

# Town of Yarmouth

Per M.G.L.: All town and school boards, committees, commissions, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting.

## Notice of Meeting

Name of committee, board, etc.:	<b>Conservation Commission</b>
Date of Meeting:	<b>Thursday, April 2, 2020</b>
Time:	<b>4.30pm</b>
Place:	<b>Virtual Meeting</b>

This meeting will be held by remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Members of the public can attend the meeting using one of the following methods:

- To attend the meeting online, click or navigate to <https://us04web.zoom.us/j/463968420> and follow the prompts.
- Applicants will be called upon by the Chair to present their request. Applicants can use the "Raise Hand" button to identify themselves (all participants will be muted, you must be recognized by the chair to participate).
- To attend the meeting by dial-in phone, call +1 301 715 8592 and enter meeting ID 463 968 420. The dial-in number can also be used to access the audio while watching the online meeting (if you don't have speakers and/or a microphone).
- Applicants attending by dial-in should press \*9 to notify the chair of their presence when called upon. The meeting host will un-mute applicants when they are called upon to speak.
- Meeting materials will be displayed at the online meeting and are attached to this agenda (available at <http://www.yarmouth.ma.us/AgendaCenter>). It is recommended that phone participants access materials in advance of the meeting.

### **AGENDA ITEMS:**

#### **Request for Certificate of Compliance:**

**SE83-2106** 115A River Street, Yarmouth

**SE83-622**, 39 Merchant Ave, Yarmouth

YARMOUTH TOWN CLERK

\*20MAR31PM12:57 REC

Continued over.....

SE83-90, 4 Marsh Road, Yarmouth

**Other Business:**

1. Potential vote to authorize Kelly Grant, Yarmouth Conservation Administrator, to physically sign Yarmouth Conservation Commission documents on behalf of individual Yarmouth Conservation Commission members for the duration of the COVID19 State of Emergency.
2. Approval of Meeting Minutes February 20, 2020
3. Potential new Commissioner – possible vote on recommendation to the Board of Selectmen
4. Staff Updates

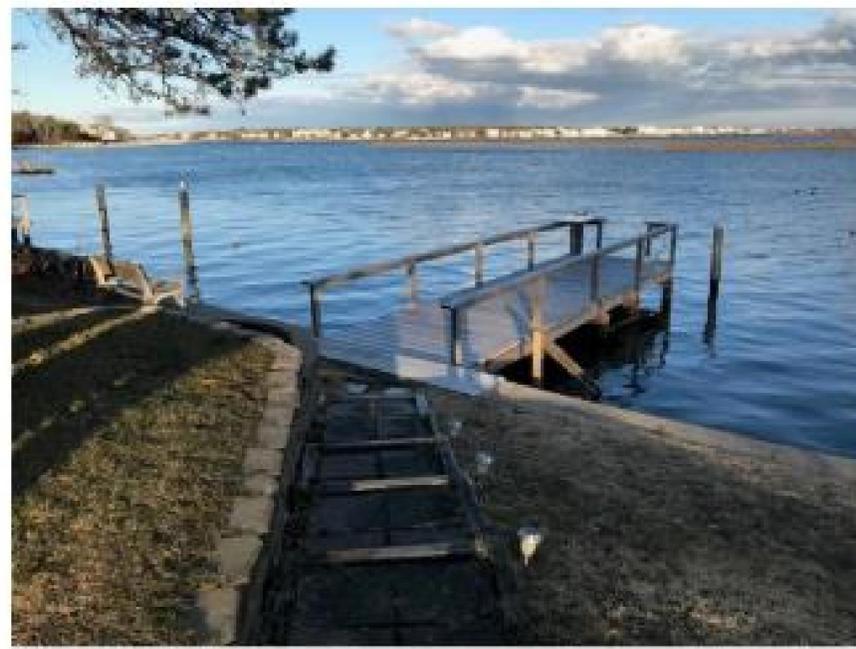
Posted By (Name):	Kelly Grant
Signature:	<i>Kelly Grant</i>

YARMOUTH TOWN CLERK

'20MAR31PM12:57 REC



Previous access path and dock (3/20/17)



Existing access path and dock (2/28/20)



Previous dock looking north (3/20/17)



Existing dock looking north (2/28/20)



Previous dock looking east (3/20/17)



Existing dock looking east (2/28/20)



Existing rebuilt access steps (2/28/20)



Previous dock looking southeast (3/20/17)



Existing dock looking southeast (2/28/20)

November 1, 1999

RECEIVED  
NOV 02 1999  
HEALTH DEPT.

