

On 9/2/2021, on a motion by Commissioner Lawrence, seconded by Commissioner Huggins, the Commission voted unanimously, 5-0-1 (abstain), to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

August 19, 2021

Members Present: Ed Hoopes (Chairman), Tom Durkin (Vice Chairman), Patricia Mulhearn, Rick Bishop, Ellie Lawrence and Paul Huggins

Member(s) Absent: David Bernstein

Staff: Kelly Grant

Start Time: 5:00pm

YARMOUTH TOWN CLERK

'21SEP10PM2:16 REC

Request for Determination of Applicability

1. Michael Brown, [1 Florence Lane](#), Yarmouth, proposed addition and remodel to a single family dwelling within land subject to coastal storm flowage.

Presenting: Mr. Ed Stafford

Footprint of additional will likely be reduced to remove garage. Downspouts and drywells existing and will be added.

Commissioner Bishop made a motion to issue a Negative 2 determination with downspouts to drywells. The motion was seconded by Commissioner Durkin. The motion carried unanimously 6-0.

Notice of Intent

2. John & Margaret Oberlander, [22 Mayflower Terrace](#), Yarmouth, proposed fixed pier, ramp and floats within Dinah's Pond.

Presenting: Dan Ojala, Down Cape Engineering

Revised plan was submitted based on Waterways comments to rotate float slightly. Commissioner Bishop requested plastic to contain Styrofoam float. Conservation Administrator stated that the DMF conditions require elevating the dock six feet over the marsh; mitigation was not completed per previous plan; must remove unpermitted landscape stone from edge of marsh; kayak to be installed on racks over water, not saltmarsh.

Commissioner Lawrence made a motion to approve with revised plan. The motion was seconded by Commissioner Bishop. The motion carried unanimously 6-0.

3. Daniel Christopoulos, [47 Nickerson Farm Way](#), Yarmouth, proposed single family dwelling with subsurface Title 5 septic system, driveway and landscaping/regrading within the buffer zone to a vegetated wetland.

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Presenting: Dan Ojala, Down Cape Engineering

Commission requested a pervious driveway and reduced clearing by reducing the work limit line; a vegetation management plan should be submitted by August 26, 2021. Commissioner Lawrence made a motion to continue to September 2, 2021. The motion was seconded by Commissioner Durkin. The motion carried unanimously 6-0.

Continued Notice of Intent

4. *Continued from 7/1/21, 8/5/21* SE83-2290, Kelley's Point Homeowners Association, [0 Mayflower Terrace](#), Yarmouth, MA, proposed addition of a new 7' by 20' float to the existing licensed pier, ramp and float within riverfront area, land under the ocean, land containing shellfish and land subject to coastal storm flowage.

Presenting: Kieran Healy, BSC Group

Waterways supported the project. Rick Bishop requested use of Styrofoam enclosed in plastic for the float. Applicant offered a \$500 donation to Rainforest Foundation, and will use hardwood (green heart) pilings. Commissioner Lawrence was not in favor of the project.

Commissioner Bishop made a motion to approve with conditions. The motion was seconded by Commissioner Huggins. The motion carried 5-1.

Certificate of Compliance

5. [SE83-2115](#), 5 Webster Road, Yarmouth

Commissioner Mulhearn made a motion to issue a Certificate of Compliance. The motion was seconded by Commissioner Huggins. The motion carried unanimously 6-0.

Request for Extension of Emergency Certification

6. **SE83-2143** Parkers River Restoration Project – request to perform emergency dredging within Parkers River, south of the Parkers River Bridge, to address shoaling issues that are creating a hazard to boating.

Presenting: Kelly Grant

Chairman Hoopes stated that it is not a true emergency and that a Notice of Intent needs to be filed. Commissioner Durkin stated that it is commercially important and could be a hazard to boaters' safety. Commissioner Lawrence stated that access will depend on the draft of the boat. Chairman Hoopes commented that access is still possible during high tide.

Commissioner Bishop made a motion to extend the Emergency Certification for 30 days. The motion was seconded by Commissioner Durkin. The motion carried 4-2 (passes).

Revisions to the Town of Yarmouth Wetlands Protection Regulations (By-law Chapter 143)

7. The Commission asked for public comment and participated in discussion on revisions to the regulations promulgated under the Town of Yarmouth Wetland By-law, Chapter 143.

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Consultant Mark Burgess commented that section 2-01 should read "measure width of dock from inside pile to inside pile".

No other public comments were received. The Conservation Administrator suggested additional proposed changes to LSCSF performance standards and discussed abutter notification changes for RDAs.

Additional time to review proposed changes was suggested. Written public comments will be accepted until Friday, August 27, 2021. A vote will be taken at the September 2 meeting.

Other Business:

8. Approval of Meeting Minutes: August 5, 2021

Commissioners Durkin made a motion to approve the minutes as written. The motion was seconded by Commissioner Lawrence. The motion carried unanimously.

9. Other business not reasonably anticipated

Commissioner Durkin stated that the conversation on wastewater by the Board of Selectman was encouraging. A Fall Town Meeting vote is planned for funding of design for Route 28 Phase 1 pipeline; cost is \$350 million for Phase 1 using 0% interest loan which provides great savings for the Town. There is a deadline date in 2023 for in ground work to coordinate with Mass DOT Route 28 work. Yarmouth will go it alone constructing a treatment plant on Buck Island Road. He is encouraged by BOS action.

Commissioner Bishop commented that a study to investigate winter flounder in Bass River is proposed.

Motion to Adjourn

Commissioner Lawrence made a motion to adjourn at 6:25 p.m. The motion was seconded by Commissioner Bishop. The motion carried unanimously.