

On 4/16/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as presented.

CONSERVATION COMMISSION MEETING MINUTES

April 2, 2020

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

Member(s) Absent: Phil Johnston

Staff: Kelly Grant – Conservation Administrator (CA)

Start Time: 4.30pm

YARMOUTH TOWN CLERK
'20JUN19AM11:27 REC

CA Kelly Grant moderated the meeting reading the following into the minutes:

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.

April 2, 2020 meeting is the first held by the Conservation Commission as a virtual meeting. CA Kelly Grant will be the moderator. No in person participation. CA Kelly Grant explained how the public could watch the proceedings.

Chairman Hoopes opened the meeting at 4:33 pm.

AGENDA ITEMS:

Request for Certificate of Compliance (COC):

SE83-2106 115A River Street, South Yarmouth. Mark Burgess, Shorefront Engineering, represented the applicant. The basic reason for the work was a re-finance that included replacement for decking and hand rails of the dock. Photos of the dock were shown of the completed work. CA recommends issuance of the COC. Motion by Commissioner Lawrence to grant the COC. The motion was seconded by Commissioner Bishop. The CA took a roll call vote that was unanimous.

SE83-622, 39 Merchant Ave, Yarmouth. Mark Burgess, Shorefront Engineering, represented the applicant and explained that this is an old Order that was never closed out. The septic system has been replaced. The CA recommended issuing the COC. Commissioner Bishop made a

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motion to issue the COC. The motion was seconded by Commissioner Lawrence. The CA took a roll call vote that was unanimous.

SE83-90, 4 Marsh Road, Yarmouth. No one was in the audience. CA explained that this is straight forward, a recent Order of Conditions on this property brought this old order to light. The CA recommended issuing the COC. Commissioner Lawrence made a motion to issue the COC. The motion was seconded by Commissioner Mulhearn. The CA took a roll call vote that was unanimous.

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 COVID-19 State of Emergency.

Discussion: Commissioner Lawrence and Commissioner Bishop expressed support to authorize the CA the ability to sign on the Commissions behalf during this period. The CA shared with the Commission that another Town is having the Chairman sign documents. Chairman Hoopes, in his opinion, felt that it is easiest at this time for the CA to act as the official signer for the Commission.

Commissioner Lawrence made a Motion to approve the CA to act on behalf of the Commission – Motion seconded by Commissioner Bishop. Motion carries unanimously. The CA took a roll call vote that was unanimous.

2. Approval of Meeting Minutes February 20, 2020. This item will be held over until the next meeting for Commissioner Johnson to be present.
3. Potential new Commissioner – possible vote on recommendation to the Board of Selectmen. The CA explained that Mr. David Bernstein has filled out a talent bank form expressing his interest on being appointed to the Conservation Commission. Mr. Bernstein was in the audience and Commission requested to interview him. Chairman Hoopes asked Mr. Bernstein why he was interested in the Conservation Commission. He shared with the Commission his background as an English teacher for 35 years, in 2015 he moved here permanently and his family history of coming to the Cape for many years. Mr. Bernstein explained that he has been attending the meetings since October to see if he would be interested in becoming a member. From his attendance at the meeting he has observed how the Commission works with folks before them and has been impressed. Commissioner Bishop expressed his concern with Mr. Bernstein's past affiliation and thoughts on the Wind Farm. Commissioner Bishop explained his concern is that on this Commission we need to look at all parts of an application. Mr. Bernstein walked the Commission through his involvement with the Wind Farm, attending meetings on the subject, listening to shell fishermen and doing his own personal research and in the end everyone realized that there was an alternative that was better for the environment. Chairman Hoopes presented a situation whereby many times in Conservation you are put in a position where you may have a personal viewpoint about a project or circumstance but it is allowed under the wetland protection act, will you be able to forgo your personal opinion, in situations where the rules clearly state it is allowed. Mr. Bernstein acknowledged that if the by-laws state that it is allowed, even if I don't think it particularly should be done, I would