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**Yarmouth Conservation Commission
February 16, 2012 Meeting**

Members Present: David D. Flaherty, Jr., Chairman, Ed Hoopes, Hugh March, Tom Durkin,
Phil Johnston, Joan Carr, Gerry Duffy

Staff: Kerry Muldoon, Conservation Administrator

Notice of Intent:

William Condon, Esq, 15 North Cove Landing, Yarmouth MA 02664. Repair and upgrade residential septic system with two (2) (H-20) tight tanks within the Riverfront, Land Subject to Coastal Storm Flowage, and Buffer Zone

George Collins of Collins Engineering Group was present with the Mr. William Condon Esq. Green cards were presented to the Chairman. Mr. Collins explained the project location and the purpose of the project to the Commission. The existing septic system is failing and is located in the water table. Mr. Collins proposed two tight tank systems. A double sealed monolithic tank would be used with concrete slabs on top of the tank. The plan shows a row of hay bales and a dewatering location. The dewatering location will be lined with a filter fabric and then surrounded with hay bales. The lot has a limited stock pile area but most materials will be hauled offsite. The applicant is proposing highbush blueberry plantings and the site will be loamed and seeded, after the project is finished the site will return to grass. Commissioner Hoopes recommended planting additional plantings (salt tolerant) and spreading the plantings out. Commissioner Durkin asked if the existing vegetation onsite will remain or be maintained. Mr. Collins stated the vegetation will be removed and they are proposing highbush blueberry plantings as mitigation. Commissioner Johnston asked if the monitoring system on the tank will be a local alarm. Mr. Collins stated the system is a double alarm system that will allow the users a couple of days and if things get extreme a second alarm will go off. Chairman Flaherty asked if the Board of Health has reviewed the plan and Mr. Collins stated the Board of Health asked that they come before Conservation. Chairman Flaherty stated that if the plans change, the Commission needs to be notified and asked for revised plans. Mr. Collins agreed. Ms. Muldoon stated the project file number is SE83-1914 and recommended the dewatering area shall have hay bales and be lined with landscape fabric; the site shall be clean and free of debris at the end of each work day. Chairman Flaherty opened the hearing to the audience. Ms. Carol Holden of 30 Homer Avenue submitted a letter dated 2/16/2012, copy of a deed, and pictures to the Commission. Chairman Flaherty read the letter to the audience. Ms. Holden stated the main concern is erosion and the right of way and stated it is unknown what will happen with new home owners. Mr. Collins provided additional information in regards to the letter submitted by Ms. Holden. Chairman Flaherty noted a typo on the plan (note #7), a revised plan shall be submitted with a correction. Mr. Collins stated the tank will have a double seal coat, the Commission stated we will need a surveyor stamped plan. Chairman Flaherty stated if the homeowners use laundry they will be using more water. Mr. Collins stated the work will be done around the tide schedule and they do not anticipate odors. the Commission also asked to be notified before the work begins so a member can be onsite to review the project. The existing system will be removed. The right of way and time of year was discussed and Mr. Collins stated it will take less than five business days to install. The hay bales will not be blocking the driveway so the work will not impact the neighbors. Chairman Flaherty asked if a tight tank will

be recorded on the deed because the Commission does not want the next owner to say they were unaware of the tight tank. Mr. Collins stated it will be recorded.

Commissioner Hoopes made a motion to approve the Order of Conditions with the following condition numbers 1-6, 12, 14, 15, 16, 17, 18, provide revised surveyor stamped plans showing Yarmouth Conservation Commission (not Town of Bridgewater), revised note # 7 (H-20), dewatering location will be lined with a filter fabric and then surrounded with hay bales and add additional plantings to the plan as discussed with the Conservation Administrator. Seconded by Commissioner Carr. All in favor. Motion passes.