Mr. Bruce Murphy, MPH  
Health Agent  
Town of Yarmouth  
1146 Route 28  
South Yarmouth, MA 02664

Subj: 39 Merchant Ave, Yarmouthport, MA  
Septic System Inspection

Dear Mr. Murphy:

Hunter Engineering Associates, has conducted the necessary inspections for the newly installed Title V septic system for the subject property.

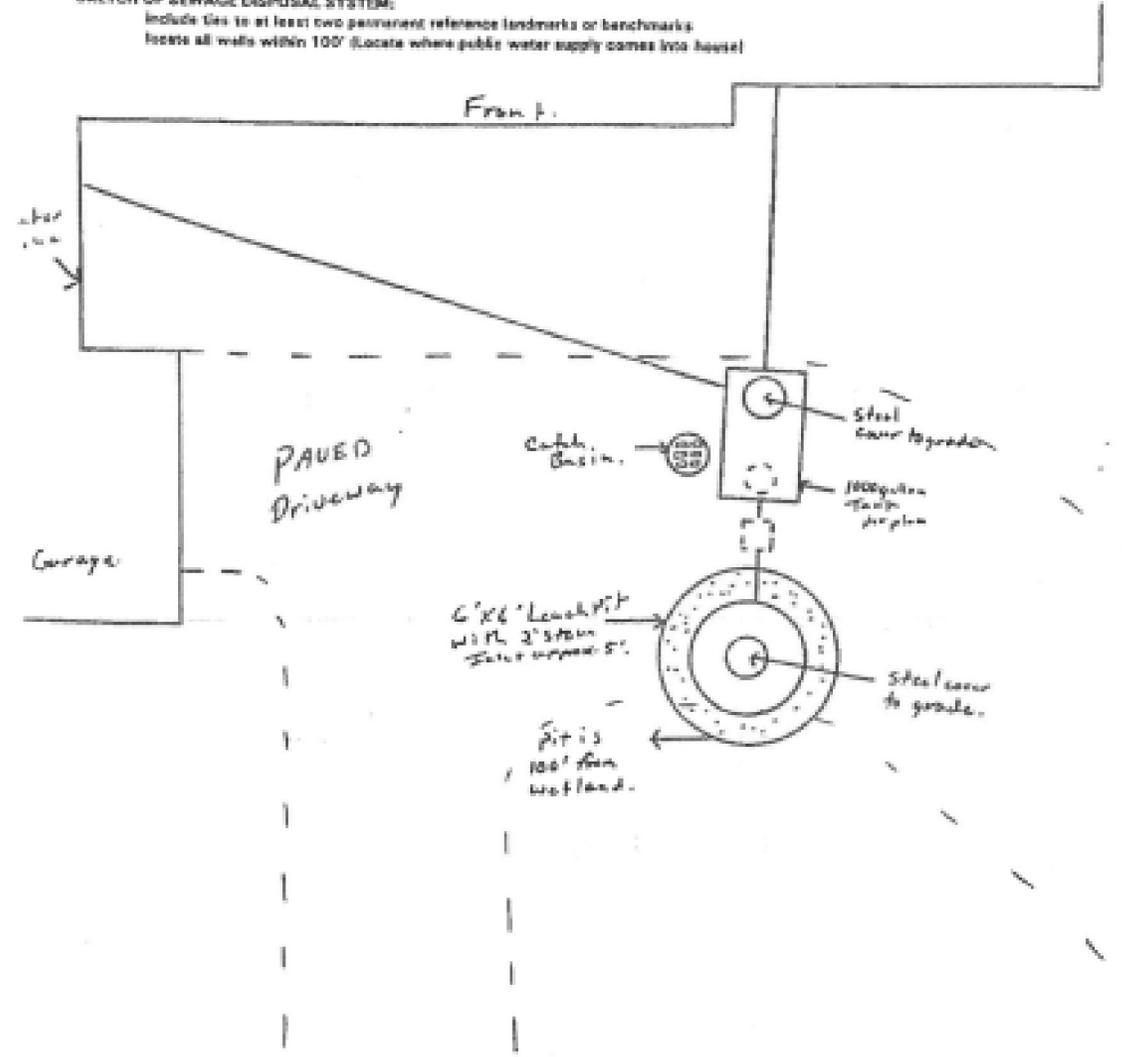
Hydraulic loading calculations were made for a 2' deep x 33' long x 13' wide soil absorption system. The daily flow for this configuration is 453.6 GPD.

Therefore, I hereby certify that the new septic system has been installed in conformance with Title V the approved plan prepared by A & M.

