

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

CONSERVATION COMMISSION MEETING MINUTES

May 21, 2020

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

Member(s) Absent:

Staff: Kelly Grant, Conservation Administrator (CA), Dawn-Marie Flett

Start Time: 4.30pm

YARMOUTH TOWN CLERK
20JUL9AM11:40 REC

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

The May 21, 2020, meeting of the Yarmouth Conservation Commission is about to be convened. As a precautionary measure to reduce the spread of coronavirus, all Town buildings are closed to the public; therefore, this meeting will be held by remote participation. My name is Kelly Grant, and I will be moderating participation for this meeting. I will now turn it over to the Chair of the meeting:

Chairman Commissioner Hoopes opened the meeting, taking a roll call for quorum. The following members confirmed their presence:

Ed Hoopes, Tom Durkin, Ellie Lawrence, Rick Bishop, Paul Huggins, Patricia Mulhearn, David Bernstein

Kelly Grant provided the following instructions for the meeting:

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020, Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Yarmouth Conservation Commission is being conducted via remote participation. No in-person attendance will be permitted, but every effort will be made to ensure that the public can adequately access and participate in the proceedings as provided for in the Order. Persons who would like to view this meeting while in progress may do so by watching via this virtual meeting or the live feed on the Town of Yarmouth YouTube Channel. You may also listen to the meeting by dialing in to the number provided on the Notice of Meeting. We will also post a recording of this meeting on the Town of Yarmouth website as soon as we are able.

Please be patient as we work to overcome any technological challenges with the virtual meeting. To reduce confusion during the meeting, all participants of the virtual meeting are muted by the moderator. As participants are called upon to speak they will be unmuted.

Applicants can use the "Raise Hand" button or press *9 on their phone to identify themselves to the chair. The meeting host will then un-mute applicants when they are called upon to speak. During the portion of the hearing designated for public comment, the Chair or moderator will ask

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

who in the audience has any public comments or questions. Members of the public attending this meeting virtually will be able to make comments using the "Raise Hand" button within the virtual meeting. If you are dialed in to the phone number provided, you can press *9 on your phone to indicate that you would like to comment. Please wait for the chairman to recognize you before speaking. As an alternative to making comments via the online audio or phone, you may also submit comments to the moderator via the virtual meeting "chat" function. To do this click on the "chat" icon and type your message. When prompted, the moderator will read comments and questions into the record.

Members of the public who wish to provide comment are asked to identify themselves by first and last name and affiliation for the public record and then provide their comment.

If you wish to speak during a hearing please consider the following guidelines:

- Do not use speakerphone
- Do not use Bluetooth devices
- Mute all background noises
- Clearly state your name each and every time prior to speaking

Prior to concluding opportunities for discussion, comment, or question, the Chair will ask:

"At this time I did not hear any requests for additional comment, if you wish to speak, please indicate now and I will ask this final time if there is anyone who wishes to speak on the matter at hand."

All votes must be roll call votes. After a motion is made and there is a second, the Chair will ask the moderator to take the roll call vote. The moderator will report the roll call vote. All motions, decisions, documents, and letters will be verbally read into the record. If it appears the meeting cannot or should not proceed, then the moderator will recommend that the Chair request to continue the hearing to a later date and time and/or until public meetings can resume normally. I will now hand the meeting back to the Chair.

AGENDA ITEMS:

Request for Determination of Applicability:

1. *Continued from 5/7/2020* Aunt Edith's Neighborhood Association, **Aunt Edith's Road**, South Yarmouth, Replacement in-kind of ten 12" pilings associated with a licensed pier in Bass River. Chairman Hoopes opened the hearing and no one was present. Dan Ojala, Down Cape Engineering, was the representative on May 7, 2020 and this project was continued after discussion to May 7, 2020 for a revised plan. CA had not received a revised plan and suggested continuing to the next meeting date.

Commissioner Lawrence made a Motion to continue to June 4, 2020. The motion was seconded by Commissioner Durkin.

Roll call vote:

Affirmative vote: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. The motion carried unanimously.

