, 14, 15, 16, 17, 18 and no concrete slab under the patio. Gerry Duffy seconded. Unanimous.

STEPHEN WALSH, 11 & 21 CAPE ISLE DRIVE, SOUTH YARMOUTH, MA

This hearing is continued to March 15, 2007 – it will be before the Waterways Committee on 3/14/07.

ERIK TOLLEY, 167 RIVER ST., SOUTH YARMOUTH, MA

Gary Ellis did not sit on this hearing.

To raze and replace existing single family dwelling and garage and install new septic system. Norman Hayes, BSC Group and Keyran Healy, BSC Group represented the applicant. Certified notification to DEP was received. The complete narrative for this project can be read in the Notice of Intent. This project has received approval from the Board of Appeals.

Commissioners were pleased with the project. Bill Fenton requests that there will not be a concrete slab under the patio. Brad Hall would like to see silt fence rather than haybales.

Hugh March made a motion to approve with the following conditions: 1-6, 13, 14, 15, 16, 17 (silt fence), 18 and no concrete slab under the patio. Ed Hoopes seconded. Unanimous.

TIMOTHY GRIMES, 33 COVE ROAD, WEST YARMOUTH, MA

Gary Ellis did not sit on this hearing.

To construct three additions, relocate existing walkway and repair septic system at the above location. Certified notification to DEP was received. Norman Hayes, BSC Group, Inc. and Keyran Healy, BSC Group, represented the project. The complete narrative on the upgrade of the septic system can be read in the file. Mr. Healy explained how this septic system will operate on the site.

Commission asked questions regarding the walkway, grade changes and the deck. Brad Hall requests that silt fence rather than haybales be used. Clarification on the decks was explained as a second floor deck between the two additions.

Gerry Duffy made a motion to approve with the following conditions: 1-6, 13, 14, 15, 16, 17(silt); and 18. Ed Hoopes seconded. Unanimous.

DONALD ADAMSON, 29 & 37 BASS RIVER RD, SOUTH YARMOUTH, MA

To construct additions to a single family dwelling, relocate existing garage, construct a retaining wall, perform grading, landscaping and vista pruning. Norman Hayes, BSC Group, and Kieran Healy, BSC Group represented the applicant. Mr. Adamson's son was also present. Certified notification to DEP was received.

The representatives presented the project description and complete text can be read in the Notice of Intent file. The new septic system has been approved by the Board of Health and this project does not need Board of Appeals review.

Ed Hoopes requested that silt fence be added 10 feet off the structure and then put back to original state as well as the split rail fence. Brad Hall would like to see a revised plan showing landscaping and silt fence.

Karen Lockhart, abutter to the southeasterly side would like to see a fence put back up. Ms. Lockhart did state that she is 100% in favor of the project.

Mr. Admason's son stated that the existing fence has rotted and they do plan to replace the fence.

Ed Hoopes made a motion to approve with the following conditions: 1-6, 13, 14, 15, 16, 17, 18 and a revised plan showing landscaping and work limit line on easterly portion of project. Joan Carr seconded. Unanimous.

MARIETTA B. HICKEY, TRUSTEE, 43 MAIN STREET, YARMOUTHPORT, MA

To replace existing septic system and relocate existing drainage pipe for intermittent stream. Norman Hayes, BSC Group and Kieran Healy, BSC Group and Ms. Hickey were present. Certified notification to DEP was received.

The representatives gave the project description and the complete narrative can be read in the Notice of Intent file. The site has several intermittent streams servicing vegetated wetlands that will flow during rain events but most of the time is dry.

Commission agreed that the stream is intermittent and there is no bank involved. Mr. Healy explained the process of removing the clay pipe, how the slope will change and how they will stabilize it.

Hugh March made a motion to approve with the following conditions: 1-6, 14, 15, 16, 17, 18 and landscape plan showing species and details. Joan Carr seconded. Unanimous.

BUSINESS:

1. Certificate of Compliance SE 83-1708, Sam Traywick, Moss Road, West Yarmouth, MA. Letter from Down Cape Engineering read into the minutes. Ed Hoopes made a motion
To approve – Hugh March seconded. Unanimous.
2. Ed Hoopes made a motion to approve the minutes from February 15, 2007 both regular and executive session. Hugh March seconded. Unanimous.
3. Brad Hall informed the Commission that on the upcoming Town Meeting there will be an article on the Stormwater By-Law. Conservation Commission will be getting into the business of permitting stormwater.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
FEBRUARY 15, 2007**

PRESENT: Dave Flaherty, Chairman, Ed Hoopes, Gerry Duffy, Bill Fenton

ABSENT: Gary Ellis, Joan Carr and Hugh March

STAFF: Brad Hall, Administrator

NOTICE OF INTENT:

DAWN KAROL, 49 & 51 SOUTH SHORE DRIVE, SOUTH YARMOUTH, MA

To reconstruct a stone revetment and restore existing driveway. Tim Brady, East Cape Engineering, and Ms. Karol were present. Mr. Brady submitted a slightly revised plan. There was an Order of Conditions issued three years ago to build the revetment and the Order has expired without the work being performed. We are proposing the same revetment, which had endured more damage since that time. We have added a stairway for each of the properties and at the top of the stones a 4 x 10 and a 4 x 12 platform. There will not be a lot of property between the property and the top of the stone revetment due to the size of the lot. These are the only changes to the original Order of Conditions. The restoration of the driveway is required due to erosion from the road and stabilize with hardening and some cobblestone type surface.

