

On 11/18/2021, on a motion by Commissioner Durkin, seconded by Commissioner Bernstein, the Commission voted unanimously, 6-0, to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

November 4, 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

Start Time: 5:00pm

YARMOUTH TOWN CLERK

'21NOV22PM3:00 REC

Notice of Intent:

1. Jeffrey & Beth Fanara, Trs, [116 Mayflower Terrace](#), Yarmouth, proposed elevated walkway with fixed landing within land containing shellfish, land under salt ponds, land containing salt marshes and land subject to coastal storm flowage.

Presenting: Mark Burgess, Shorefront Consulting

Discussion: Chairman Hoopes stated that a phragmites removal protocol by a CERP certified contractor is required; suggested they reduce the size of the unpermitted deck and add mitigation; stated that the platform should be four feet wide only; there should be a 1.5:1 ratio (height:width) for the walkover to reduce shading. Commissioner Bernstein stated that there should be just stairs at the end of the walkway, with no platform. He also would like to see adherence to the 1.5:1 recommendation. Commissioner Bishop stated he would like to see enforcement of the 75 feet between structures. Commissioner Durkin stated that he is concerned with the proposed distance between structures. Commissioner Huggins had trouble hearing the presentation and requested another clearer presentation. Commissioners Mulhearn and Lawrence stated that they agree with the previous comments. The Conservation Administrator stated that a BVW delineation is needed for the area landward of the salt marsh; the existing deck is unpermitted per the plans; a three-year protocol for phragmites removal is needed. She suggested a reduced footprint of the deck with mitigation. Chairman Hoopes requested that Mark Burgess get the BVW delineated to guide the replanting after phragmites removal. Jeff Fanara, owner, stated he would like to have a platform/landing at the end for ease of use. Chairman Hoopes suggested that a four-foot by six-foot platform may be okay. Mark Burgess asked about the deck size. Mr. Fanara stated that the deck will be removed.

Commissioner Huggins made a motion to continue to December 16, 2021. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

2. Ates Civitci, [50 Park Ave](#), Yarmouth, proposed raze and replace of an existing single-family dwelling and septic system relocation within the buffer zone to a bordering vegetated wetland and within land subject to coastal storm flowage.

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Presenting: Paul Mancuso, BSC Group

The plan was updated to include coastal bank setbacks, drywells for roof runoff, and the edge of existing vegetation. There being no additional issues, the hearing was continued for MassDEP file number only.

Commissioner Bishop made a motion to continue to November 18, 2021. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

Stormwater Management Permit Application:

3. *Continued from 10/21/2021* Evan Cohen, [125 & 133 Route 6A](#), Yarmouth, proposed redevelopment of an existing commercial site including parking, drainage and septic improvements; existing building #125 to be converted to doctor's office; existing #133 will have minimal improvements including new utility connections.

Commissioner Bernstein made a motion to continue to November 18, 2021. The motion was seconded by Commissioner Huggins. The motion carried unanimously 7-0.

Continued Certificate of Compliance:

4. *Continued from 6/3/21, 6/17/21, 7/1/2021, 9/2/2021* **SE83-97** [355 Great Island Road](#), West Yarmouth

Discussion: Request to continue per representative, Dan Ojala, of Down Cape Engineering.

Commissioner Bishop made a motion to continue to January 20, 2022. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

5. *Continued from 7/1/2021* **SE83-1454**, [8 Channel Point](#), Yarmouth

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

Certificate of Compliance:

6. Commissioner Bernstein made a motion to issue a Certificate of Compliance for:
SE83-1533, [875 and 887 Great Island Road](#), Yarmouth
SE83-1248, [875 Great Island Road](#), Yarmouth
SE83-981 [142 Swan Lake Road](#), Yarmouth

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

Other Business:

7. Approval of Meeting Minutes: October 21, 2021.

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

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8. Other business not reasonably anticipated.

Commissioner Bernstein will not be present for the December 2021 meetings. He may attend remotely.

Commissioner Mulhearn will not be present for the first meeting in December 2021.

Chairman Hoopes may not be present at the November 18, 2021 meeting

Commissioner Bishop may not be present at the December 2, 2021 meeting.

Commissioner Lawrence made a motion to adjourn at 5:45 pm. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 7-0.