

On 8/19/2021, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0 to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

August 5, 2021

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

YARMOUTH TOWN CLERK

'21AUG23PM12:38 REC

Start Time: 5:00pm

Request for Determination of Applicability

1. James N. Basler, [33 Thacher Shore Road](#), Yarmouth, proposed construction of a pervious driveway with culvert and installation of utilities for a single-family dwelling with the buffer zone to a bordering vegetated wetland.

Presenting: Lynne Hamlyn

The only part of the project within jurisdiction is a section of the driveway; pervious driveway is proposed. Commissioner Bishop made a motion to approve with Negative 3 determination. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

2. Kenneth Corti, [Summer Street](#), Yarmouth, (Dennis Conservation Area), proposed 45" wide x 17" deep x 17" high granite block bench in a vegetated buffer zone to Dennis Pond.

Presenting: Kenneth Corti

Commissioner Lawrence confirmed location of the bench in relation to the tree. Commissioner Mulhearn suggested no tree removal be allowed. Commissioner Durkin suggested that the applicant take responsibility for maintenance. Conservation Administrator stated that work at placement location is to be done by hand; suggested he submit a letter assuming responsibility for maintenance, including maximum of one foot vegetation clearing around bench, and that he will clean up any damaged vegetation along the trail.

Finding: Approval of work to occur on town property; evidence of liability insurance is to be provided by Mr. Corti.

Commissioner Bernstein made a motion to approve with a Negative 3 determination. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

3. Mark & Andrea Quinlivan, [2 Shore Side Drive](#), Yarmouth, proposed raze and replacement of a shed within land subject to coastal storm flowage.

Presenting: Andrea Quinlivan

On 8/19/2021, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0 to approve these minutes as written.

Commissioner Lawrence states that the shed will need to be securely anchored. Andrea Quinlivan stated that it will be on a concrete slab. Commissioner Lawrence made a motion to approve with a Negative 2 determination. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

4. Vania Oliveira, [31 Bliscott Avenue](#), Yarmouth, proposed raze and replacement of a single family dwelling and new septic system within the buffer zone to a bordering vegetated wetland.

Presenting: Kieran Healy, BSC Group

An updated plan was submitted to the Commission on 8/4/2021 with conditions added. Commissioner Lawrence asked if it's a salt water pool. Mr. Healy responded that he doesn't know but the condition covers both. Commissioner Mulhearn prefers a pervious driveway. Mr. Healy states that the existing driveway will remain. Commissioner Bishop asked if the pool will be elevated. Mr. Healy responded that it will be elevated two feet to line up with septic system.

Commissioner Bishop made a motion to approve with a Negative 2 and 3 determination. The motion was seconded by Commissioner Huggins. The motion carried unanimously 7-0.

Continued Notice of Intent

5. *Continued from 7/1/21* **SE83-2290**, Kelley's Point Homeowners Association, [0 Mayflower Terrace](#), Yarmouth, MA, proposed addition of a new 7' by 20' float to the existing licensed pier, ramp and float within riverfront area, land under the ocean, land containing shellfish and land subject to coastal storm flowage

Presenting: Kieran Healy, BSC Group

Chairman Hoopes requested continuance to receive comments from Waterways Committee. Commissioner Lawrence is concerned with the location of outhaul piling. Commissioner Mulhearn suggested to include Division of Marine Fisheries conditions. Commissioner Bishop recommended not using greenheart or Styrofoam. Mr. Healy stated that fiberglass can be problematic at installation. He request to use greenheart and make a donation to a sustainability fund.

Commissioner Bernstein made a motion to continue to August 19, 2021. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

6. *Continued from 5/20/21, 6/3/21, 6/17/2021, 7/1/2021, 7/15/2021* **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 Thiago Paraguay

Chairman Hoopes stated that landscaping beds need groundcover, not mulch, and that cost is not the only consideration for alternatives requested. Commissioner Lawrence requested a pervious driveway instead of asphalt. Commissioner Durkin stated that nitrogen loading is a big concern and should be addressed. Commissioner Huggins clarified that Title 5 is the regulatory standard and the project meets that. Mr. Wilcox discussed the science behind the nitrogen issue.