

On 11/4/2021, on a motion by Commissioner Bernstein, seconded by Commissioner Durkin, the Commission voted unanimously, 7-0, to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

October 21, 2021

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

Member(s) Absent:

Staff: Kelly Grant

YARMOUTH TOWN CLERK

'21NOV22-43:18 REC

Start Time: 5:00pm

Continued Request for Determination

1. *Continued from 10/7/2021* George Norwood, [185 Seaview Ave](#), Yarmouth, proposed raze and replacement of a single family dwelling in land subject to coastal storm flowage

Presenting: Kieran Healy, BSC Group

Received revised plan with work limit line shown; notified abutter, who emailed acceptance of project (on file).

Commissioner Bishop made a motion to issue a Negative 2 Determination. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

Request for Determination of Applicability

2. 2 Buttercup Lane Realty Trust, [2 Buttercup Lane](#), Yarmouth, to determine whether boundaries of the wetland resource areas depicted on the plan are accurately delineated

Presenting: Wayne Tavares

Shared USGC map of area and bathymetric map; argued Follins Pond is a kettle pond and remains a pond until the narrow channel forms. Commissioner Bishop disagreed, and stated that the area is called Buttercup Bar between the pond and the narrower channel. The channel marker is in place in this stretch, and he stated that he believes the river continues north to the deeper water. Commissioner Lawrence stated that she thinks it's a river, based on the bathymetric map and channel markers, and that deeper water marks the start of the pond. The Conservation Administrator commented that based on the MassDEP defined riverine characteristics for mouth of river, including the end of parallel banks and flow characteristics, it appears the river continues north of this property. Wayne Tavares responded that the channel markers just indicate the safest passage for boats, and asserted that it is part of the kettle pond.

Commissioner Bernstein made a motion to issue a Positive 2a and 2b Determination. The motion was seconded by Commissioner Durkin. The motion carried 6-1 (Hoopes in negative); motion carries.

On 11/4/2021, on a motion by Commissioner Bernstein, seconded by Commissioner Durkin, the Commission voted unanimously, 7-0, to approve these minutes as written.

Continued Notice of Intent

3. **SE83-2302** *Continued from 10/7/2021* Channel Point, LLC, **2 Channel Point Drive**, Yarmouth, proposed construction of a garage and pool within the buffer zone to a coastal bank and salt marsh, and within land subject to coastal storm flowage

Presenting: Kieran Healy

There being no further discussion, Commissioner Durkin made a motion to approve the project with conditions. The motion was seconded by Commissioner Huggins. The motion carried unanimously 7-0.

4. **SE83-2301** *Continued from 10/7/2021* Peter & Kim Le, **40 Mayflower Terrace**, Yarmouth, proposed construction of a pier, ramp and float system to replace existing seasonal system within land under the ocean, coastal beaches, salt marsh, land containing shellfish and land subject to coastal storm flowage

Presenting: Kieran Healy, BSC Group

An updated plan was presented. Greenheart piling will be used with a \$500 donation to a rainforest charity. The Commission agreed to hold the permit for two weeks to receive DMF comments.

Abutter comments:

Regina and Mary Burkinshaw, of 44 Mayflower Terrace, stated that they are concerned with the new design over the existing dock, and with the tree removal required to get equipment in. They stated that it is out of proportion to the house/property, and would like a scaled-down version closer to the existing dock.

Kieran Healy responded to clarify details of the plan. He commented that the new design is to meet the regulations.

Peter Burkinshaw, of 44 Mayflower Terrace, stated that he is concerned with the proposed location, as it doesn't match the stakes. Kieran Healy responded that the stakes in the upland are no longer accurate per the revised plan.

Commissioner Bernstein made a motion to approve with conditions. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 7-0.

5. **SE83-2303** *Continued from 10/7/2021* Peter & Kim Le, **40 Mayflower Terrace**, Yarmouth, proposed construction of an elevated deck and balcony over the footprint of an existing elevated deck within the buffer zone to salt marsh, coastal beach and land containing shellfish

Presenting: Kieran Healy, BSC Group

The mitigation plan has been updated. Commissioner Bernstein asked why area 2 wasn't expanded to meet the existing vegetation. Conservation Administrator suggested filling zone 2 once the dock is completed. Chairman Hoopes suggested delayed requirements for completing the mitigation in that area.