2. Christine Meimaris, **55 Sullivan Road**, West Yarmouth, proposed deck expansion within the buffer zone to Big Sandy Pond. Ms. Meimaris was present representing her project. The

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

current deck extends 12 feet from the house towards the pond and runs 16 feet along the house. She is seeking to expand the deck by 4 feet toward the pond. She had previous approval from this Commission to create a patio and a 4 ft. retaining wall. This is a different concept and it would allow for a table, chairs and a grill on the deck whereas the current deck is too small. The deck expansion may eliminate the need for a retaining wall.

Commissioner Lawrence made a Motion for a Negative 3 determination. The motion was seconded by Commissioner Bishop.

Roll call vote:

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. The motion carries unanimously.

Notice of Intent:

Commissioner Bishop recused himself from the following hearings: SE83-2227, SE83-2230, and SE83-2233 & SE83-2231.

3. *Continued from 3/19/2020, and 4/16/2020, 5/7/2020* **SE83-2227**, Green Harbor Village LTD Partnership, **182 Baxter Ave.**, West Yarmouth, proposed beach management, raking and nourishment on Lewis Bay. Bob Perry, Cape Cod Engineering, represented the continued project and had submitted monitoring recommendations and dune boundary information.

Commissioner Lawrence inquired about the path for the machinery. Mr. Perry stated they are using an existing path and widening it to 10 feet for the machinery. Commissioner Mulhearn noted that no volume of nourishment is noted on the plan. CA confirmed the NOI stated nourishment would be 500 cubic yards. Mr. Perry described this beach as very flat, they intend to maintain the profile. CA reported that at the projects on South Shore Drive there is evidence of recent activity prior to any issuing any permitting. There are signs of the beach being excavated with equipment and this has not been approved, the projects before the Commission tonight are for beach nourishment and raking.

Jamie Vieira, Davenport Companies, stated he was not aware of what the CA was describing but is fully aware of what the approval would entail in terms of raking. He confirmed that they responded to the Commission request to remove the access on the west side of the beach. The point of access is presently in the center about 6 feet wide and they would like to make it 10 feet wide and remove the existing ramp. They would use sand in place of the ramp to make elevations fit and use a smaller piece of machinery.

Chairman Hoopes stated they do not want to see other equipment on the beach or excavation on the beach. Commissioner Huggins questioned that no one present knows about the work that has been done and finds it difficult to make a decision tonight without more knowledge.

The CA expressed concern that the work would not be carried out per the Order, given that work has now been carried out without a permit. The CA observed evidence that an excavator had been moving sediment from one part of the beach to another. There are areas that were starting to build up as dunes and that material has been moved and spread out across the beach. This activity is not acceptable, the sediment should be left where it is and allow the dune to grow.

The CA read some of the Special Conditions what will apply to this project.

Commissioner Huggins expressed his concern with the work done without approval and asked how we approve the project knowing the current situation. Chairman Hoopes stated they can issue fines or an Enforcement Order if necessary. The CA confirmed that there was no

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

evidence provided of unpermitted work at this property and therefore this permit could be issued.

Commissioner Bernstein made a Motion to approve SE 83-2227 per revised plan dated 05/15/2020 and standard conditions 1-6, 11, 12, 21, 25 (amended), 37 and the following Special Conditions:

- The extent of the nourishment area shall be staked and approved by the CA prior to any nourishment taking place. The CA shall be notified 5 business days in advance of the proposed nourishment to attend a site visit. Material inspections of beach nourishment material shall be conducted during the nourishment activity. Unsuitable material shall be removed from site.
- Two additional beach profiles shall be provided for the east and west sections of the property to provide baseline profiles to evaluate the performance of the project.
- Beach nourishment monitoring shall be carried out per Mr. Perry's May 11 document. If proposed nourishment should exceed 500 cubic yards in a single year or for the 3 year term of the permit, additional review shall be required by the conservation commission.
- Beach raking shall be conducted for the sole purpose of removing excess seaweed and trash. Effort shall be made to remove as little sediment (sand, gravel, and cobble) from the beach as possible to minimize impacts and leave important substrate in place. Mechanical beach cleaning equipment, such as Cherrington machines, shall only be used in high use areas and the frequency of their use should be kept to a minimum. (check rake sizing)
- All machinery should remain on the beach at least 10 feet seaward of dunes and vegetation to protect the stability and ecology of the area. The nourishment area will vary year to year based on the presence of dune vegetation and changes in dune extent.
- Removal shall be focused on the areas of significant accumulations of nuisance seaweed, leaving a sufficient wrack line on the beach to provide a seed source, nutrient source, and foraging habitat for shorebirds and to help build the beach and dunes.
- Mechanical rakes should be set to only skim the surface of the beach to avoid scraping or moving beach sediments. Bucket loaders shall not be used to collect seaweed but can be used to transport seaweed collected by hand or by rake-type machines.
- A preseason meeting shall be held with the CA each year to review the conditions of the permit.

