

On 3/18/2021, on a motion by Commissioner Lawrence seconded by Commissioner Durkin, the Commission voted unanimously, 6-0 to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

March 4, 2021

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

Member(s) Absent: Rick Bishop

Staff: Kelly Grant

YARMOUTH TOWN CLERK

Start Time: 5:00pm

21MAR19AM11:48 REC

Kelly Grant moderated the meeting reading the following into the minutes:

The March 4, 2021 meeting of the Yarmouth Conservation Commission is about to be convened. As a precautionary measure to reduce the spread of coronavirus, all Town buildings are closed to the public; therefore, this meeting will be held by remote participation. My name is Kelly Grant, and I will be moderating participation for this meeting. I will now turn it over to the Chair of the meeting:

Chairman Ed Hoopes opened the meeting, taking a roll call for quorum. The following members confirmed their presence:

Ed Hoopes, Tom Durkin, Ellie Lawrence, Paul Huggins, Patricia Mulhearn, and David Bernstein.

Rick Bishop was absent.

Kelly Grant provided the following instructions for the meeting:

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 23, 2020, Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Yarmouth Conservation Commission is being conducted via remote participation. No in-person attendance will be permitted, but every effort will be made to ensure that the public can adequately access and participate in the proceedings as provided for in the Order. Persons who would like to view this meeting while in progress may do so by watching via this virtual meeting or the live feed on the Town of Yarmouth YouTube Channel. You may also listen to the meeting by dialing in to the number provided on the Notice of Meeting. We will also post a recording of this meeting on the Town of Yarmouth website as soon as we are able.

Please be patient as we work to overcome any technological challenges with the virtual meeting. To reduce confusion during the meeting, all participants of the virtual meeting are muted by the moderator. As participants are called upon to speak they will be unmuted.

Applicants can use the "Raise Hand" button or press *9 on their phone to identify themselves to the chair. The meeting host will then un-mute applicants when they are called upon to speak.

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During the portion of the hearing designated for public comment, the Chair or moderator will ask who in the audience has any public comments or questions. Members of the public attending this meeting virtually will be able to make comments using the "Raise Hand" button within the virtual meeting.

If you are dialed in to the phone number provided, you can press *9 on your phone to indicate that you would like to comment. Please wait for the chairman to recognize you before speaking. Members of the public who wish to provide comment are asked to identify themselves by first and last name and affiliation for the public record and then provide their comment. Prior to concluding opportunities for discussion, comment, or question, the Chair will ask a final time if anyone wishes to speak on the matter.

All votes must be roll call votes. After a motion is made and there is a second, the Chair will ask the moderator to take the roll call vote. The moderator will report the roll call vote.

All motions, decisions, documents, and letters will be verbally read into the record. If it appears the meeting cannot or should not proceed, then the moderator will recommend that the Chair request to continue the hearing to a later date and time and/or until public meetings can resume normally. I will now hand the meeting back to the Chair.

AGENDA ITEMS:

Discussion

1. Commission discussion on draft revisions to the Town of Yarmouth Stormwater Bylaw Regulations

The Commission discussed the revised changes to the Town's stormwater regulations with input from Rebecca Balke from CEI, Town Engineer Amanda Lima and Town Planner Kathy Williams. The focus of discussion was on whether to include performance standards for nitrogen removal. Commissioner Durkin was a strong advocate for including nitrogen removal requirements given the nitrogen pollution issue in the town. The CA commented that nitrogen pollution is primarily caused by septic system discharges, which are not addressed by these regulations and that soluble nitrogen is very difficult to remove from stormwater. The NPDES MS4 permit does not require nitrogen removal unless there is a discharge to an impaired water body. The performance curves provided for stormwater BMPs assume nitrogen removal is achieved through ground infiltration which is not usually the case on Cape Cod due to our sandy soils. The high cost of implementing nitrogen removal BMPs was also discussed. It was also suggested that the applicability of the regulations should be reduced from 1 acre to a half acre so that they will have a greater impact in reducing pollutants. It was noted that this would create a significant increase in the volume of permit applications.

The Commission settled on a 30% nitrogen removal requirement with the requirement for nitrogen and phosphorous source reduction measures, and the one acre project size to be reviewed in the future.

Request for Determination of Applicability:

2. Lauren Trefry, Seaside Cottages, 135 South Shore Drive, Yarmouth, MA, proposed installation of two split rail fences on a coastal beach.