

**YARMOUTH CONSERVATION COMMISSION
MINUTES
JANUARY 7, 2010**

PRESENT: David Flaherty, Chairman, Ed Hoopes, Hugh March, Gerry Duffy
and Tom Durkin

ABSENT: Joan Carr and Gary Ellis

Staff: Bradford Hall, Conservation Administrator

Continued Hearing, Elaine Sortino:

The Conservation Commission started the meeting with the continued hearing for Elaine Sortino, 49 Standish Way, West Yarmouth, MA. The Sortino hearing was continued from the last Conservation Commission meeting of December 17, 2009. Ron Cadillac represented Elaine Sortino and introduced a revised plan showing changes including gazebo location, deck configuration and plantings proposed upon the coastal bank. The Commission discussed the revised plan. Tom Durkin made a motion to approve the project with standard conditions. Ed Hoopes seconded the motion and the Commission voted unanimously to approve the project and close the hearing.

Notice of Intent Hearing, Town of Yarmouth Natural Resources Department:

The Conservation Commission opened the public hearing for the Natural Resources Department Notice of Intent for a 10 year comprehensive dredge/beach nourishment project. Karl Von hone represented the Natural Resources Department. Karl was joined by his consultants, Apex Companies, LLC employees George Di Cesare and Mary Bruno. Karl explained the 10 year proposal in depth outlining all the dredge areas and nourishment sites through out the Town of Yarmouth. Karl stated that not all areas would be dredged or nourished every year and that money was a critical factor. The Commission was very pleased with the preparation of the Notice of Intent application and commended Karl and the Apex representatives for its thoroughness. Karl provided general explanation for methodologies and the time envelopes required by various state and federal permitting agencies. Karl also explained mitigation measures for endangered species, fisheries protection and fresh water plant protection. Chairman Flaherty then read the first of several comment letters submitted to the Commission. The Natural Heritage and Endangered Species program letter indicated that the project was lacking information and would not make final comment until new information was sent. Karl explained to the Commission that he had been on the phone with NHESP at about 5pm today and that they did receive the info but did not realize it. The NHESP will review and send additional comment to the Commission at a later date. The next letter read by

Chairman Flaherty was from the Mass Division of Marine Fisheries. Their comment was extensive and centered around time of year restrictions to protect winter flounder and horseshoe crabs. The Chairman then read a letter from Don and Carol Holden which are abutters to one of the town ways scheduled for occasional nourishment. The Holden's objected to the nourishment of Homer Ave and North Cove Landing. The Conservation Administrator, Brad Hall explained to the Commission that North Cove Landing was not part of the project. The Holden's main concern was the movement of the nourishment into Bass River causing shoaling and previous beach nourishment that was "unauthorized". The Chairman then read a letter from the Holden's attorney, Helen H. Slottje, Esq. The letter was expressing concern about impacts to the two landings mentioned previously. The main issues were potential impacts to horseshoe crabs, shellfish, eelgrass, salt marsh and sediment transportation from the nourishment areas. Conservation Administrator Brad Hall again informed the Commission that North Cove Landing was not part of the project. Additionally, Mr. Hall explained to the Commission that the letter writer obviously had not reviewed the Notice of Intent. The letter requested that the applicant supply numerous analysis of each area to be dredged and or nourished, which they, (the applicant) have supplied and contained in the Notice of Intent. The Commission agreed to put wording into the Order of Conditions, (if approved), that would address the nourishment of Homer Ave. on an emergency basis only, (hurricanes and moderate coastal storms, etc.). The Commission also agreed to adhere and incorporate the various environmental concerns of the Marine Fisheries Division and the NHESP. The public hearing was then continued to January 21, 2010 for additional comment from NHESP regarding the fresh and salt water beaches.

Business:

Certificate of Compliance, SE-83-1833, Robert Heick, 96 River St. South Yarmouth, MA Hugh March made a motion to approve, Ed Hoopes second, Commission unanimously approved.

Ed Hoopes made a motion to approve the **minutes of December 3rd & 17th 2009**. Gerry Duffy seconded, Commission unanimously approved.

Meeting adjourned at 8:30pm.