The motion was seconded by Commissioner Mulhearn.

Roll call vote:

Affirmative: Hoopes, Durkin (personal reservation), Bernstein (with hopes they don't do anything they aren't supposed to), Huggins (with reservation), Lawrence (with reservation) and Mulhearn. The motion carries 6-0.

4. *Continued from 5/7/2020* **SE83-2230** Red Jacket Beach Ltd Partnership, **28 South Shore Drive**, South Yarmouth, Beach raking and beach nourishment on a coastal beach. The project is represented by Bob Perry, Cape Cod Engineering. Mr. Perry explained that this beach consists of 99,600 sq. ft. and is bounded by a seawall. The same rules & regulations apply for beach nourishment on this vast area. Monitoring will occur on a visual basis every 6 months and will be documented until such time as the need to monitor diminishes.

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

Commissioner Bernstein shared that he observed a large machine on this beach moving sand. The CA showed various pictures of machinery and work performed on the beaches on South Shore Drive owned by the Davenport Companies.

Mr. Perry mentioned that National Heritage comments are still pending. The CA noted that plovers were seen trying to nest on this beach. Commissioner Lawrence observed substantial accretion's caused by southwest storms over the winter and questioned a limit of work on this site. She asked if nourishment is really necessary on this beach. Mr. Perry responded that the management probably would not spend the resources to do this if the beach was in good shape, and the monitoring of this site will be a good indicator of the situation. Commissioner Lawrence expressed concern that work has been going on without the proper permits from this Commission. Chairman Hoopes noted the area was recently completely flooded. Mr. Perry responded that the seawalls contribute to the issue and this site will need nourishment due to the commercial aspects to it.

Commissioner Bernstein inquired about a previous Order of Conditions in 2018 that had expired.

Motion was made by Commissioner Lawrence to continue this hearing to June 4, 2020 pending comments from NHESP. The motion was seconded by Commissioner Durkin.

Roll call vote:

Affirmative: Hoopes, Durkin, Bernstein, Huggins Lawrence and Mulhearn. The motion carries 6-0.

5. *Continued from 5/7/2020* **SE83-2233** Blue Water LTD Partnership and Edge of the Sea Inc, **291 and 301 South Shore Drive**, South Yarmouth, Beach raking and beach nourishment on a coastal beach. The project was represented by Bob Perry, Cape Cod Engineering. Mr. Perry explained that this project had a dune restoration component. 180 cubic yards were put in for the dune and 31,500 sq. ft. for the beach bringing it to 700 cubic yard range maximum.

Chairman Hoopes recalled this site as having a significant dune reduction. Mr. Perry believed this was caused by storm events and regular activity on the beach over a period of 15 years. Chairman Hoopes disagreed with Mr. Perry's diagnosis of the loss of dune, he reviewed the aerial photos and over the years it appears the resort was not protecting the dune and people were walking over and around it causing the erosion. The Chairman's personal opinion would be to not issue any permit to rake or perform beach nourishment at this time.

Commissioner Lawrence and Huggins voiced similar opinions and do not look favorably on permitting any work. Commissioner Mulhearn inquired what the timeframe for restoration would be. Mr. Perry felt that the timeframe could be conditioned with a general understanding between the Commission and the applicant.

Jamie Vieira, representing the Davenport Companies made it clear that he was unaware of what took place, but he will get to the bottom of it. He takes responsibility, and will make sure it doesn't happen again. He commented that he was hopeful that they wouldn't lose out on having beach raking and maintenance on a weekly/daily basis as this is a resort and there haven't been any issues in the past. He summarized his conversation with the CA last fall regarding the dune restoration, placement. The most logical place is where there is no seawall and in a low area that will enhance the dune and tie in with the existing dune on the west side of the walkway. Chairman Hoopes expressed his opinion on raking and has no issue with this but will have to reconsider the beach nourishment and suggested a dune restoration plan needs to happen.

