

On 8/5/2021, on a motion by Commissioner Durkin, seconded by Commissioner Bernstein, the Commission voted unanimously, 7-0, to approve these minutes as written.

## CONSERVATION COMMISSION MEETING MINUTES

July 15, 2021

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

**Member(s) Absent:**

YARMOUTH TOWN CLERK

**Staff:** Kelly Grant

'21AUG5AM9:28 REC

**Start Time:** 5:00pm

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### **Continued Notice of Intent:**

1. *Continued from 5/6/21, 5/20/21, 6/3/21, 6/17/2021, 7/1/2021* **SE83-2282** Anthony Feola, [1 Malfa Road](#), West Yarmouth, MA, proposed construction of a retaining wall, with fill and plantings within the buffer zone to a coastal beach and coastal bank, and within land subject to coastal storm flowage.

Presenting: Dan Ojala, Down Cape Engineering

Commissioner Lawrence clarified beach rose proposed on locus side; beach grass on seaward side; suggested extending plantings on locus side to at least five feet. Commissioner Mulhearn agreed. Commissioner Bishop suggested the property owner speak to the ferry operator about erosion issue from wake. Commissioner Bernstein asked if the wall debris is to be removed; agrees regarding the ferry wake. Chairman Hoopes preferred to keep the rubble and increase the planting area by several feet; discussed the end effects; suggested a condition to nourish at the end of wall on both ends; remove existing wall; and five feet of plantings with deep-rooted planting material; provide notice to the Conservation Commission when the revetment stone is to be added at the wall. The CA commented that Greg Berman recommended removal of the old wall debris as there is evidence of scour around it.

Commissioner Lawrence made a motion to approve the project with the stated conditions and updated plan. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

2. *Continued from 5/20/21, 6/3/21, 6/17/2021, 7/1/2021* **SE83-2285** Thiago Paraguay, [15 Wadsworth Lane](#), Yarmouth, MA, proposed construction of a single family dwelling with utilities, driveway, septic system and appurtenances in the buffer zone to a bordering vegetated wetland and within riverfront area.

Presenting: Robin Wilcox, Sweetser Engineering

Mr. Wilcox suggested a Town easement for access to the drainage ditch. Chairman Hoopes requested variation in plantings, rather than all creeping juniper. Commissioner Lawrence agreed with the need for more plant diversity. Commissioner Bishop is concerned with

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increased nitrogen input from the new septic system; four bedrooms is too much. He suggested alternatives be explored and presented. Commissioner Bernstein is concerned with level of nitrogen; asks if there is an alternative. Robin Wilcox states that it meets the nitrogen loading requirement; Innovative Technology is available; the minimum requirement is 10ppm (state).

Chairman Hoopes asked if an alternative to the walkout basement was considered. The Conservation Administrator suggested a more extensive planting plan was require to revegetate any areas disturbed during construction. She commented that the Alternatives analysis was still not adequate to meet the requirement of the regulations 310 CMR 10.58. Asked if the property owner had considered a retaining wall instead of sloped fill.

Commissioner Bishop made a motion to continue to August 5, 2021, for alternatives analysis and a planting plan. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

**Notice of Intent:**

3. Maryjo and Howard Safford, [310 South Shore Drive](#), Yarmouth, MA, proposed management of non-native weeds and invasive species on land bordering vegetated wetland, and land subject to coastal storm flowage.

Presenting: Virginia Scharfenberg, Tyler Gaudreau, Environmental Landscape Consultants

Approval to work on town property granted; insurance and liability requirements must be met; ongoing monitoring is required. Commissioner Bernstein made a motion to approve with conditions. The motion was seconded by Commissioner Huggins. The motion carried unanimously 7-0.

**Certificate of Compliance:**

4. SE83-2130, [141 Seaview Ave](#), Yarmouth, MA
5. SE83-2280, [1039 Great Island Road](#), Yarmouth, MA

Commissioner Bishop made a motion to approve both. SE83-2130, 141 Seaview Ave, and SE83-2280 1039 Great Island Road. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 7-0.

6. SE83-2111, [2 Alden Road](#), Yarmouth MA

The Conservation Administrator commented that the unapproved cinder blocks were removed; recommended ongoing condition for nourishment and beach grass plugs as needed at end of wall. Commissioner Bishop made a motion to approve with ongoing conditions. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

**Other Business:**

7. Approval of Meeting Minutes: July 1, 2021. Commissioner Durkin made a motion to approve the minutes with minor correction. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 6-0-1 [abstain Bernstein].