

On 5/5/2022, on a motion by Commissioner Durkin, seconded by Commissioner Bishop, the Commission voted unanimously, 7-0, to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

April 21, 2022

Members Present: Ed Hoopes (Chairman), Ellie Lawrence (Vice Chairman), Tom Durkin, Patricia Mulhearn, David Bernstein, Paul Huggins, and Rick Bishop (5:21 pm)

Staff: Dawn-Marie Flett

YARMOUTH TOWN CLERK

Start Time: 5:00 pm

'22MAY11PM2:55 REC

Request for Determination:

1. David Pearson, [717 Willow Street](#), Yarmouth, proposed addition in area of existing deck, and upgrade of septic system in new location within land subject to coastal storm flowage.

Presenting: Dan Ojala, Down Cape Engineering

No further questions on the proposed project

Commissioner Lawrence made a motion to issue a negative 2 determination. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 6-0.

Commissioner Bishop arrived for the hearing at 5:21 pm

Notice of Intent:

2. [11 Prince Road](#), proposed pool and patio areas with associated mitigation plantings within the buffer zone to salt marsh and a coastal bank, and within land subject to coastal storm flowage.

Presenting: Dan Ojala, Down Cape Engineering

No SE # has been assigned to the project at the time of the hearing.

Edge of the patio/pool area 15.8 feet from the top of the Coastal bank. Total patio 740 sf, mitigation 1600 sf. with stone markers to delineate the mitigation, requiring a variance.

Commissioner Huggins inquired about the benefit of the mitigation with the project being close to the coastal bank.

Commissioner Durkin was concerned of the severity of prevailing storm flow funneling up Mill Creek and its effects on the bank and the proximity of the project to the coastal bank.

Andrew Mill, 166 Baxter Ave, (via zoom) pointed out that there is a deeded seawall restriction along this area.

Commissioner Lawrence made a motion to continue to May 5, 2022, for SE# and new plan. The motion was seconded by Commissioner Bishop. The motion carried unanimously 7-0.

On 5/5/2022, on a motion by Commissioner Durkin, seconded by Commissioner Bishop, the Commission voted unanimously, 7-0, to approve these minutes as written.

Continued Notice of Intent

3. *Continued from 2/17/2022, 3/2/2022, 3/17/2022, 4/7/2022* Aleksandr Nemanov, [2 Buttercup Lane](#), Yarmouth, proposed raze and replace of a single family dwelling with new septic, landscaping and mitigation within the buffer zone to a coastal bank, and salt

Wayne Taveres requested to continue to May 5, 2022.

Commissioner Bernstein made a motion to continue to May 5, 2022. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 7-0.

4. *Continued from 2/17/2022, 3/17/2022, 4/7/2022* **SE83-2321** Joseph Gilmore, [150 South Street \(f/k/a 181 River Street\)](#), Yarmouth, raze two single family dwellings and replace with one nine bedroom single family dwelling, pool, new septic, redeveloped driveways and planting mitigation within riverfront area, land subject to coastal storm flowage, and buffer zone to coastal bank.

Presenting: Dan Ojala, Down Cape Engineering

Commissioner Huggins asked if the drive would be pervious as it was rather extensive, however most was outside the purview of the commission.

The Commission questioned the extent of the pool/patio area and agreed that the footprint should not be so extensive.

Commissioner Lawrence was concerned of the amount of fill that was being proposed for the project which was echoed by Chairman Hoopes.

Dan Ojala will submit a revised plan addressing these concerns

Commissioner Lawrence made a motion to continue to May 5, 2022, for revised plan. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

5. *Continued from 4/7/2022* **SE83-2334** Nino Micozzi for Sweetheart Creek, LLC, [355 Great Island Road](#), Yarmouth, proposed rebuild of an existing pier, ramp and float system within land containing shellfish and land under the ocean.

Presenting: Dan Ojala, Down Cape Engineering

Comm. Bernstein inquired if the float would be further out from the shore and would that affect the structures across the creek. The proposed project would extend 4 feet further out into the creek.

Commissioner Lawrence questioned why the need for larger floats and that the smaller size of them was in relationship to the limited maneuverability of vessels in the restricted water way. 'Float creep' will add to the congestion.

Commissioner Bishop requested the use of other material than plastic for the project.

Commissioner Mulhearn inquired about float stops per DMF comments for shellfish.

Dan Ojala replied that the sharp drop in depth does not encourage shellfish growth