Gerry Duffy felt this is an improvement to the property. Ed Hoopes required that the septic tank and more detail of the driveway be noted on the plan. Bill Fenton added that the detail for the wood stairs connection be added to the plan and that they are removable for safety and better functioning of the wall.

Bill Fenton made a motion to approve with the following conditions: 1-6, 7, 8, 11, 14, 15, 16 and a revised plan showing the driveway, the septic tank location, pervious driveway, wood stair connection detail for attaching stairs to deck and ground and stairs be removable for safety and benefit of the wall functioning better. Ed Hoopes seconded. Unanimous.

BUSINESS:

1. Ed Hoopes made a motion to approve the minutes of 2/1/07 as written. Gerry Duffy seconded. Unanimous.
2. Brad Hall distributed a letter that he has sent out to Town Administrator, Robert C. Lawton, stating that a particular lot at Pheasant Cove is not buildable. This lot may appear on the ballot for Town Meeting under CPA and Brad wanted to bring this to the attention of the Commission.

A follow-up to Bay Colony Railroad is they have cleaned up all of Yarmouth with the disgarded railroad ties. They did a great job.

Motion made by Dave Flaherty to go into Executive Session and not return to Regular Session. Ed Hoopes seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
FEBRUARY 1, 2007**

PRESENT: Bill Fenton (Chair), Ed Hoopes, Gary Ellis, Hugh March, Joan Carr and Gerry Duffy.

ABSENT: Dave Flaherty

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

JAMES BRADY, 72 WHITE CEDAR ROAD, WEST YARMOUTH, MA

To construct a 20 x 30 garage at the above location. Andrew Garuley, Down Cape Engineering, represented the project. Certified notification to DEP was received. The project consists of a proposed garage within 100 feet of the coastal bank. Due to the proximity of the existing trees to the proposed garage the applicant would like to remove several trees.

Commission discussed the removal of the trees, the option of moving the garage back and after discussion made a decision to approve as proposed. Brad Hall recommended approval of the garage as it is proposed.

Ed Hoopes made a motion to approve with a Negative 3 – Joan Carr seconded. Unanimous.

ARPED VOROS, 223 ROUTE 6A, YARMOUTHPORT, MA

To construct two additions & upgrade septic at the above location. Andrew Garaley, Down Cape Engineering, and Mr. Voros, represented the project. Mr. Garaley explained that the site is the Olde Yarmouth Inn on Route 6A and applicant wishes to expand 380 feet on the northside of the building. The second addition is approximately 672 sq. feet and wraps around the side of the building. The applicant also proposes to upgrade the septic system. When the entire project is completed Mr. Voros would like to repave the entire parking lot.

Bill Fenton inquired if any grass or trees will be removed. Mr. Voros stated that the grass will remain as well as the trees. Brad Hall had an issue with the drainage in the rear. Currently all the drainage is going down into the wetland. Brad suggested that a couple of drainage structures be designed for that area and catch the runoff.

Hugh March made a motion for a Negative 3 subject to a revised plan and approval of the Conservation Administrator. Joan Carr seconded. Unanimous.

BUSINESS:

1. Certificate of Compliance SE 83-1748-NSTAR, 484 Willow Street, West Yarmouth, MA. Joan Carr made a motion to approve – Gerry Duffy seconded. Unanimous.
2. Ed Hoopes made a motion to approve the regular session minutes of January 18, 2007. Gerry Duffy seconded. Unanimous.
3. Gary Ellis made a motion to accept the Executive Session minutes of January 18, 2007- Joan Carr seconded. Unanimous.
4. Memo from Robert C. Lawton, Jr. was read into the minutes. All Commissioners received a copy in their packets.
5. Commission ratified the Enforcement Order Bay Colony Railroad. Brad Hall updated The Commisison. Mr. Bernard Reagan has contacted Brad and is willing to clean up the wetlands that have been affected.

Ed Hoopes made a motion to ratify the Enforcement Order against Bay Colony Railroad – Joan Carr seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
JANUARY 18, 2007**

PRESENT: Dave Flaherty, Chairman, Bill Fenton, Ed Hoopes, Gerry Duffy, Gary Ellis and Hugh March.

