

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, JANUARY 7, 2026, 7:00 P.M.

Covid protocols have been extended to allow for continued expanded remote participation, **the January 7, 2026, public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**

Public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chat function will be read into the record at the appropriate points in the meeting.
 - a. Zoom Login instructions:
 - i. **Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/Conservation>**
 - ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
3. Additionally public comments may be sent in advance of the meeting to concom@falmouthma.gov **at least 5 hours prior** to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized, or displayed during the meeting at the discretion of the chair.
4. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives, and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@falmouthma.gov so they may be displayed for remote public access viewing.

Present: Bill Duffy (Chair)
Steve Patton (Vice Chair)
Courtney Bird [7:25pm]
James McGrath
Ron Driscoll
David Kent
Ronald Bowman (alternate)
Jennifer Lincoln, Administrator
Alissa Bergeron, Agent

Mr. Duffy, Chair, opened the meeting at 7:00 p.m. Mr. Bowman sat as a full member of the Commission.

Mr. Duffy instructed the public on how to use the Chat function for questions or comments on any of the hearings. All submissions will be read into the record. He announced that anyone is welcome to be heard on any specific hearing. When asked if anyone would like to comment they are to let it be known via the public chat function that they want to be heard and they will be promoted to a panelist. They are to confine their remarks to 3 minutes.

VOTE MINUTES: December 17, 2025; December 29, 2025

Mr. Duffy exited the meeting briefly, due to technical difficulties.

Mr. Driscoll moved to approve the meeting minutes of December 17, 2025, pending any amendments made this evening. Second by Mr. Patton.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; McGrath – aye; 5-0-0, so moved.

Mr. Driscoll moved to approve the meeting minutes of December 29, 2025, pending any amendments made this evening. Second by Mr. Patton.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; McGrath – aye; 5-0-0, so moved.

REQUESTS FOR A CONTINUANCE FOR DETERMINATION OF APPLICABILITY

Mr. Duffy rejoined the meeting.

Scott Miccile, 75 Reynolds Street, Falmouth, MA – For permission to construct an addition and porch, and to reconstruct a deck.

Mr. Driscoll moved to continue this hearing to January 14, 2026, at request of the applicant. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Cronin Realty Trust, 23 North Bournes Pond Road, Falmouth, MA – For permission to install restoration plantings in accordance with MA DEP# 25-646.

Mr. Driscoll moved to continue this hearing to March 25, 2026, at request of the applicant. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

REQUESTS FOR A CONTINUANCE UNDER AN ENFORCEMENT ORDER

Seashell Lane Community Association, Inc, 0 Davisville Road (Map/Parcel: 40-11-013-000).

East Falmouth, MA – Unpermitted clearing, cutting, and construction within the flood zone and within the buffer to a salt marsh.

Mr. Driscoll moved to continue this hearing to February 4, 2026, at request of the applicant.

Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

REQUESTS FOR DETERMINATION OF APPLICABILITY

111 Penzance Road, LLC., 111 Penzance Road, Falmouth, MA – For permission to construct a screen porch and install foundation supports.

Ms. Bergeron stated that staff is recommending a negative 3 under the State and a negative 2 under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff’s recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Leo Perito, 9 Pasnecoy Lane, Falmouth, MA – For permission to construct a porch with steps.

Ms. Bergeron stated that staff is recommending a negative 2 under the State and under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff’s recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

The Valle Group, Inc., 118 Waterside Drive, Falmouth, MA – For permission to construct a dormer.

Ms. Bergeron stated that staff is recommending a negative 3 under the State and a negative 2 under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff’s recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Town of Falmouth Department of Public Works c/o Matthew Lanen, Gansett Road, Gardiner Road, Mast Road, Whitman Road, Clapp Road, Brooks Road, Jewel Cobb Road, Hyatt Road, Falmouth, MA – For permission to install approximately 7,600 linear feet of water main and the associated appurtenances.

Ms. Bergeron stated that staff is recommending a negative 3 under the State and a negative 2 under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff's recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Kenneth Braun, 102 Ransom Road, Falmouth, MA – For permission to reconstruct a deck.

Ms. Bergeron stated that staff is recommending a negative 3 under the State and a negative 2 under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff's recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Shawn Wolf, 353 Davisville Road, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Ms. Bergeron stated that staff is recommending a negative 3 under the State and a negative 2 under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff's recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Scott Miccile, 9 Cricket Lane, Falmouth, MA – For permission to install a new Title V sewage disposal system.

Ms. Bergeron stated that staff is recommending a negative 3 under the State and a negative 2 under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff's recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Scott Miccile, 117 Bernard E. Saint Jean Drive, Falmouth, MA – For permission to re-grade a drainage basin, trench for utilities, conduct paving, and remove vegetation.

Ms. Bergeron stated that staff is recommending a negative 2 under the State and a negative 3 under the bylaw. Resource area boundaries are not confirmed.

Mr. Driscoll moved to accept Staff's recommendations. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Scott Miccile, 75 Reynolds Street, Falmouth, MA – For permission to construct an addition and porch, and to reconstruct a deck.