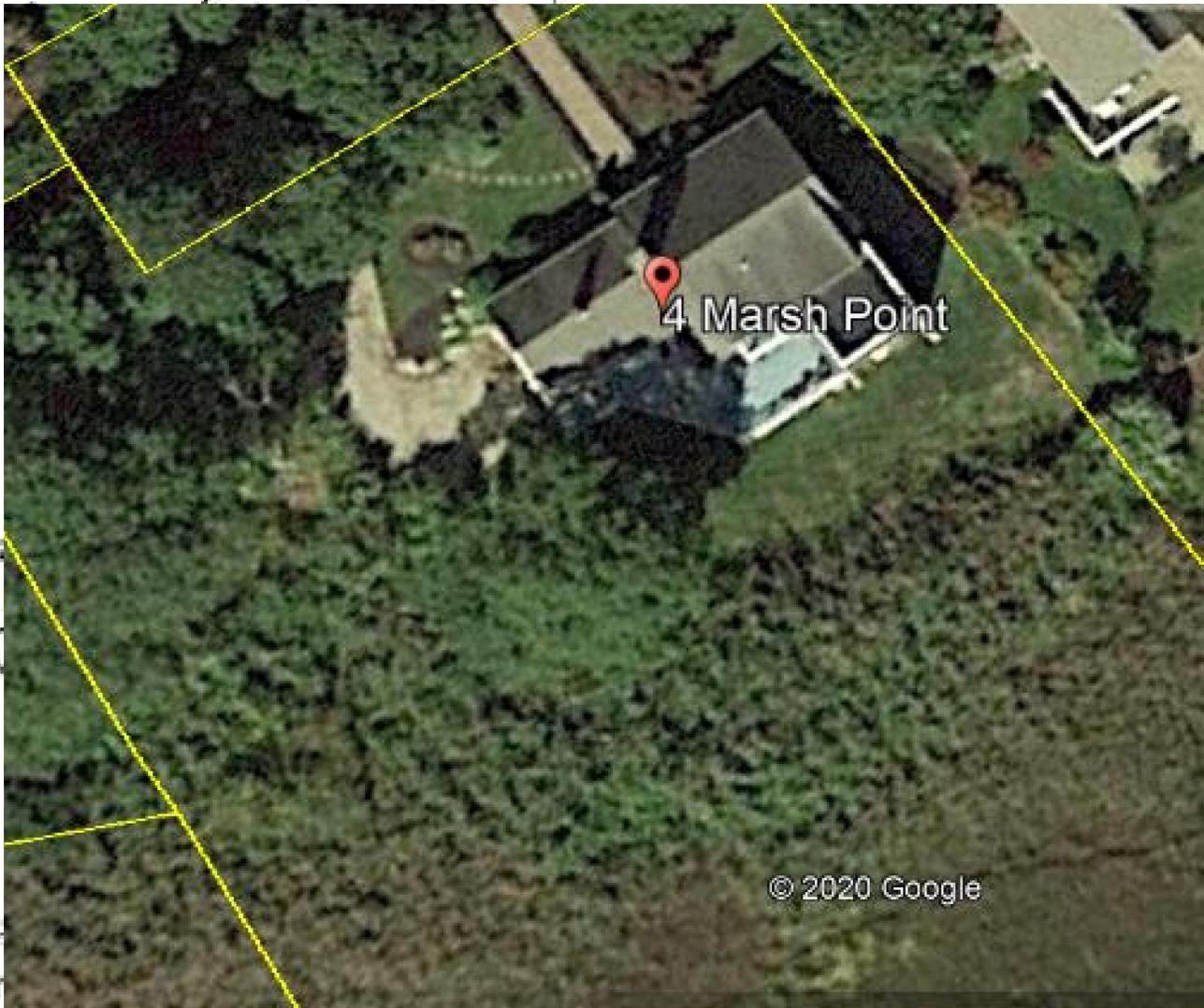
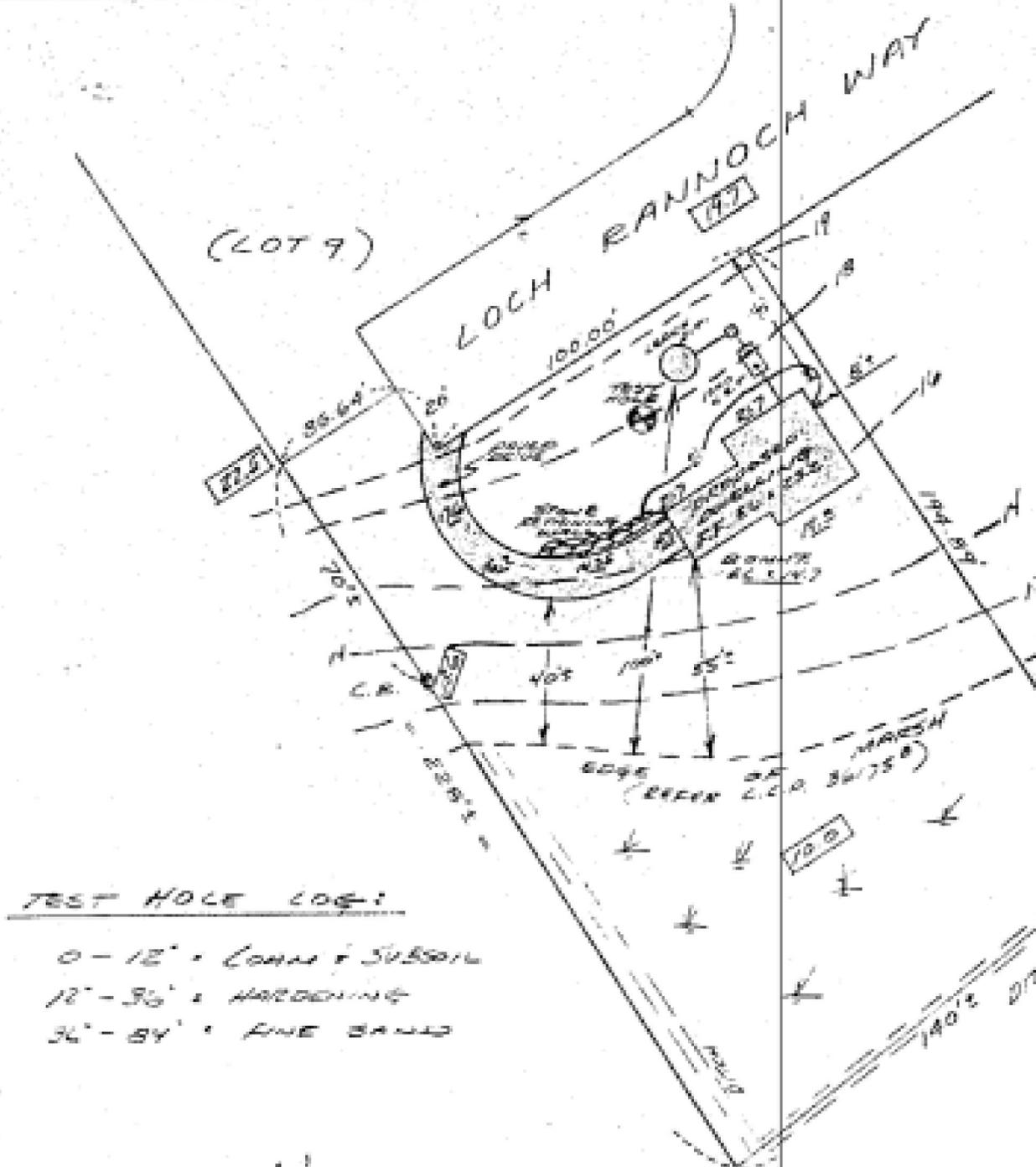
Very truly yours,  
*John F. Hunter*  
John F. Hunter, P.E.

