

On 5/19/2022, on a motion by Commissioner Durkin, seconded by Commissioner Bernstein, the Commission voted unanimously, 7-0, to approve these minutes as written.

## CONSERVATION COMMISSION MEETING MINUTES

May 5, 2022

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

**Staff:** Karen Greene

**Start Time:** 5:00 pm

YARMOUTH TOWN CLERK

'22MAY26P-1:55 REC

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### **Request for Determination:**

1. Curtis YS Diggs, [310 Long Pond Road](#), proposed removal of fallen tree from storm, leaving stump in place, and repairing existing stairs damaged by fallen tree within the buffer zone to Long Pond

Presenting: Curtis Diggs

Mr. Diggs requested to remove a fallen tree that is in the pond, and to fix the stairs. Mr. Diggs stated that he will leave the stump of the tree.

Commissioner Lawrence made a motion to issue a Negative 3 Determination. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

### **Continued Notice of Intent**

2. *Continued from 2/17/2022, 3/2/2022, 3/17/2022, 4/7/2022, 4/21/2022* Aleksandr Nemanov, [2 Buttercup Lane](#), Yarmouth, proposed raze and replace of a single family dwelling with new septic, landscaping

Request to continue received.

Commissioner Lawrence made a motion to continue to May 19, 2022. The motion was seconded by Commissioner Bishop. The motion carried unanimously 7-0.

3. *Continued from 4/21/2022* [SE83-2338 11 Prince Road](#), proposed pool and patio areas with associated mitigation plantings within the buffer zone to salt marsh and a coastal bank, and within land subject to coastal storm flowage

Presenting: Dan Ojala, Down Cape Engineering

Previously discussed changes were reviewed; there is a good ratio of new mitigation to hardscape. New plans were presented that showed new place for pool equipment. Also mentioned the pool will have a saltwater generator.

Commissioner Bishop stated that it was a good job reconfiguring the patio.

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Neighbor Andrew Mills, of 166 Baxter Road, thanked the owner for moving the pool equipment. He also asked if a retractable pool cover is required given the proximity to marsh as a deterrent to wildlife coming in, per a policy POV.

Chairman Hoopes answered, no. Dan Ojala stated that no fence regulation are in place; will inquire with the owner about their desire to do so.

Commissioner Lawrence made a motion to issue an Order of Conditions. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

4. *Continued from 2/17/2022, 3/17/2022, 4/7/2022, 4/21/2022* **SE83-2321** Joseph Gilmore, [150 South Street \(f/k/a 181 River Street\)](#), Yarmouth, raze two single family dwellings and replace with one nine-bedroom single family dwelling, pool, new septic, redeveloped driveways and planting mitigation within riverfront area, land subject to coastal storm flowage, and buffer zone to coastal bank

Presenting: Dan Ojala, Down Cape Engineering

Chairman Hoopes stated that the plans were not received until today, and the Commission would like time to review; he suggested continuing to May 19, 2022.

Understanding that the hearing is continued, Dan Ojala stated that he would like to introduce the plan; he highlighted the changes of reducing square footage of the pool patio and eliminating the loop of the driveway, regrading around the pool, increasing swales, and putting the pool equipment behind the retaining wall.

Commissioner Bishop made a motion to continue to May 19, 2022. The motion was seconded by Commissioner Durkin. The motion carried unanimously 7-0.

5. *Continued from 3/17/2022, 4/7/2022, 4/21/2022* **SE83-2329** Joseph and Dorothy Peterson, Trustees, [50 Alms House Road](#), Yarmouth, proposed upgrade of existing septic system and installation of a new potable water well within the buffer zone to a salt marsh and bordering vegetated wetland and within land subject to coastal storm flowage.

Chairman Hoopes read into the record the detailed correspondence from Laura Gill, new owner of the property, requesting to withdraw the Notice of Intent application. He added that it would be withdrawn without prejudice and they can refile in the future as needed; no vote needed.

**Certificate of Compliance:**

6. **SE83-2052** [145 South Street](#), Yarmouth, MA

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

On 5/19/2022, on a motion by Commissioner Durkin, seconded by Commissioner Bernstein, the Commission voted unanimously, 7-0, to approve these minutes as written.

**Other Business:**

7. Approval of Meeting Minutes: April 7, 2022 Minutes continued to May 19, 2022.

Commissioner Durkin made a motion to approve the April 21, 2022 Minutes as written. The motion was seconded by Commissioner Bishop. The motion carried unanimously 7-0.

Other business not reasonably anticipated

8. **8 Harbor Road**, Yarmouth

The new owners requested advice about what to do about people dumping material on their property. Commissioner Bernstein stated that he conducted an onsite visit; it is a large parcel. He stated that he spoke with the owners and suggested a new No Dumping sign; he also suggested speaking with their neighbors. Karen Greene, Director of Community Development, stated that it is private property. The owners understand that the Town is not responsible for cleaning up the property. They were told they could remove all manmade material dumped on the property. Chairman Hoopes stated that anything removed must be done by hand, no machinery; and no tree removal if within the 50' buffer. The owners were also told to wait for the new Conservation Agent to come aboard and have him/her speak with them. If there is any dangerous situation with trees, they should contact the Conservation Office right away. If they catch someone dumping, they were told to call Natural Resources and/or police, and to report this to the Conservation Commission and an enforcement order will be written.

9. Commissioner Bishop asked that sometime in the future, the Dock Regulations get updated; and also asked to consider limiting the amount of continuances a petitioner can have without testimony. Chairman Hoopes said we should wait for a new agent to update any regulations. He also reminded everyone that we are working on a bylaw update for fall town meeting as a target date.

Commissioner Bishop moved to adjourn. The motion was seconded by Commissioner Lawrence meeting ended at 5:50 pm.