

On 2/3/2022, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 5-0 (1 abstain), to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

January 20, 2022

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

Member(s) Absent:

Staff: Dawn-Marie Flett

Start Time: 5:00 pm

YARMOUTH TOWN CLERK
22FEB9AM10:34 REC

Continued Notice of Intent:

1. *Continued from 11/4/2021, 12/16/2021, 1/6/2022* **SE83-2306** 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

Commissioner Mulhearn recused herself as she was not at the last meeting

Presenting: Mark Burgess, Shorefront Consulting

New plan shows reduced deck, and platform, and planting list for mitigation. Protocol for Phragmites management provided.

Commissioner Hoopes commented that the dock had not been raised six feet over marsh per the DMF comments. He also commented that the invasive species management report was generalized and suggested no mowing of the phragmites be allowed. Commissioner Bishop expressed concern with the setback distance to adjacent docks. Commissioner Lawrence remarked that no float, or tying of boats to dock be allowed.

Commissioner Bernstein made a motion to issue an Order of Conditions approving the project with conditions. The motion was seconded by Commissioner Lawrence. Vote 3-3. Commissioner Hoopes amended his vote to an approval. Motion carried 4-2 (Commissioner Mulhearn recused).

2. *Continued from 1/6/2022* **SE83-2312** Mary Manning, **60 Bray Farm Road North**, Yarmouth, proposed rebuild of an existing second-level deck with expanded footprint within the buffer zone to a coastal bank, and bordering vegetated wetland, and within land subject to coastal storm flowage.

Commissioner Mulhearn recused herself as she was not at the last meeting

Presenting: Danny Gonsalves, Down Cape Engineering

Chairman Hoopes discussed clearing and landscape debris, and stated that he's willing to approve with revised plan showing removal of the landscaping debris and a no-disturb zone for

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the area beyond coastal bank northward. This area shall be left to naturalize. If the updated plan is not received within 20 days, the project shall be denied.

Commissioner Lawrence made a motion to issue an Order of Conditions with the discussed conditions. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 6-0 (Commissioner Mulhearn recused).

Notice of Intent:

3. **SE83-2313** Harald & Melissa Prokop, [41 Powers Lane](#), Yarmouth, proposed landscaping, patio, and driveway relocation within the buffer zone to a coastal dune and within land subject to coastal storm flowage.

Presenting: Phil Cheney

Chairman Hoopes stated that the whole area is dune and that the regulations don't allow hardscape in this ecosystem/velocity zone. Commissioner Bernstein asked if the shade is removable, and stated that he does not approve pavers. Commissioner Bishop stated that the plan does not show walkway on west side with excavation. Phil Cheney asked if the Commission would consider gravel instead of pavers. Commissioner Bernstein suggested removing the walkway on the west side, and that he would entertain gravel. Phil Cheney requested a continuance to February 3, 2022.

Commissioner Huggins made a motion to continue to February 3, 2022, for revised plan. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

4. Phyllis Tomaiolo, [40 Prince Road](#), Yarmouth, proposed extension of existing shorefront protection within a coastal beach, coastal bank and within land subject to coastal storm flowage.

Presenting: Mark Burgess, Shorefront Consulting

Chairman Hoopes stated that the coastal bank is providing a sediment source; no consideration of soft solutions has been provided. Commissioner Lawrence stated that there is no evidence provided of the house being in danger from erosion at this time. Mark Burgess stated that cost, the steep slope, fetch of water may not make soft solution viable. Chairman Hoopes stated that Mr. Burgess needs to look at other soft solutions than fiber rolls, as they will not make sense. Commissioner Bishop stated that there are many other projects in Yarmouth where soft solutions have worked. Chairman Hoopes requested a detailed planting plan be provided, not just a general "buffer".

Commissioner Durkin made a motion to continue to February 3, 2022, for DEP number and revised proposal for a soft solution. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 7-0.

5. Philip Pears and Sheila Tucke, [44 Prince Road](#), Yarmouth, proposed extension of existing shorefront protection within a coastal beach, coastal bank and within land subject to coastal storm flowage.

Presenting: Mark Burgess, Shorefront Consulting