

On 5/4/2023, on a motion by Commissioner Bernstein, seconded by Commissioner Mulhearn, the Commission voted 5-0, to approve these minutes as written.

## CONSERVATION COMMISSION MEETING MINUTES

YARMOUTH TOWN CLERK

'23MAY23AM10:43 REC

May 4, 2023

**Members Present:** Ellie Lawrence (Vice Chairman), Thomas Durkin, David Bernstein, Rick Bishop, Paul Huggins, Patricia Mulhearn

Absent: Ed Hoopes

**Staff:** Kathryn Brooks

**Start Time:** 5:00 pm

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### Continued Notice of Intent

1. Mark Burgess, Shorefront Consulting, for Aunt Edith's Road Association, Inc. [0 Aunt Edith's Road](#) Proposed reconstruction of a pier and float system in the riverfront area, land under the ocean, coastal beach, salt marsh, land containing shellfish, and land subject to coastal storm flowage

Presenting: Mark Burgess and Steve Hathaway

Discussion: Because the material was not submitted to the Commission until Wednesday at 5 p.m., the Commissioners told Mr. Burgess they would not take a vote until the May 18<sup>th</sup> meeting. Mr. Burgess mentioned 2 changes from the previous plan. The first is that they raised the structure to 6 feet for the area going over the marsh. The second is that the outer platform would be 16 x 6 instead of 20 x 8. It was mentioned that the dock is essentially a new structure and the Commission would still like to see it conform as close as possible to the new regulations. Peter Broderick, who is a member of the association, asked about extending the RDA.

Commissioner Bishop made a motion to continue to May 18, 2023. The motion was seconded by Commissioner Huggins and the motion carried 6-0.

2. **SE83-2378** Bob Falzarano, Fraser Construction Company, Inc., for Jeffrey Gabriels [18 Roads End](#) Proposed removal and replacement of 21' x 10' deck with 21' x 12' deck in the buffer zone to a bordering vegetated wetland and freshwater pond

The petitioners asked for a continuance to May 18.

Commissioner Bernstein made a motion to continue to May 18, 2023. The motion was seconded by Commissioner Mulhearn, and the motion carried 6-0.

### Request for Extension

3. **SE83-2230** [28 South Shore Drive](#), Red Jacket Beach Resort, nourishment and raking
4. **SE83-2233** [291 South Shore Drive](#), Blue Water Resort, nourishment and raking
5. **SE83-2231** [327 South Shore Drive](#), Riviera Resort, nourishment and raking
6. **SE83-2227** [182 Baxter Avenue](#), Green Harbor Resort, nourishment and raking

Presenting: Ryan McLaughlin

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Discussion: Because of COVID extension date it was decided to wait until May 18<sup>th</sup> meeting so the dates will be accurate.

Commissioner Bishop made a motion to continue to May 18, 2023 for the three South Shore Drive properties. The motion was seconded by Commissioner Bernstein, and the motion carried 5-0.

For 182 Baxter Ave, Commissioner Bernstein made a motion to issue a three-year extension for beach raking and nourishment with ongoing conditions. Commissioner Mulhearn seconded the motion and the motion passed 6-0.

### **Stormwater Management Permit Application**

7. **SW2023-002** Robert Reedy, J.M. O'Reilly & Associates for Christian Davenport, The Davenport Companies Inc. [Lot 2a Route 6a](#) Proposed development of a 14-lot cluster subdivision in Yarmouth Port.

Request was made to continue to May 18.

Commissioner Bishop made a motion to continue to May 18, 2023. The motion was seconded by Commissioner Durkin, and the motion carried 6-0.

8. **SW2023-003** Emily Williamson, Shive-Hattery, Inc. for Jason St. Martin, Eversource Energy, inc. [484 Willow Street](#), Proposed emergency use parking lot and site improvements for energy emergencies and storm response vehicles

Tabled to May 18, 2023 due to lack of peer review comments.

Commissioner Bernstein made a motion to continue to May 18, 2023. The motion was seconded by Commissioner Huggins, and the motion carried 6-0.

### **Continued Request for Certificate of Compliance**

9. **SE83-2041** [66A River Street](#)

Ongoing condition that if erosion from foot wash station occurs in the area between the fence and foot wash it must be planted to stabilize the area.

Commissioner Bishop made a motion to issue the COC with special ongoing conditions. The motion was seconded by Commissioner Durkin, and the motion carried 6-0.

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

10. **SE83-2265** [179 Center Street](#)

Proposal of 4 small shrubs and no mowing of 4 additional feet near the wetland.

Commissioner Bernstein made a motion to grant the COC with ongoing conditions. The motion was seconded by Commissioner Mulhearn, the motion carried 6-0.

11. **SE83-2207** [28 Seminole Drive](#)

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Proposed ongoing condition that report must be submitted in 2 years documenting the survival of the mitigation plantings. Replacement of the dead required at 2 years.

Commissioner Bernstein made a motion to issue the COC with ongoing conditions. The motion was seconded by Commissioner Durkin, and the motion carried 6-0.

### **Other Business**

#### 12. Approval of Meeting Minutes: April 20, 2023

Commissioner Bernstein made a motion to approve the minutes as written. The motion was seconded by Commissioner Durkin, and the motion carried 6-0.

#### 13. Tabled the discussion of draft of Wetland Bylaw to May 18.

#### 14. Vote to re-appoint commissioners who are end of terms.

- a. Commissioner Durkin stated he was not going to return for a new term.
- b. Commissioner Mulhearn is still deciding.
- c. Commissioner Bernstein wants a new term.

A vote was taken to recommend Mr. Bernstein, for a new term on the Conservation Commission Board, to the Select Board by 5-0 with Commissioner Bernstein abstaining.

#### 15. Commissioner Huggins talked about how he appreciated that the town meeting was so well attended and that three commissioners spoke in favor of the Wastewater vote.

#### 16. Commissioner Lawrence mentioned that the latest Open Space Committee's survey was available and urged everyone to fill it out.

Commissioner Bishop made a motion to close the hearing. Commissioner Huggins seconded the motion, and the meeting was adjourned at 5:45.