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

Jamie Vieira addressed the Commission stating that they have a plan in place and the work will begin in the fall. Mr. Vieira also asked the Chairman if on the June 4th agenda they could include two outstanding Orders of Condition – SE83-1552 and SE 83-1555. The CA reported that these Orders had been denied so the request needs to be resubmitted. Mr. Vieira asked if the COC for Red Jacket on the agenda for tonight can be handled. The CA responded that permit was for an old beach cleaning permit that has had no resolution yet. Mr. Vieira raised the point that back on 8/1/19 the Board voted to close out SE83-901, 28 South Shore Drive for beach raking and issue the COC. SE83-486 precedes 901 for beach raking. The CA was going to recommend that SE83-901 be closed out but then noticed the excavation on the beach. The logic behind closing out an Order is that there are no issues and that is not the case currently. The CA deferred to the Commission how they would like to proceed.

Chairman Hoopes agreed that SE83-486 is an old beach raking permit and would like to see it closed out but the Davenport Companies need to comply and proper management needs to occur. Mr. Vieira confirmed that he has heard what the Commission wants and will in no way construe the closing of the Order is being an acceptance of the recent activity on the property. Chairman Hoopes would go along with closing this old Order.

CA and Chairman Hoopes requested an addendum be filed prior to the June 4th continuation meeting with a description of the restoration including timing, number of plants and any other pertinent information. No comment has been received from NHESP.

The motion was made by Commissioner Lawrence and seconded by Commissioner Huggins.

Roll call vote:

Affirmative: Hoopes, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. The motion carries 6-0.

6. *Continued from 5/7/2020* **SE83-2231** Riviera Beach Ltd Partnership, **327 South Shore Drive**, South Yarmouth, Beach raking and beach nourishment on a coastal beach. The project was represented by Bob Perry, Cape Cod Engineering. This site has a dune deposit and protection methods are proposed. Fencing was to be installed. Otherwise beach raking and nourishment will be the same as SE 83-2233.

Commissioner Lawrence made a Motion to continue to June 4, 2020 for comment from NHESP. The motion was seconded by Commissioner Durkin.

Roll call vote:

Affirmative: Hoopes, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. The motion carries 6-0.

7. *Continued from 5/7/2020* **SE83-2228** William McDermott, **5 Salt Meadow Road**, West Yarmouth, Raze and replace of an existing single family dwelling with appurtenances.

The CA informed the Commission she received a request to continue this hearing, as the applicant is working on a revised plan.

Commissioner Lawrence made a motion to continue to June 4, 2020. The motion was seconded by Commissioner Durkin.

Roll call vote:

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. Motion carries unanimously.

8. *Continued from 5/7/2020 SE83-2229*, Robert J and Rita M Davis, **177 River Street**, South Yarmouth. To maintain two existing 10' x 20' floats in place of the 6' x 10' permitted floats and one existing additional float pile.

The CA reported that this project needs Waterways review and they haven't met remotely yet.

Commissioner Lawrence made a motion to continue this hearing to June 4, 2020. The motion was seconded by Commissioner Durkin.

Roll call vote:

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. Motion carries unanimously.

9. *Continued from 5/7/2020 SE83-2213*, James and Tammy Saben, **66 Nottingham Drive**, Yarmouth Port, Construction of landscaping features, including stone retaining walls, stone patios, fire pit, spa, and associated plantings within the buffer zone to a coastal bank and salt marsh.

Mr. Phil Cheney, representative for this project, stated the expansion of the mitigation area is has been made, with a 2-1 ratio, and additional shrubs.

The CA reported that the remaining COC to be closed out has been filed. Dan Ojala, Down Cape Engineering, is working on a letter in support of the request. The CA used a comparison plan to the current project and the only item was a 45 x 2 ft. drainage trench at the base of the driveway. Mr. Cheney confirmed he added a gravel drain strip along the driveway on the current plan.

Commissioner Lawrence did not feel that the plan for runoff was sufficient. She had observed runoff coming down the edge of driveway and eroding on the east side, not where the gravel strip is. Mr. Cheney suggested that they put in more gravel at the base of the fieldstone steps and capture it. Chairman Hoopes commented that with the extra retention area and revised plan showing the added retention and receipt of the engineer's statement within 60 days, we could issue the COC.