ABSENT: Joan Carr

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

NOTICE OF INTENT:

TOWN OF YARMOUTH, DEPT. OF NATURAL RESOURCES, OFF CENTER STREET, YARMOUTHPORT, MA

To construct a bridge to connect two trails at the above location. Tim Myland, Town of Yarmouth Engineering Department, and Bill Bonnetti, DNR Officer. Certified notification to DEP and abutters was received. Mr. Myland stated that the proposal is for a 4 foot wide, 190 foot long elevated boardwalk over a salt marsh. The boardwalk has been requested by residents of the town to facilitate pedestrian access between two existing town-owned walking trails. Mr. Bonnetti has been working on a grant to obtain the funds to accomplish this project.

The boardwalk decking will be installed atop a 6' x 6' timber pile foundation with a ¾ "spacing between. The two viewing platforms will be handicap accessible from the western trail approach. A ramp with a maximum 5% slope will rise up from the existing trail to the flat, main portion of the walkway. Mr. Bonnetti hoped that construction would be able to start in the spring. Approvals needed are Chapter 91, and response from the NHESP.

Bill Fenton felt that the aerial map plans submitted made it difficult to see the actual location of the work to be performed. The Commission agreed that the plan submitted makes it difficult to see the work proposed. Gary Ellis discussed the handicap accessibility and questioned how someone in a wheelchair gets to the ramp. Mr. Bonnetti felt that the intent was to do it in stages, build it and make it handicap accessible and when they do improve that section of the trail the boardwalk would be handicap accessible. Gary liked the concept but felt that the access is difficult.

Correspondence from Linda & Stephen Harding in support of the project was read into the minutes.

Ed Hoopes made a motion to approve with the following conditions: 1-6, 14, 17 staked work limit line not exceeding 8 feet on either side of the boardwalk. A revised plan showing the ground elevation where it goes from the playground to the path. Any power equipment gets stored outside of the resource area every night and no gas or fueling of equipment on marsh. Hugh March seconded. Unanimous.

Approval is subject to response from Natural Heritage and Endangered Species.

BUSINESS:

1. Coastal Engineering to discuss Riverview Resort Bulkhead, South Yarmouth, MA
Mark Burgess distributed new plans of the site including a landscape plan along with a cover letter listing the species proposed for the area. The Commission approved the discussed changes in the bulkhead & vegetative plans.
Bill Fenton made a motion to approve plan M2 as submitted and M1 will be superseded with an L1 showing a 10 foot buffer in the lower portion and 8 foot on the southerly side and not on the northerly. L1 will be noted with planting and a hard copy. Ed Hoopes seconded. Unanimous.
2. Ed Hoopes made a motion to approve the minutes of 1/4/07 – Gerry Duffy seconded. Unanimous.
3. Gary Ellis made a motion to approve the minutes of 12/7/06 – Ed Hoopes seconded. Unanimous.
4. Extension Permit SE 83-1748-NSTAR, 484 Willow Street, West Yarmouth, MA.
Bill Fenton made a motion for an Extension Permit for a period of (3) years – Ed Hoopes seconded. Unanimous.

Bill Fenton made a motion to go into Executive Session and not return to Regular Session. Gary Ellis seconded. Unanimous.

**YARMOUTH CONSERVATION COMMISSION
MINUTES
JANUARY 4, 2007**

PRESENT: Dave Flaherty, Chairman, Bill Fenton, Ed Hoopes and Joan Carr

ABSENT: Gary Ellis and Gerry Duffy

STAFF: Brad Hall, Administrator
Sandi Clark, Secretary

BUSINESS:

1. Dick O’Hearn to discuss plan changes for Jonathan Tyler, Eight Railway Bluffs, West Yarmouth, MA. Mr. O’Hearn explained that this project was before the Commission about a month ago and received approval. Since that time Mr. Murphy, Board of Health, has looked at the plan and will allow the applicant to extend 5 feet further away from the rear. This extension is not on the resource area side of the addition but on the north side.

Ed Hoopes made a motion to approve the revised plan dated 12/12/06 – Joan Carr Seconded. FOR THE MOTION: Ed Hoopes, Dave Flaherty, Joan Carr and Hugh March. ABSTAINING: Bill Fenton

2. Bob Perry to discuss Bass River Drummer Realty Trust, 188 South Street, South Yarmouth, MA.

Mr. Perry passed out aerial photos of the site and a plan. At the conclusion of Mr. Perrys presentation, the Commission felt that no more square footage of float could be added to the dock and that the Commission would allow extra pilings or “dolphins”.

3. Certificate of Compliance SE 83-1749 – 80 Country Club Drive, South Yarmouth, MA. Letter from Sweetser Engineering read into the minutes. Ed Hoopes made a Motion to approve – Bill Fenton seconded. Unanimous.

Tom Durkin, resident of Exeter Road and on board for Acres of Pines was in Audience as an observer.

Hugh March made a motion to adjourn at 8:00 p.m. – Joan Carr seconded. Unanimous