Robert Spiegelberg, 12 Nauset Lane, West Yarmouth MA 02673. Raze and replace single family dwelling within Land Subject to Coastal Storm Flowage

Kieran Healy, land surveyor of the BSC Group was present at the meeting and presented the green cards to the Chairman. Mr. Healy informed the Commission of the project. The house needs to be in flood zone compliance per FEMA regulations. The property in this area has high ground water and the Town raised the road in the past. The property proposes grading around the house with a swale on both sides of the property. The existing septic system is mounded and is not changing. The groundwater is very high (a foot and half or less), thus a conventional drainage system with dry wells will not be functional. Instead, Mr. Healy is proposing to remove the A layer and B layer of the top soil and clean it out with clean sand so water that will run into the area will be able to percolate through. Mr. Healy stated several neighbors had concerns with the flooding problems in their property and it is an ongoing issue. The proposed contours around the house will be shed back into the swales and the applicant will be containing all the water from his site onsite. Commissioner Carr asked for clarification for the top of elevation. Commissioner Hoopes asked is the driveway will be changed; Mr. Healy stated the driveway will remain as sea shells. The Commission reviewed the revised plans that were submitted. Mr. Healy stated the project will not incorporate a rain garden because the ground water table is too high. Commissioner Durkin asked if all of the water on the applicants property will remain there and Chairman Flaherty asked if formulas were used to determine the amount of water onsite. Mr. Healy stated the water has no place to go and will be captured in the swale. Commissioner Durkin commented on the length of the swales on both sides of the house has been extended and commented on the water on the front of the house. Chairman Flaherty stated the SE file number is SE83-1915. Ms. Muldoon asked for clarification on the elevations and stated her concern is for any standing water on site and stated water shall not go onto abutting property. Mr. Healy stated the separation between the groundwater and the lowest elevation in the swale is not ideal but it is the best they can provide on the site. Chairman Flaherty asked if the swales would require an ongoing maintenance plan, Mr. Healy stated the owner would be looking to do a maintenance plan to protect his property and Ms. Muldoon added that an ongoing condition can be added that models after the Stormwater regulations. The soils on the site are sandy soils. Chairman Flaherty reminded the audience that the project is before the Commission because it needs to comply with the FEMA regulations. Chairman Flaherty opened the hearing to the audience. Eileen Hughes of 7 Niagara Lane, South Yarmouth asked for clarification of the grading and elevation and wanted to understand why the house was being raised. Mr. David Wallace, attorney on behalf of the abutter, Edwin Duvall of 8 Nauset Lane, South Yarmouth presented pictures to the Commission and expressed the concerns of being flooded out. The

pictures showed his client's property being flooded and the applicant's property being dry. Mr. Wallace was looking for a way to reduce the water runoff and was at the hearing to find a better solution. Mr. Wallace stated his client driveway acts like a funnel for water. Mr. Healy stated downspouts and a foundation drain can be added and a berm be located along the driveway. Mr. Healy stated the groundwater table was too high for a drywell. Mr. Thomas Nigro, 11 Nauset Lane, South Yarmouth, stated all the houses in the neighborhood have water issues and the water is not going from one yard to another. A local contractor, Pete stated he has worked on the house for several years and the driveway always fills with water and doesn't feel he is flooding everybody.

Commissioner Durkin made a motion to approve the Order of Condition numbers 1 – 6, 11, 13 (modify drip trenches), 14, 15, 16, 17, ongoing maintenance of the swales to consist of but not limited to regular cleaning and removal of trash, debris, leaf litter, there shall be no snow stored in the swales, no runoff shall be caused to drain on to adjoining property or on any public ways, The engineer will certify, with an as-built plan to include the location and elevation of the swales, that this project has been completed in accordance with the above Order of Conditions before the Certificate of Compliance will be issued. The Commission asked for a revised plan showing the cross section of the swale, a berm located along the edge of the driveway, the drainage ditch along the front of the house to the swale in the rear. Seconded by Commissioner March. All in favor. Motion carries.

Karl and Patricia Pieragostini, 16 Driftwood Lane, South Yarmouth, MA 02664. Construct a walkway, platform and kayak rack within a Bordering Vegetated Wetland, Saltmarsh, Riverfront, and Land Subject to Coastal Storm Flowage.

