

On 9/21/2017, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 5-0 (1 abstention), to approve these minutes as presented.

CONSERVATION COMMISSION MEETING MINUTES

September 7th, 2017

Members Present: Rick Bishop, Tom Durkin, Phil Johnston, Megan Schlesinger, and Ellie Lawrence

Member(s) Absent: Cris Luttazi

Staff: Kelly Grant – Conservation Administrator

Start Time: 6.30pm

YARMOUTH TOWN CLERK

'17SEP25PM1:37 REC

Request for Determination of Applicability:

Continued from 8/17/2017, James and Melanie McManus, 63 Aspinet Road, South Yarmouth, after-the-fact filing for clearing of land within land subject to coastal storm flowage. The applicant requested a continuance to the October 5th meeting due hurricane conditions in Florida. Commissioner Lawrence made a motion to continue to the October 5th meeting. Seconded by Commissioner Durkin. Motion carries unanimously.

Margot Semonian c/o Caryl Fox, 66 Mayflower Terrace, South Yarmouth, after-the-fact filing for a deck within the buffer zone to Dinah's Pond. Ms. Patricia Granger, Realtor for the sale of the property represented the applicant and presented the request. Commissioner Lawrence clarified that the deck is outside the setbacks to the wetlands.

Commissioner Lawrence made a motion to issue a Negative 3 determination. Seconded by Commissioner Schlesinger. Motion carries unanimously.

Approved Plan: Plan of Land to Accompany Request for Certificate of Compliance for 66 Mayflower Terrace, Downcape Engineering, 8/23/2017.

Bill Benoit, 11 Broadcast Lane, West Yarmouth, proposed raise and renovation of an existing dwelling to meet flood zone compliance with land subject to coastal storm flowage. Mr. Dan Ojala of Downcape Engineering represented the applicant and presented the proposed work. Commissioner Lawrence confirmed drywells will be installed along with a pervious driveway. Mr. Ojala confirmed in the affirmative. Commissioner Durkin asked what is proposed for the facing underneath the building. Mr. Ojala confirmed water resistant material such as pressure treated timbers.

Commissioner Durkin made a motion to issue a Negative 2 determination. Seconded by Commissioner Lawrence. Motion carries unanimously.

Approved Plan: Site Plan of 11 Broadcast Lane, West Yarmouth, MA, Downcape Engineering, 8/23/2017.

On 9/21/2017, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 5-0 (1 abstention), to approve these minutes as presented.

Notice of Intent:

SE83-2121, Beverley Bruno, **15 Powers Lane**, West Yarmouth, proposed raze and replace of a single family dwelling within a coastal dune and land subject to coastal storm flowage. Mr. Dan Ojala of Downcape Engineering represented the applicant and presented the project. Mr. Ojala provided the certified mailing receipts and green cards. A permit was issued for this property for a renovation (SE83-2082) but the property owner has decided to rebuild the home to meet flood zone code requirements. A revised plan was submitted moving the structure over approximately 9 feet to meet the zoning side setbacks. The dune will be replicated on the vacated side of the house to reduce resource area impacts. Commissioner Schlesinger asked how much vegetation will need to be removed under the revised plan. Mr. Ojala responded that the trees will remain along the side of the house. Commissioner Bishop commented that the stairs off the deck will hit the pine cluster. Mr. Ojala responded that the steps will land at the top of the wall so some branches will need to be tied back but the tree shouldn't be impacted.

The Conservation Administrator (CA) commented that the Commission should consider whether abutter notification of the revised plan is necessary before proceeding, and that the steps off the deck should not create the need for additional paths through the dune. She commented that the cedars may be negatively impacted by being so close to the house. Commissioner Durkin commented that the open foundation should allow the trees sufficient air and light. The CA asked that due to the proximity to the mapped NHESP area the condition for allowing monitoring of plover and tern populations should be included in the new order. The CA asked Mr. Ojala about the preference for drip trench or downspouts in the dune. The permeability is good so a drip trench should be sufficient for drainage. The CA commented that all proposed plantings should be native. Japanese black pine is listed on the plan and should be removed. She also commented that sand fencing should be used instead of silt fencing where appropriate on the site. The old Order of Conditions should be closed off immediately.

Commissioner Lawrence commented that the stairs should go west to east to avoid the vegetation and meet the existing path. Commissioner Durkin asked if the abutters should be notified of the new plan. The abutters Ms. Scavone of 11 Powers Lane and Ms. Gambrazzio of 19 Powers Lane were present and supported the revised plan. They asked for road control during construction. Commissioner Johnston asked for the plan to be updated to adjust the stairs to avoid the trees and meet the existing path.

Commissioner Durkin made a motion to issue an Order of Conditions approving the project with the following conditions: 1-6, 7,8,10, 11, 12, 13, 14, 15, 16, 17, 29, 30, 31, 36, 37, plus additional special conditions:

- There shall be no items stored upon the coastal dune under any circumstances. Access will be limited to designated pathways as per the approved plan. This is an on-going condition that does not expire with the issuance of a Certificate of Compliance.
- The existing path to the east side of the property will be abandoned and allowed to revegetate. A barrier will be installed to block access to the path. This is an on-going condition that does not expire with the issuance of a Certificate of Compliance.
- A sand fence will be installed along the property line to discourage the air borne sediment from entering the abutting property (east side).

