

On 6/3/2021, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously, 7-0, to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

May 20, 2021

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

Member(s) Absent:

Staff: Kelly Grant

Start Time: 5:00pm

YARMOUTH TOWN CLERK

'21JUN8PM1:19 REC

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

The May 20, 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 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, Rick Bishop and David Bernstein.

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.

Please be patient as we work to overcome any technological challenges. To reduce confusion, all participants 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.

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.

On 6/3/2021, on a motion by Commissioner Durkin, seconded by Commissioner Lawrence, the Commission voted unanimously,7-0, to approve these minutes as written.

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 and 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:

Request for Determination of Applicability:

1. Arlene Bresner and Linda McKenna, [32 Mariners Lane](#), Yarmouth Port, MA, proposed replacement of existing 10'x26' deck with a new 14'x26' deck within a buffer zone to a bordering vegetated wetland

Presenting: George Davis

Commissioner Lawrence made a motion to issue a Negative 3 determination. The motion was seconded by Commissioner Bishop.

Roll Call: Hoopes, Durkin, Huggins, Mulhearn, Bernstein, Bishop and Lawrence

The motion carried unanimously 7-0.

Continued Notice of Intent:

2. **SE83-2283** Francis Lloyd, [222 Pleasant Street](#), South Yarmouth, MA, install two wooden racks for the storage of small sailing crafts; within coastal beach, coastal dune, riverfront area and land subject to coastal storm flowage

Commissioner Bishop recused himself from the discussion.

Presenting: John O'Reilly

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The Commission accepted the revised plan dated 5/18/2021.

Commissioner Bernstein made a motion to issue an Order of Conditions approving the revised plan with conditions. The motion was seconded by Commissioner Durkin.

Roll Call: Hoopes, Durkin, Huggins, Mulhearn, Bernstein, and Lawrence

The motion carried unanimously 6-0-1 (recused).

3. **SE83-2282** Anthony Feola, [1 Malfa Road](#), West Yarmouth, MA, proposed construction of a retaining wall, with fill and plantings within the buffer zone to a coastal beach and coastal bank, and within land subject to coastal storm flowage

Presenting: Dan Ojala, Down Cape Engineering

Commissioner Bernstein asked for clarification on the remaining wall found under sediment along west lot line. Commissioner Bishop expressed concern at creating peninsula compared to the surrounding shoreline. Commissioner Huggins stated that they should focus on what the shoreline is becoming; should follow the recommendations of the report and the CA. Chairman Hoopes suggested the following plan changes:

- Update elevations/MHW
- Remove turf lawn behind and in front
- Move wall back to match shoreline to create more space in front of wall
- Shorten wall to protect house only
- Dune recommended in front of garage for protection

Commissioner Mulhearn made a motion to continue to June 3, 2021 for plan changes. The motion was seconded by Commissioner Lawrence.

Roll Call: Hoopes, Durkin, Huggins, Mulhearn, Bernstein, Bishop and Lawrence

The motion carried unanimously 6-01 (Abstain Commissioner Bishop).

Notice of Intent:

4. Kristen Cerosimo Kosofsky, [39 Crosby Street Extension](#), South Yarmouth, MA, proposed addition and renovations to an existing single family dwelling within riverfront area

Presenting: Dan Ojala, Down Cape Engineering

No MassDEP file number has been issued. No concerns were raised. No public comment.

Commissioner Lawrence made a motion to continue to June 3, 2021, for Mass DEP file number only. No further public comment. The motion was seconded by Commissioner Bernstein.

Roll Call: Hoopes, Durkin, Huggins, Mulhearn, Bernstein, Bishop and Lawrence

The motion carried unanimously 7-0.