Property Address: 39 Merchant Avenue, Yarmouthport, MA  
Owner: Roger Depedris  
Date of Inspection: June 9, 1999

SKETCH OF SEWAGE DISPOSAL SYSTEM:  
Include this on at least two permanent reference landmarks or benchmarks  
locate all walls within 100' (Locate where public water supply comes into house)



System per Down Cape Plan (1995)



On \_\_/\_\_/2019, on a motion by Commissioner \_\_\_\_, seconded by Commissioner \_\_\_\_, the Commission voted unanimously, \_-\_, to approve these minutes as presented.

## CONSERVATION COMMISSION MEETING MINUTES

February 20, 2020

**Members Present:** Tom Durkin (vice Chairman), Rick Bishop, Phil Johnston and Ellie Lawrence (attended part of the meeting)

**Member(s) Absent:** Patricia Mulhearn, Paul Huggins, and Ed Hoopes

**Staff:** Kelly Grant – Conservation Administrator (CA)

**Start Time:** 6.30pm

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The meeting was opened at 6.30pm. Due to a lack of quorum there was no business conducted. Whilst awaiting a quorum a video was played on the Town's wastewater initiative and a general discussion was held on the wastewater initiative. The CA collected comments from the Commissioners on the tree removal request before the Planning Board for the road right-of-way opposite 71 Thacher Shore Road. Commission members were not generally supportive of the proposal to remove three trees within the buffer zone to the wetland. The CA updated the Commission on a recent violation at 82 and 86 Harbor Road.

