

On 11/3/2022, on a motion by Commissioner Bishop, seconded by Commissioner Lawrence, the Commission voted unanimously, 6-0, to approve these minutes as written.

YARMOUTH TOWN CLERK

22NOV21AM10:28 REC

CONSERVATION COMMISSION MEETING MINUTES

October 6, 2022

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

Absent: Rick Bishop

Staff: Karen Greene

Start Time: 5:05 pm

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1. **Open Space and Recreation Plan**- Update and seeking a Conservation Commission member to be on the Ad-hoc committee for this year's revisions. See attached memo.
Presenting: Kathy Willaims

Discussion: Asked for a volunteer from the Conservation Commission to serve on the Ad-hoc committee. Ellie Lawrence volunteered. Pat Mulhearn is also interested.

Requestion for Determination of Applicability

2. John Perry, **8 Niagara Lane**, Yarmouth, proposed addition of 16'x18' family room on sonotubes, 6' porch and 10'x14' deck, replacement of brick steps with deck, and 8'x12' bathroom on block foundation within land subject to coastal storm flowage

Presenting: John Perry, Homeowner

Discussion: Addition on a flood zone.

Commissioner Lawrence made a motion to issue a Negative 2 Determination
The motion was seconded by Commissioner Durkin
The motion passed 6-0

Continued Notice of Intent

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: Read a letter requesting continuance to 11/3 that Brittany accepted

Commissioner Bernstein made a motion to continue to 11/3

The motion was seconded by Commissioner Lawrence

The motion passed 6-0

4. **SE83-2353** Gold Village Waterside, LLC, **679 & 681 Route 28**, Yarmouth, after-the-fact filing for emergency repair under an Emergency Certification of a rock revetment in riverfront area, land under the ocean, coastal bank, buffer to a salt marsh and within land subject to coastal storm flowage

Presenting: Todd Turcotte via Zoom

On 11/3/2022, on a motion by Commissioner Bishop, seconded by Commissioner Lawrence ,
the Commission voted unanimously, 6-0, to approve these minutes as written.

Discussion: Mr. Turcotte said the after-the-fact filing was needed to make a temporary repair. He will be back to the commission with a more permanent solution. Commissioner Lawrence asked whether the irrigation system was turned off and was assured that it was.

Commissioner Bernstein made a motion to issue an Order of Conditions with the previous conditions from the emergency order.

The motion was seconded by Commissioner Huggins

The motion passed 6-0

Notice of Intent

5. **SE83-2354** Paul Malloy, [37 Bass River Road](#), Yarmouth, proposed construction of addition and deck in riverfront area, buffer zone to salt marsh, and buffer zone to coastal bank.

Presenting: Kiernan Healey, BSC Group

Discussion: Mr. Healey pointed out that the new concrete patio changed from 5ft 3 inches to 5 ft. 7 inches away from wetlands. Chairman Hoopes asked Mr. Healey to move the mitigation area since the area on the plans was already planted. Mr. Healey will work with Brittany on a new plan with 260 sq. ft of mitigation in a different area.

Commissioner Lawrence made a motion to issue an Order of Conditions with the following conditions: 1-7, 14,15,17,19-21, 23, 26, 44-45. Also the new mitigation plan will have to be approved by Brittany.

The motion was seconded by Commissioner Bernstein

The motion passed 6-0

6. **SE83-2356** James & Krista Egan, [22 Holly Lane](#), Yarmouth, proposed demolition of three-season room, and construction of living room and bedroom with new crawlspace foundation and farmers porch in land subject to coastal storm flowage

Presenting: James Egan - Homeowner

Discussion: The commission recommended that gutters with dry wells be added which Mr. Egan agreed.

Commissioner Lawrence made a motion to issue an Order of Conditions with the following conditions: 1-7, 11-12, 14-15, 17, 19-21, 44-45 and that gutters and dry wells to be required to address roof runoff.

The motion was seconded by Commissioner Huggins

The motion passed 6-0

Request for Extension of an Order of Conditions

7. **SE83-2120** [40 Crosby St Extension](#)

Presenting: Dan Ojala, Down Cape Engineering and Andrew Garulay, Landscape Architect

Discussion: Mr. Ojala asked for an extension since a new mitigation plan is needed. Commissioner Lawrence pointed out that there are 2 unpermitted jet ski lifts on the property. The commission asked that the new mitigation plan be presented by the Nov. 17 meeting. The landscape architect will meet with Brittany.