

On 10/15/2020, on a motion by Commissioner Bernstein, seconded by Commissioner Durkin, the Commission voted unanimously, 7-0, to approve these minutes as presented.

CONSERVATION COMMISSION MEETING MINUTES

October 1, 2020

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

Member(s) Absent:

Staff: Kelly Grant

YARMOUTH TOWN CLERK

Start Time: 4.30pm

'20OCT16AM8:53 REC

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

The October 1, 2020, 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 Commissioner Hoopes opened the meeting, taking a roll call for quorum. The following members confirmed their presence:

Tom Durkin, Paul Huggins, Patricia Mulhearn, David Bernstein, and Ellie Lawrence.

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, G.L. c. 30A, §18, 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. The live feed on the Town of Yarmouth YouTube Channel is not currently working. You may also listen to the meeting by dialing in to the number provided on the Notice of Meeting. We will also post a recording of this meeting on the Town of Yarmouth website as soon as we are able.

Please be patient as we work to overcome any technological challenges with the virtual meeting. To reduce confusion during the meeting, all participants of the virtual meeting 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. Members of the public attending

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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. As an alternative to making comments via the online audio or phone, you may also submit comments to the moderator via the virtual meeting "chat" function. To do this click on the "chat" icon and type your message. When prompted, the moderator will read comments and questions into the record.

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.

If you wish to speak during a hearing please consider the following guidelines:

- Do not use speakerphone
- Do not use Bluetooth devices
- Mute all background noises
- Clearly state your name each and every time prior to speaking

Prior to concluding opportunities for discussion, comment, or question, the Chair will ask:

"At this time I did not hear any requests for additional comment, if you wish to speak, please indicate now and I will ask this final time if there is anyone who wishes to speak on the matter at hand."

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 the roll call vote. The moderator will 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:

Continued Request for Determination of Applicability

1. *Cont. from, 9/17/2020* Richard J. Fagan Jr., 301 Mayfair Road, Yarmouth Port MA, proposed replacement of existing retaining wall within the buffer zone to a wetland resource area.

Tom Durkin, Vice Chair of the Conservation Commission Opened the meeting.

Richard Fagan Representing.

The applicant would like to replace the old deteriorating railroad retaining wall with a stone wall.

The CA point out that the previous plan presented did not reflect the updated flood zone was different and with the new delineation the area where the wall would be reconstructed is now a regulatory coastal bank. The project would be work on a coastal bank, however it is replacement of an existing structure well landward of the BVW and the salt marsh.

Commissioner Lawrence made a motion to approve a negative 2 determination but not approve of the wetlands delineation as presented in the plan. The motion was seconded by Commissioner Mulhern

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

The motion carried unanimously 5 - 0