Commissioner Durkin inquired if this action would alleviate the necessity to return to the Commission again. The Chairman stated they would not have to return as long as the COC is resolved within 60 days with the CA.

Jim Saben addressed the Commission explaining that the runoff has never occurred in the two years they have been in residence, it occurred due to work being done on the house on the hill above them. They will take care of it but it is not a regular occurrence.

Commissioner Lawrence made a motion to approve with receipt of a revised plan per discussion and the following conditions: 1-12; 16-18; 29 through 32; 36 and 37. The motion was seconded by Commissioner Bernstein.

Roll call vote:

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. Motion carries unanimously.

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

10. **SE83-2234** Andrew & Cynthia Richards, **1069 Great Island Road**, West Yarmouth, proposed raze and replace of a single-family dwelling in the buffer zone to a coastal beach and coastal bank on Nantucket Sound. Bob Perry, Cape Cod Engineering, represented the homeowners. Mr. Perry detailed the raze & replacement project that consists of a stable coastal bank with revetment, the existing house is 24 ft. from the top of bank and the proposed is at 27 ft. to retain the coastal perspective. Seventy sq. feet of the house is in the 35 ft. buffer with a fringe of vegetation along the top of the coastal bank. The applicant offered to thicken up the vegetation along the coastal bank with a mitigation ratio of 3-1 with dense planting of native shrubs. Also, the applicant would like to replace the existing stairway to the beach, in kind, same width, no changes.

Commissioner Lawrence appreciated the moving of the house back, and with the mitigation it is a great plan. She would like to see the mitigation plan prior to approval. She asked what the difference in square footage was. Mr. Perry will provide that on the mitigation plan. Commissioner Bishop agreed that this is a great plan. He would like to see the mitigation further along the bank. Chairman Hoopes agreed this is a great plan and fits well on the site.

The CA asked about the vegetation along the top of bank where it is sparse. Mr. Perry indicated it will be 200-210 sq. ft. of beach plum, and possibly bayberry. The 200 sq. foot strip will enhance the top of bank. The CA noted that the trees are not marked as to what is staying and what might be taken down. Mr. Perry confirmed that in the buffer all the trees will stay, outside the buffer some will go. The CA asked that the 35 ft. no disturb be shown on the mitigation plan.

Commissioner Lawrence made a motion to continue SE83-2234 to June 4, 2020 for a mitigation plan. The motion was seconded by Commissioner Bishop.

Roll call vote:

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. Motion carries unanimously.

Request for an Amended Order of Conditions:

11. **SE83-2041** Jeffrey Chizmas, **66A River Street**, South Yarmouth, request to amend an existing order of conditions with re-grading of mitigation area to reduce storm water runoff. Bob Perry, Cape Cod Engineering, working with Wilkinson Ecological, and represented the applicant on this amendment. In the northeast quadrant of the development run-off is spilling out into an area of a swale depression. The thought is to re-grade and plant which will distribute the run-off in a less concentrated way.

Chairman Hoopes asked if the Commission has received a letter from the abutter stating they are ok with the project. Mr. Perry corrected that the neighbors run off goes onto Mr. Chizmas property and it will continue to do so, but will not be so steep. Commissioner Lawrence inquired if the bushes that are located in this area will be removed and how much fill will be going in. Mr. Perry considered 5-10 inches of topsoil material would be going in and did not know the situation with the trees.

Mr. Chizmas stated that the primary objective of was to solve the problem with the run off into the river and from the neighbors onto his property. The neighbor, Michael Shay, is in support and Mr. Chizmas thought he had electronically sent the letter to the CA and will send it again.

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

Relative to Commissioner Lawrence's comment regarding the trees, some of the vegetation will be removed and replanted consistent with the Wilkinson plan dated 3/23/18 and submitted to the Commission.

The CA commented that the plan doesn't show proposed new planting and the elevation difference between the two houses. The Chairman expressed concern at approving an amendment without quantifying it on a plan. Mr. Perry's opinion is that this is a minor change and may need just a couple of spot elevations. The CA located the letter of support from Mr. Shay and read it into the record.

