

On 6/2/2022, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 5-0, to approve these minutes as edited.

## CONSERVATION COMMISSION MEETING MINUTES

May 19, 2022

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

**Staff:** Karen Greene

**Start Time:** 5:10 pm

YARMOUTH TOWN CLERK

\*22JUN8PM1:41 REC

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1. **Open Space and Recreation Plan** – correspondence and possible vote (see attachment)

Kathy Williams, Town Planner, presented: The town needs to update the Open Space and Recreation Plan, which expires in December, 2022. The town is requesting the Conservation Commission to create an Ad Hoc committee of 5-7 members. The town is also asking for no more than \$35,000 from the Conservation Fund to hire a consultant to facilitate the update. Commissioner Huggins asked how much money is in the fund and what it is used for. Karen Greene, Director of Community Development, said it is used for acquisition of land, maintenance of Conservation property, deeds, other expenses to land acquisition, invasive species removal and other uses. Commissioner Bernstein asked about how much money the town puts into the Conservation Fund. Karen Greene said as far as she can tell, no money has been put into the fund since either the 1980's or 90's. At the present time there is about \$90,000 in the fund. Commissioner Durkin asked about where the money from Conservation fines goes. The answer is in the town's general fund.

Commissioner Durkin made the motion to fund the hiring of a consultant and for the town staff to put together the ad hoc committee of which the Conservation Commission has final approval. Commissioner Bishop seconded the motion. The motion carried unanimously 7-0.

**Request for Determination:**

2. Joyce Realty Trust, Elizabeth & Martin Joyce Trustees, [56 South Shore Drive](#), Yarmouth, proposed enclosure of existing 16'x20' deck and addition of new 16'x20' deck within the buffer zone to coastal dune and beach and within land subject to coastal storm flowage

Presenting: Martin Joyce

Mr. Joyce described the project. There were no questions.

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

**Continued Notice of Intent**

3. *Continued from 2/17/2022, 3/2/2022, 3/17/2022, 4/7/2022, 4/21/2022, 5/5/2022* Aleksandr Nemanov, [2 Buttercup Lane](#), Yarmouth, proposed raze and replace of a single family dwelling with new septic, landscaping

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Presenting: Wayne Tavares, Wet Tech Land Design

Wayne Tavares reviewed the changes in the plans as follows:

1. Fewer bedrooms (3 in total)
2. Added mitigation
3. Removal of 6 trees
4. Removing invasive species

Chairman Hoopes said that since this is a raze and rebuild, he could not accept the new plans, which includes decks within the 35-foot buffer zone. He said that a raze and rebuild comes under higher performance standards and this needs to be reflected in the plans.

Commissioner Bishop said he could only support a structure on the existing footprint. Commissioners Huggins, Bernstein, and Lawrence agreed that the building was too large.

Mr. Taveres noted that two of the mitigation areas are acceptable, but that Commissioner Bishop noted the lefthand side was eroded and should be left alone. Mr. Taveres suggested his replacements are an improvement over a number of invasive species, and that 80-85% is invasive and a candidate for indigenous plantings. Chairman Hoopes stated to include that in part of a narrative.

Mr. Taveres requested a continuance to June 16, 2022, to rewrite the plans.

Commissioner Bishop made a motion to continue to June 16, 2022. The motion was seconded by Commissioner Huggins. The motion carried unanimously 7-0.

4. *Continued from 2/17/2022, 3/17/2022, 4/7/2022, 4/21/202, 5/5/20222* **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

Dan Ojala reviewed the changes from previous plans, which he mentioned at the previous meeting. Commissioner Huggins asked about the driveway and was told it would be mostly paved with some gravel. Commissioner Bishop requested that the owner consider a permeable pavement. Dan Ojala said the owner would take it under consideration.

Commissioner Huggins made a motion to issue an Order of Conditions with the following conditions: 1-9, 11-23, 24 as amended, 44-45. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 7-0.

**Notice of Intent:**

5. Theodore & Susan Wojnar, [14 Whale Road](#), Yarmouth, proposed redevelopment of existing residential property including new deck, stairs, walkway and driveway within the buffer zone to coastal dune and within land subject to coastal storm flowage

Presenting: Dan Ojala