Ms. Lynne Whiting Hamlyn was present on behalf of the applicants. She presented the green cards to the Chairman and informed the Commission of the project. The project is a boardwalk. The project proposes a 68' Boardwalk with composite decking ¾' spacing, 10' X 6' platform at end of boardwalk and 4' wide steps to water, 10' X 3' kayak/canoe rack and 6" X 6" CCA pt. piling. Commissioner Durkin stated the protection of the bank is important. Ms. Hamlyn stated one blueberry will be cut back and removed but there will be no trees removed. Chairman Flaherty read three letters outloud, letter from the Department of Army dated 2/3/2012, letter from Division of Marine Fisheries dated 11/9/2011 and letter from Division of Marine Fisheries dated 2/14/2012. At the time of the meeting, there was DEP file number; therefore the Commission could not close the hearing. Chairman Flaherty asked if there were any water service to the area, and asked that the area to be maintained, i.e. a leak shall not erode the side of the bank. Commissioner Durkin made a motion pending upon receiving the SE file number with no additional comments from DEP, to approve the Order of Conditions number 1 – 6, 7, 14, 15, 16, 19. Seconded by Commissioner Johnston. All in favor. Motion carries.

(Con't) Joseph Freehling, 21 Ridgewood Drive, Yarmouthport, MA After-the fact filing
The hearing was continued based upon the motion made at the February 2, 2012 meeting.

Request for Determination of Applicability: Town of Yarmouth Division of Natural Resources, Crab Creek Conservation Area/North Dennis Road, Yarmouth MA 02664.

Create trail entrance, remove overgrown vegetation and a tree, and construct new boardwalk and platform over existing eroding trail.

Connor Huck, Yarmouth Eagle Scout, was present at the meeting and discussed his proposed project to the Commission. The project includes working with the Department of Natural Resources and they plan to create a new trail entrance, remove overgrown vegetation and a tree that is located in the water, and construct new boardwalk and platform over existing eroding trail. The Commission commended the Eagle Scout on his ambitious for working with the Town on his Eagle Scout project. Chairman Flaherty presented a Certificate of Appreciation on behalf of the Conservation Commission to Mr. Huck. Commissioner March made a motion to approve a negative 3 with the condition that the Conservation Administrator be notified before the work begins. Seconded by Commissioner Hoopes. All in favor. Motion carries.

CTS Fiduciary, LLC, Tr., Eighty-Eight Mill Lane Real Estate Trust, 0 Mill Lane (Map 121 Lot 27) Yarmouthport, MA 02675. To confirm a wetland boundary delineation

Ms. Lynne Whiting Hamlyn was present on behalf of the applicants. She presented the green cards to the Chairman and informed the Commission of the project for the subdivision. The Commission reviewed the plans and the Resource Areas as shown on the plan. Ms. Hamlyn is looking for verification for two vegetated wetlands, coastal bank, no isolated land subject to flooding. Commissioner Hoopes asked if any soils were done and Ms. Hamlyn stated no and a wetland needs to have wetland plants and wetland soil and the wetland plants were cut and dry and there are no soils needed if the plants are upland. Soils are needed only when plants are facultative because the plants can be either half or half. If wetland indicators are present, then soils are needed. The vegetation was clearly upland, thus no soils were needed. It was determined that because of the existing culvert on the southern portion of the lot, the land is not within Land Subject to Isolated Flooding. Commissioner Johnston made a motion for 2a that the boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate, wetland flag 1 – 6 and wetland flag BVW- A1 and BVW-A2 and 2b. the boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination. Wetland flag 7 - 10 & BVW-A, BVW-B, BVW-C. Seconded by Commissioner March. All in favor. Motion carries.

Meeting Minutes: 1/5/2012

Commissioner Durkin made a motion to approve the meeting minutes of January 5, 2012. Seconded by Commissioner March. All in favor. Motion passes.

Updates to the Commission:

Vegetation Management: The Commission reviewed and discussed the definition of vista pruning.

Site Updates: The Commission reviewed picture of current projects for site compliance.

Commissioner March made a motion to adjourn the meeting. Seconded by Commissioner Duffy. All in favor. Motion carries.