At 7.20pm Commissioner Lawrence arrived creating a quorum.

Commissioner Bishop made a motion to continue the following four Notices of Intent to the March 5th meeting with agreement from the applicant's representative:

Maryellen Mara, Acres of Pines Association, Inc., **65 Lewis Bay Blvd.**, West Yarmouth, proposed beach nourishment and maintenance in Lewis Bay.

Sheryl Locke, **36 Mayflower Terrace**, South Yarmouth, proposed reconstruction and relocation of existing dock on Dinah's Pond.

Matthew Clark & Xin Zhang, **72 Mayflower Terrace**, South Yarmouth, proposed reconstruction of existing pre-1978 dock in Dinah's Pond.

Deborah & Richard Carrus, **122 Mayflower Terrace**, South Yarmouth, proposed pier, ramp, and float on Dinah's Pond.

The motion was seconded by Commissioner Lawrence. The motion carried unanimously.

### **Request for Approval of an Updated Plan:**

Christine Meimaris, **55 Sullivan Road**, West Yarmouth. Ms. Christine Meimaris addressed the Commission and presented the proposed changes to the plan. The patio was not installed according to the approved plan. She is now proposing a revision to the approved plan that will level the lot landward of the 35 foot no disturb zone. A smaller permeable patio will be added outside the 35 foot buffer. The landscape wall will consist of landscape timbers. Commissioner Bishop asked for a buffer of vegetation along the top of the wall. Commissioner Lawrence expressed concern with runoff down the side of the property. She suggested a terrace to

On \_\_/\_\_/2019, on a motion by Commissioner \_\_\_\_, seconded by Commissioner \_\_\_\_, the Commission voted unanimously, \_-\_, to approve these minutes as presented.

reduce the slope and reduce runoff. Commissioner Johnston asked about the walkway. Ms. Meimaris responded that the boardwalk will be repaired in its current location and replaced where the grading is changed. CA expressed that with the wall, re-grading and careful tapering of the wall at the end she supports the project. Commissioner Bishop made a motion to approve the updated plan. The motion was seconded by Commissioner Lawrence. The motion carried unanimously.

**Request for Certificate of Compliance:**

**SE83-1165**, Anne Koch, c/o Attorney Michael Hayes, **29 Lewis Bay Blvd.**, West Yarmouth. Attorney Michael Hayes. Attorney Hayes gave the members a brief background of the property. The owners of Unit 4 are requesting a partial Certificate of Compliance for the work that occurred in relation to their property. The CA noted that the work fronting the other properties has not been completed per the Order as the buffer vegetation required under the order is not in place. Commissioner Bishop made a motion for a partial Certificate of Compliance for Unit 4. The motion was seconded by Commissioner Lawrence. The motion carried unanimously.

**SE83-2156**, Richard & Joan Publicover White, **188 & 194 Berry Ave.**, West Yarmouth. Mr. Charlie Agro of Coastal Engineering represented the applicant and presented the request. Commissioner Bishop made a motion to issue a Certificate of Compliance with the condition that the area be buffer area shown on the approved plan be vegetated with plugs of beach grass and that the sediment amended to be conducive to plant growth. This is an on-going. Condition. The motion was seconded by Commissioner Lawrence. The motion carried unanimously.

**Meeting Minutes:**

February 6, 2020. There was no quorum so there was no vote on the minutes

Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Johnston. The motion carried unanimously

**VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS**

On April 2, 2020, the Yarmouth Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken by the Yarmouth Conservation Commission.

Motion: To authorize Kelly Grant, Yarmouth Conservation Administrator, to physically sign Yarmouth Conservation Commission documents on behalf of individual Yarmouth Conservation Commission members for the duration of the COVID-19 State of emergency.

Vote:

Vice Chairman Dr. Tom Durkin—  
Commissioner Capt. Elinor Lawrence—  
Commissioner Philip Johnston—  
Commissioner Patricia Mulhearn—  
Commissioner Paul Huggins—  
Commissioner Rick Bishop—  
Chairman Edwin Hoopes—

The above is a true and accurate account of the proceedings of the Yarmouth Conservation Commission.

\_\_\_\_\_  
Edwin Hoopes, Chairman

\_\_\_\_\_  
Date

The Commonwealth of Massachusetts  
County of Barnstable

On this \_\_\_ of \_\_\_, 2020, before me, \_\_\_\_\_ (name of notary public), Edwin Hoopes personally appeared and proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public Signature