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- This project will occur adjacent to habitat of the Piping Plover (*Charadrius melodus*) and Least Tern (*Sternula antillarum*), species state-listed as “Threatened” and “Special Concern”, respectively. The applicant has the responsibility of protecting breeding Piping Plovers and state-listed species of terns that may occur on this section of beach. Therefore, regular monitoring for the presence of Piping Plovers and terns by a qualified shorebird monitor, as determined by the Division, during the period April 1 – August 31 must be allowed as well as the protection of any nests, scrapes, or unfledged chicks with symbolic fencing (warning signs and twine fencing). This is an on-going condition that does not expire with the issuance of a Certificate of Compliance.
- The area around the pilings shall not be enclosed to allow for the movement of sand. Slats with 50% coverage shall be allowed as a maximum.
- A new plan reflecting the change in the location of the steps off the deck will be submitted to the CA
- A request for Certificate of Compliance shall be submitted immediately for Order of Conditions SE83-2082.

Seconded by Commissioner Schlesinger. Motion carries unanimously.

Approved Plan: *Site Plan of Powers lane, West Yarmouth for Beverley Bruno, prepared by Dan Ojala of Downcape Engineering Inc. 9/11/2017*

SE83-2120, A.J and Christina Luke, **40 Crosby Street Ext.**, South Yarmouth, proposed raze and replace of single family dwelling with new septic, pool, and patio within the buffer zone and riverfront area. Mr. Dan Ojala of Downcape Engineering represented the applicant and presented the project. Changes were made to the submitted plan. The pool and associated patio was removed and a demarcation of the meadow area with low shrubs was added.

Commissioner Lawrence commented that a pervious driveway would be preferable to reduce runoff to the road. Property owner Mr. Luke addressed the Commission and expressed his preference for an asphalt driveway for easier maintenance. Commissioner Bishop responded that there are pervious pavement options that can be utilized for ease of maintenance. Mr. Ojala suggested a trench drain on the driveway as an alternative to a pervious surface. The CA commented that preference is to see a 35 foot buffer zone of native vegetation from the top of the coastal bank. She asked that a condition be included that the invasive species must be managed in perpetuity as they require long term management for successful control. She also commented that there is a float and boat moored off shore from the property that has no permitting. Mr. Luke responded that the float and boat will be removed. The CA asked the Commission to include a condition that they be removed before the project commences.

Commissioner Lawrence made a motion to issue an Order of Conditions approving the project with the newly presented plan with the following conditions: 1-7, 8, 9, 10, 11, 12, 13 (trench drain or pervious), 14, 15, 16, 17, 29, 30, 31, 36, 37, the unpermitted float and boat shall be removed prior to project commencement, invasive species shall be managed in perpetuity. Seconded by Commissioner Schlesinger, Motion carries unanimously.

On 9/21/2017, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 5-0 (1 abstention), to approve these minutes as presented.

Approved Plan: *Site Plan of 40 Crosby Street Ext. South Yarmouth, MA prepared for A.J & Christina Luke by Dan Ojala of Downcape Engineering, dated 9/7/2017*

Request for Certificate of Compliance:

SE83-960, 66 Mayflower Terrace. Commissioner Durkin made a motion to continue to the September 21st meeting to allow for the installation of drywells. Seconded by Commissioner Schlesinger. Motion carries unanimously.

Meeting Minutes:

08/03/2017, Commissioner Lawrence made a motion to approve the minutes as presented. Seconded by Commissioner Durkin. Motion carries unanimously.

8/17/2017, Commissioner Schlesinger made a motion to approve the minutes as amended. Seconded by Commissioner Durkin. Motion carries unanimously.

Discussion:

Meeting with Friends of Bass River. Ryan Mann addressed the Commission and provided an update on the Friends of Bass River goals and progress. The state of the river is concerning, prompting the groups 'rescue' mission. A COASTSWEEP event is planned in conjunction with the Conservation administrator. The group has also scheduled a State of the River event for Wednesday October 4th at Thirwood Place auditorium at 6pm to discuss concerns and enlist volunteers. Commissioner Lawrence commented that the nitrogen issue is largely influenced by septic systems and asked if there are any plans to lobby for zoning changes requiring for smaller septic systems or greater setbacks. Mr. Mann responded the group is not plan any advocacy at this stage, commenting that there is a lot that can be done within existing policies. He has looked at a project in New York called the billion oyster project and commented that this is something that could be explored locally to expand on the small scale projects that already exist locally. Mr. Mann also commented that the group is looking at a community science project to enlist volunteers for water quality sampling. Commissioner Durkin commented that this is a great idea and absolutely necessary. He commented that there are a lot of small groups interested in water quality, that are building awareness based on fact. The task moving forward is to work with the administration to build the desire within the community to address the issue. Previous efforts to sewer the town were unsuccessful because the prohibitive cost reduced the community's perception of the need. We now need to create a desire and a need rather than just an awareness. Mr. Mann agreed that the group is in a unique position to educate people and create a greater desire to improve water quality.

Conservation Commission priorities and action plan. The Commission agreed that a separate planning session would allow them more time to discuss priorities and goals and asked the CA to schedule a session separate to the regularly schedule meetings.

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Staff Updates:

Talent bank form. The Commission discussed the new talent bank form received from Mr. Gorenstein and agreed that his experience as a civil engineer would be valuable to the commission. The question was raised as to his local knowledge and experience. The Commission asked the CA to invite him to meet the Commission at their next meeting.

Commissioner Durkin made a motion to adjourn at 8.17pm. Seconded by Commissioner Lawrence. Motion carries unanimously.

