

On 7/15 /2021, on a motion by Commissioner Durkin, seconded by Commissioner Mulhearn, the Commission voted unanimously, 6-0-1 [abstain] to approve these minutes as written.

CONSERVATION COMMISSION MEETING MINUTES

July 1, 2021

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

Member(s) Absent: David Bernstein

Staff: Kelly Grant

YARMOUTH TOWN CLERK

'21JUL19PM12:55 REC

Start Time: 5:00pm

Request for Determination of Applicability

1. Surfcomber on the Ocean, 107 South Shore Drive, Yarmouth, MA, replace non-compliant stockade fence with complaint split-rail fence within a coastal beach.

The applicant did not appear before the Commission. The Conservation Administrator described the request.

Commissioner Bishop made a motion to issue a Negative Determination 2 with the requirement that both fences at the property be replaced with split rail fence. The motion was seconded by Commissioner Huggins. The motion carried unanimously 6-0.

Continued Notice of Intent

2. *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 received to continue to July 15, 2021.

Commissioner Bishop made a motion to continue to July 15, 2021. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 6-0.

3. *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 received to continue to July 15, 2021.

Commissioner Durkin made a motion to continue to July 15, 2021. The motion was seconded by Commissioner Bishop. The motion carried unanimously 6-0.

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Notice of Intent

4. Kelley's Point Homeowners Association, [0 Mayflower Terrace](#), Yarmouth, MA, proposed addition of a new 7' by 20' float to the existing licensed pier, ramp and float within riverfront area, land under the ocean, land containing shellfish and land subject to coastal storm flowage.

Presenting: Kieran Healy, BSC Group, and Mr. Manning (owner)

The matter is scheduled for the Waterways Committee on July 14, 2021. The applicant requested to continue to August 5, 2021. The Commission requested they confirm the distance to the navigation channel.

Commissioner Bishop made a motion to continue to August 5, 2021. The motion was seconded by Commissioner Lawrence. The motion carried unanimously 6-0.

5. The Parkers River Realty Trust, [668 Route 28](#), Yarmouth, MA, proposed expansion to existing commercial building over currently developed areas within the riverfront area and land subject to coastal storm flowage

Presenting: Kieran Healy, BSC Group, and Mr. Manning (owner)

DEP File Number SE83-2289 received.
No comments/questions from the Commission.

Commissioner Durkin made a motion to issue an Order of Conditions approving the project. The motion was seconded by Commissioner Huggins. The motion carried unanimously 6-0.

Certificate of Compliance:

6. *Continued from 6/3/21, 6/17/21, SE83-97* [355 Great Island Road](#), West Yarmouth, MA

Presenting: Dan Ojala, Down Cape Engineering

The applicant requested that the extra pile be allowed to remain as they plan to request an additional float up to 200 square feet. Chairman Hoopes stated that the pile can stay; condition that decking to be replaced at 3/4" at next maintenance. The CA pointed out the decking is azek so will last a long time.

Commissioner Huggins requested that the spacing be addressed now as it was done without approval. The applicant requested a continuance until September 2 to resolve the matter.

Commissioner Huggins made a motion to continue to September 2, 2021. The motion was seconded by Commissioner Durkin. The motion carried unanimously 6-0.

On 7/15 /2021, on a motion by Commissioner Durkin, seconded by Commissioner Mulhearn, the Commission voted unanimously, 6-0-1 [abstain] to approve these minutes as written.

Commissioner Bishop made a motion to issue Certificates of Compliance for:

7. **SE83-1126**, [8 Channel Point](#), Yarmouth, MA
SE83-1346, [8 Channel Point](#), Yarmouth, MA
SE83-1412, [8 Channel Point](#), Yarmouth, MA

The motion was seconded by Commissioner Lawrence. The motion carried unanimously 6-0

8. **SE83-1454**, [8 Channel Point](#), Yarmouth, MA

Presenting: Kieran Healy, BSC Group

The CA pointed out that the conditions requiring plantings within 15 feet of the top of bank has not been met. The Commission requested the plantings be made based on a planting plan approved by the CA. Recommended continuing the matter for 4 months to allow the conditions to be met.

Commissioner Lawrence made a motion to continue to November 4, 2021. The motion was seconded by Commissioner Mulhearn. The motion carried unanimously 6-0

Request for Emergency Certification

9. **SE83-2143** – Parkers River Restoration Project – request to perform emergency dredging within Parkers River, south of the Parkers River Bridge, to address shoaling issues that are creating a hazard to boating.

The CA presented the request. The Commission requested the work by completed within 30 days and that it include only the minimum work needed to resolve the emergency. Pre and post depth measurements are to be provided.

Commissioner Bishop made a motion to issue an emergency certification. The motion was seconded by Commissioner Durkin. The motion carried unanimously 6-0.

Other Business:

10. Approval of Meeting Minutes: June 17, 2021. Commissioner Lawrence made a motion to approve as amended. The motion was seconded by Commissioner Durkin. The motion carried unanimously 5-0; 1 abstain (Commissioner Bishop)

11. Other business not reasonably anticipated

Motion to Adjourn

Commissioner Lawrence made a motion to adjourn at 6:12 p.m. The motion was seconded by Commissioner Bishop. The motion carried unanimously 6-0.