

On 9/15/2022, on a motion by Commissioner Bernstein, seconded by Commissioner Durkin, the Commission voted unanimously, 6-0, to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

YARMOUTH TOWN CLERK

September 1, 2022

22OCT19AM9:34 REC

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

Staff: Brittany DiRienzo

Start Time: 5:00 pm

Notice of Intent

1. **SE83-2349** Phipps Cape Cod LLC, c/o Bessemer Trust, [74 White Cedar](#), Yarmouth, proposed raze and replace of a single-family home within land containing coastal bank, salt marsh and land subject to coastal storm flowage.

Presenting: Kieran Healy, BSC Group

Mr. Healy stated that the project was designed to make it flood zone compliant; he was able to rotate the house away from the top of coastal bank and stay within septic and building setbacks. Commissioner Lawrence asked about the possibility of moving the garage and the house further away from the top of coastal bank and staying within the setbacks. Commissioner Bishop stated he would like to see a smaller project further from the coastal bank for that parcel of land. Commissioner Bernstein asked about the mitigation area, which on the design is in one area. Chairman Hoopes agreed and asked that the mitigation be adjusted to be the length of the area about 75 feet and at least 6 feet wide.

Mr. Healy agreed to the change.

Commissioner Bernstein made a motion to issue an Order of Conditions with the following special conditions, in addition to the change of the mitigation area previously mentioned: 1-7, 10-23, 44-45. The motion was seconded by Commissioner Mulhearn. The motion carried 5-2.

2. **SE83-2352** Michael Edwards for The Cove at Yarmouth Associates Limited Partnership, [183 Route 28](#), Yarmouth, proposed coastal bank restoration and associated site improvement within land containing coastal bank and land subject to coastal storm flowage.

Presenting: Damir Von Rohrbach and Jen Crawford

Chairman Hoopes recused himself and Commissioner Bishop led the discussion.

Mr. Von Rohrbach described the area and previous activities on the property, including the violation leading to this Notice of Intent. He described the proposed drywell installation and maintenance of emergency fire lane. Ms. Crawford stated that the inventory of the area was completed and described the restoration plans and a cut tree inventory. The plan identified small seedlings, juvenile trees, and larger trees being replaced at different ratios to restore both the canopy and understory. Invasive species will also be managed in the plan. Excess fill will be removed and the bank regraded.

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Commissioner Lawrence made a motion to issue an Order of Conditions with the following special conditions: 1-7, 14-19, 25-26, 44-45. The motion was seconded by Commissioner Durkin. The motion carried 6-0 (Hoopes recused).

3. **SE83-2350** Paul Shea for Peter M. Fairbanks, [41 Uncle Roberts Road](#), Yarmouth, proposed raze and replace of a single-family home, swimming pool, patio, fire pit, grading and landscaping, and new septic system within buffer zone to coastal bank and buffer zone to coastal dune.

Presenting: Paul Shea, IEC

There was a concern among the Commissioners about the amount of hardscape in the plan. Commissioner Lawrence asked if the house could be moved back to the line of the original house. She also mentioned that the buffer zone was not staked. Commissioners asked for a clearer set of plans, the proper staking of coastal dune and copies of the full plan.

Commissioner Bishop made a motion to continue to September 15, 2022. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 7-0.

Stormwater Management Permit Application

4. Joseph Gilmore, [150 South Street](#), Yarmouth, proposed raze and replace of two single-family dwellings with a nine-bedroom dwelling, swimming pool, septic system, driveways, planting mitigation within riverfront area, land subject to coastal storm flowage, and buffer zone to coastal bank.

Presenting: Dan Ojala, Down Cape Engineering

The only discussion was about the positioning of the rain garden as well as its composition.

Commissioner Bishop made a motion to issue a Stormwater Management Permit plan with a note that the rain garden is to be seeded instead of mulched and more clearly identified on the plan. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 7-0.

Certificate of Compliance

5. **SE83-682**, [10 Willow Avenue](#), Yarmouth

Presenting: Kieran Healy, BSC Group

Mr. Healy stated that no drywells were ever installed, and that there was no evidence of erosion at the downspouts as the house exists. He also mentioned there was no ponding or overflow.

Commissioner Huggins made a motion to issue a Certificate of Compliance. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

Commissioner Bernstein made a motion to issue a Certificate of Compliance for the following:

6. **SE83-487**, [183 Route 28](#), Yarmouth
7. **SE83-2205**, [44 Route 28](#), Yarmouth

The motion was seconded by Commissioner Lawrence. The motion carried unanimously 7-0.

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Enforcement

8. 8 Tide Lane, Yarmouth

Commissioner Huggins made a motion to continue September 15, 2022. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 7-0.

9. Approval of Meeting Minutes: August 18, 2022

Commissioner Bernstein made a motion to accept the Minutes as written. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

10. Other business not reasonable anticipated.

Discussion among the Commissioners about the drought and the fact that people are still watering their lawns.

Meeting adjourned at 6:30 pm.