This item was previously continued.

William Bedford, 186 Clinton Avenue, Falmouth, MA – For permission to install a new Title V sewage disposal system.

Ms. Bergeron stated that this application has been withdrawn.

CONTINUED REQUESTS FOR DETERMINATION OF APPLICABILITY

Cronin Realty Trust, 23 North Bournes Pond Road, Falmouth, MA – For permission to install restoration plantings in accordance with MA DEP# 25-646.

This item was previously continued.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Michael O'Connor, 73 Lake Shore Drive, Falmouth, MA – For permission to install restoration plantings and construct a deck and retaining wall.

Due to technical difficulties, the Commission agreed to table this item to later in the meeting.

Mr. Driscoll moved to table this hearing. Second by Mr. Bowman.

Voting: Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-0, so moved.

Wendy Y. Hill, Trustee, 75 Nashawena Street Nominee Trust, 0 Nashawena Street (Map/parcel 24-20-001-000), Falmouth, MA – For permission to repair an existing licensed pier.

Mike Borselli, Falmouth Engineering, explained that across the street from the house at 75 Nashawena Street is an existing stone pier, ramp, and float in the waters of West Falmouth Harbor. The associated wetland resources include land under the ocean, land containing shellfish, salt marsh, and land subject to coastal storm flowage. There is an existing pathway leading from the street through the lot to the pier. This is a licensed structure. The property previously applied to build a larger walkway to gain access to the ramp and float which required an extension of the structure. The Conservation Commission at the time voted to deny the application, as it was considered an extension of the pier in a Velocity Zone. This decision was subsequently appealed, and the judge upheld the Commission's decision. The purpose of the original application was to make access to the ramp and float easier because during higher tides the area in and around this pier is flooded. The applicant must walk through water during these times to access the float. The applicant understands that he cannot extend or elevate the walkway to higher ground. The applicant is now proposing to make modifications to the current footprint of the solid pier by adding a concrete layer on the top of it to raise the elevation approximately 18". The small ramp leading to the structure may need to be replaced with a couple of steps, as the ramp may be too steep. The proposed work will not require any heavy equipment. All work will be done by hand.

Mr. Bird joined the meeting at 7:25pm.

Ms. Lincoln stated that the salt marsh is planned to be restored through a separate filing for this property. There were several comments from DMF but nothing of concern.

In response to a question from Mr. Kent, Mr. Borselli explained that there was a separate filing to restore the area of the salt marsh, and a note was added to the plan to confirm this.

In response to a question from Mr. Driscoll, Mr. Borselli reviewed the ramp on the landward side, which may need to be replaced with stairs.

There was no public comment at this time.

Mr. Driscoll moved to close the hearing and take it under advisement. Second by Mr. Bowman. Voting: Bird – abstain; Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 6-0-1, so moved.

Michael O'Connor, 73 Lake Shore Drive, Falmouth, MA – For permission to install restoration plantings and construct a deck and retaining wall.

Mr. Driscoll moved to untable this hearing. Second by Mr. Bowman. Voting: Bird – aye; Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 7-0-0, so moved.

Michael O'Connor, applicant, explained that, within the buffer zone B, the proposal is to have a portion of the rear deck, a dry well, and a retaining wall to contain the grade in order to have a walkout basement.

Ms. Lincoln stated that the project will need to be conditioned to make sure that the appropriate plant species are chosen to revegetate the area. There is some debris on the site which needs to be cleaned up. Additional plantings may be needed in the area that was disturbed due to tree cutting. One additional tree needs to be planted.

Ms. Bergeron stated that Staff will work with the applicant to choose a good variety of plant species for the site.

In response to a question from Mr. Kent, Mr. O'Connor explained that there will be a future vista pruning with a 4' path to the beach.

There was no public comment at this time.

Mr. Driscoll moved to close the hearing and take it under advisement. Second by Mr. Bowman. Voting: Bird – aye; Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 7-0-0, so moved.

CONTINUED HEARINGS UNDER AN ENFORCEMENT ORDER

58 Westwood Road LLC, c/o Robert Martin, 58 Westwood Road, Falmouth, MA – Unpermitted construction of a shed and removal of vegetation within the buffer to a coastal bank and coastal dune.

Mr. Driscoll moved to continue this item to May 20, 2026. Second by Mr. Bowman.

Voting: Bird – aye; Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 7-0-0, so moved.

Seashell Lane Community Association, Inc, 0 Davisville Road (Map/Parcel: 40-11-013-000), East Falmouth, MA – Unpermitted clearing, cutting, and construction within the flood zone and within the buffer to a salt marsh.

This item was previously continued.

Mr. Driscoll moved to adjourn the meeting. Second by Mr. Patton.

Voting: Bird – aye; Patton – aye; Driscoll – aye; Bowman – aye; Kent – aye; Duffy – aye; McGrath – aye; 7-0-0, so moved.

The meeting adjourned at 7:43 p.m.

Respectfully submitted,
Kristan Patenaude, Recording Secretary