

On 7/1/2021, on a motion by Commissioner Lawrence, seconded by Commissioner Durkin, the Commission voted unanimously, 5-0, to approve these minutes as amended.

## CONSERVATION COMMISSION MEETING MINUTES

June 17, 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

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### Agenda Items:

1. Adoption of [Revised Town of Yarmouth Stormwater Bylaw Ch. 145](#)

Following the public hearing held at the June 3, 2021 meeting, Chairman Hoopes asked for any further public comments or questions. None being received, Commissioner Lawrence made a motion to adopt the revised Stormwater Bylaw Regulations effective July 1, 2021. The motion was seconded by Commissioner Durkin. The motion carried unanimously 6-0

### Request for Determination of Applicability

2. Charles Pitzi, [49 Pheasant Cove Circle](#), Yarmouth, MA, proposed removal of fallen trees in the buffer zone to a wetland resource area and land subject to coastal storm flowage

Presenting: Charles Pitzi and Susa Pitzi. Additional photos of the property were provided to the Commission. Forest Keepers will perform the work.

Chairman Hoopes commented that no work should occur in the 35-foot no-disturb zone. Commissioner Lawrence suggested no heavy equipment, and suggested cutting the base of the trunks to lay them flat. Commissioner Mulhearn disagreed and suggested leaving the trees alone to rot; nature/not eyesore. Charles Pitzi stated that it is an eyesore. Commissioner Mulhearn supported cutting the trunk and leaving it. Chairman Hoopes appreciated the desire to reduce visibility, however aesthetics are not a consideration.

Tom Manning, neighbor at 2 Shell Drive, stated that the property has been an issue in the past and is in support of cutting and dropping to lay flat.

Commissioner Bernstein made a motion to approve cutting at the base to lay trees flat and leave in place; no heavy equipment to be used. The motion was seconded by Commissioner Durkin. The motion carried 5-1.

3. Arlene Bresner and Linda McKenna, [32 Mariners Lane](#), Yarmouth, MA, proposed dry-laid patio, removal of invasive root material and planting of native plant border within the buffer zone to a bordering vegetated wetland

Presenting: Dan Dewey, Dewey Gardens

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Commissioner Bernstein asked how invasives would be removed; Mr Dewey confirmed a 35 horse power tractor with backhoe would be used to scrape the surface with as minimal disturbance as possible. Chairman Hoopes suggested to minimizing mulch use. Conservation Administrator suggested to hand pull remnant invasives that appear in future.

Commissioner Bernstein made a motion to issue a Negative 3 determination. The motion was seconded by Commissioner Durkin. The motion carried unanimously 6-0

#### **Continued Notice of Intent**

4. *Continued from 5/6/21, 5/20/21, 6/3/21* **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

Request to Continue to July 1, 2021. Commissioner Huggins made a motion to continue to July 1, 2021. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 6-0

5. *Continued from 5/20/21, 6/3/21* **SE83-2285** Thiago Paraguay, [15 Wadsworth Lane](#), Yarmouth, MA, proposed construction of a single family dwelling with utilities, driveway, septic system and appurtenances in the buffer zone to a bordering vegetated wetland and within riverfront area

Request to continue to July 1, 2021. Commissioner Mulhearn made a motion to continue to July 2, 2021. The motion was seconded by Commissioner Bernstein. The motion carried unanimously 6-0

6. *Continued from 6/3/21* **SE83-2288** Bahige Asaker, [181 South Street](#), South Yarmouth, MA, proposed construction of a 20'x16' two-story addition off the westerly side of the existing dwelling within the buffer zone to a bordering vegetated wetland, and within land subject to coastal storm flowage

Presenting: Chris Sanderson, Merrill Engineers and Land Surveyors  
Owner Bahige Asaker present

Commissioner Lawrence suggested native buffer zone plantings at a 1:1 ratio for 120 square feet, using the CCE plant list; remove debris in resource area; show 35-foot no-disturb zone on the plan.

Commissioner Bernstein made a motion to issue an Order of Conditions approving the project, with conditions, including receipt of an updated plan. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 6-0

#### **Continued Certificate of Compliance:**

7. **SE83-97** [355 Great Island Road](#), West Yarmouth, MA

Request to continue to July 1, 2021. Commissioner Mulhearn made a motion to continue to July 1, 2021. The motion was seconded by Commissioner Durkin. The motion carried unanimously 6-0