Commissioner Lawrence would like to see a revised plan. Commissioner Bishop expressed concern with past compliance issues with the property and requested to see a revised plan also. Commissioner Bishop asked why there was a need to remove mature plants. Mr. Perry personally did not know if it was necessary. Mr. Chizmas addressed this question, and the stated that some of the vegetation is dead and that replanting will be preferable.

Mr. Chizmas expressed his exception to a comment made by Commissioner Bishop. Chairman Hoopes stated that everyone who comes before this Commission is treated fairly and the present conversation is not part of this meeting.

Commissioner Huggins made a motion to continue SE83-2041 to June 4 for a revised plan. The motion was seconded by Commissioner Bernstein.

Roll call vote:

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. Motion carries unanimously.

Request for Certificate of Compliance:

12. **SE83-1428** James Saben, **66 Nottingham Drive**, Yarmouth Port. This COC was discussed earlier this evening and resolved. Commissioner Lawrence made a motion to approve. The motion was seconded by Commissioner Mulhearn. Roll call vote:
Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. The motion unanimously.

13. **SE83-1471** Steffani Pelton, **367 Route 28**, West Yarmouth. CA commented that there is an issue with silt fence that is be addressed and a slight encroachment into 35 ft. line, but the area is heavily vegetated and CA OK with issuing the Certificate of Compliance. Ms. Arlene Wilson, representing the applicant, stated she will provide pictures when the silt fence is removed. Commissioner Durkin made a motion to issue COC for SE83-1471. The motion was seconded by Commissioner Lawrence.

Roll call vote:

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. Motion carries unanimously.

14. **SE83-486** Cape Cod Engineering, **28 South Shore Drive**, South Yarmouth. This was discussed earlier in the evening. Commissioner Bernstein made a Motion to issue a

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

Certificate of Compliance for SE83-486. The motion was seconded by Commissioner Mulhearn.

Roll call vote:

Affirmative: Hoopes, Durkin, Bernstein, Huggins, Lawrence (with reservations) and Mulhearn. The motion carries 6-0.

Other Business:

Minutes 4/16/2020. Commissioner Durkin made a motion to approve with corrections, seconded by Commissioner Lawrence. Roll call vote: Hoopes, Bishop, Durkin, Huggins, Lawrence and Mulhearn. Motion carries 6-0.

35 Aunt Dorah's Violation. The CA reported that no correspondence has been received, they were given an extension at the April 16th hearing to file by May 7th. The commission agreed the CA to should send an enforcement letter and fine for \$100/week. The fine will remain in effect for 4 weeks and then go up if no application is received.

Commissioner Durkin reported that there have been a number of suggested webinars/seminars proposed by the Association of Conservation Commissions. He asked if anyone is familiar with any of these or has any suggestions. He asked how a payment request could be submitted.

Staff Updates

The CA presented to the Commission slides from the Board of Selectmen's meeting explaining the increase of money proposed to be taken from the Wetland Protection Fund which the source of funding for everything, including education. Currently there is a spending freeze as the Town is facing a difficult financial situation. The second slide was related to the next financial year where they are planning to take \$20,000 from the Wetland Fund and also \$45,000 from the Conservation Fund. This would go into the General Fund to help cover Town budget expenses. The third slide showed the current balance in the Wetland Fund and Conservation Fund. The CA encouraged the Commission to look for free educational programs. This proposal is going to the Board of Selectmen on June 2nd at a public hearing if anyone would like to make comment. Discussion continued on the different funds, what they regulate and a suggestion was made to let the public know that they can donate to the Conservation Fund.

Beach nourishment at Bass Hole was discussed and the CA stated it is sand from Chapin Beach and is different in appearance form the current beach material. Members discussed different properties in town and how they can support Kelly who may not be getting back a part-time administrative person.

The CA reported that some information had been shared that the Historical Society of Old Yarmouth would like to build a Native American Shelter on their property. The Commission agreed that they should come before them prior to any work being performed. The CA will suggest they get on an upcoming agenda.

Commissioner Mulhearn inquired about the Green Harbor court case.

On 7/2/2020, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as amended.

Commissioner Lawrence made a Motion to adjourn. The motion was seconded by Commissioner Bernstein.

Roll call vote:

Affirmative: Hoopes, Bishop, Durkin, Bernstein, Huggins, Lawrence and Mulhearn. Motion carries unanimously

Posted By (Name):	Kelly Grant
-------------------	-------------