In accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the January 13, 2021 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.

Alternative 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 the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments 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: Jamie Mathews, Chair
Courtney Bird, Vice-Chair
Betsy Gladfelter
Maurie Harlow-Hawkes
Kevin O’Brien
Steve Patton
Peter Walsh
Mark Gurnee, Alternate
Pat Harris, Alternate
Jennifer Lincoln, Administrator
Kevin Newton, Agent

Also present: Amy Coughlin, Administrative Clerk, Alissa Bergeron, Agent, Mark Kasprzyk, MES Tech

Mr. Mathews 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.

Mr. Mathews thanked the applicants and engineers for cooperating last week when the meeting had to be cancelled on short notice.

VOTE MINUTES

12/16/2020

Mr. Bird: Move to adopt the minutes as corrected.

Mr. Patton: Second.

Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

December 29, 2020

Ms. Lincoln: The applicant has requested a continuance until January 27, 2021.

Mr. Bird: At the request of the applicant I move to continue the hearing until January 27, 2021.

Mr. Patton: Second.

Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

January 6, 2021

Ms. Lincoln: The applicant has requested a continuance until January 27, 2021.

Mr. Bird: At the request of the applicant I move to continue the hearing until January 27, 2021.

Mr. Patton: Second.

Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

REQUESTS FOR A CONTINUANCE UNDER A NOTICE OF INTENT

Lynne Riley, 0 Gayle Avenue (Assessors Map 40 12 Parcel/Lot 040 000), East Falmouth, MA – For permission to construct a single-family dwelling, to install native plantings, and to perform all associated clearing, grading, and landscaping.

Ms. Lincoln: The applicant has requested a continuance until January 27, 2021.

Mr. Bird: At the request of the applicant I move to continue the hearing until January 27, 2021.

Mr. Patton: Second.

Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

REQUEST FOR A CONTINUANCE UNDER A REQUEST TO AMEND THE EXISTING ORDER OF CONDITIONS

Karen Munroe, 26 Ferry Road, East Falmouth, MA – Request to amend the Order of Conditions for MA DEP 25-4425 to allow for the driveway to be paved instead of gravel and to install a Cape Cod
berm, crushed stone apron and leaching pit.
Ms. Lincoln: The applicant has requested a continuance until February 3, 2021.

Mr. Bird: At the request of the applicant I move to continue the hearing until February 3, 2021.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

REQUESTS FOR DETERMINATION OF APPLICABILITY

John M. Leombruno, 85 Green Pond Road, East Falmouth, MA – For permission to remove eleven trees overhanging the home and to prune an additional tree.
Mr. Newton: Jurisdiction: within flood zone AE13. This RDA is seeking permission to remove 11 trees within close proximity to the existing dwelling. Many of the trees are leaning over the home. The applicant proposes to plant 3 Eastern Red Cedars, 2 sweet pepperbush, 9 bearberry, and 2 winterberry to mitigate for some of the biomass being removed. This is a heavily wooded lot. Staff recommends a negative 2 (under the State) and negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff’s recommendation.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

CONTINUED REQUESTS FOR A DETERMINATION OF APPLICABILITY

Victor E. Calcaterra & Mary L. Scanlon, Trustees, 24 Shaker Lane, East Falmouth, MA – For permission to add a second floor dormer and an enclosed entry with a stoop, to remove a bay window, to remove a stoop and a step, to upgrade to a Title V sewage disposal system, and to install 45 square feet of mitigation plantings.
Mr. Newton: Jurisdiction: within 100 foot resource area buffer to a coastal bank, salt marsh, BVW, and within flood zone VE14. This RDA is seeking permission to remove a bay window, stoop, and step and to construct a second floor dormer and enclosed entry with a stoop. The new construction does not move closer to the resource areas than the existing primary structure. The activities result in a requirement of 45 SF of mitigation plantings. The applicant also proposes to upgrade to a new Title V sewage disposal system. No foundation work is proposed in the application. Staff recommends a negative 2 (under the State) and negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff’s recommendation.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Kathleen Rausch, Trustee, 200 Mill Road, Falmouth, MA – For permission to raze an existing garage, to construct a new garage with an expanded second floor, to construct a second floor deck, to construct a porch addition, to reconstruct a walkway in-kind, and to remove one tree.
Mr. Newton: Jurisdiction: within 100 foot resource area buffer to a coastal bank, land under salt pond, BVW, and within flood zone AE12. This RDA is seeking permission to demolish an existing garage and to construct a new garage in the same foot print, to construct a 2nd story deck, porch
addition, and to trench for electrical. One tree is proposed to be removed. An existing walkway is proposed to be reconstructed in kind. A dry well is proposed to contain roof runoff. The proposed project is not moving any closer to the coastal bank than the existing primary structure. No mitigation is required. Staff recommends a negative 2 (under the State) and negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff’s recommendation.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Woods Hole Oceanographic Institution, 86 Water Street, Woods Hole, MA – For permission to conduct soil borings and utilize test pits.
Mr. Newton: Jurisdiction: within 100 foot resource area buffer to a coastal bank, land under salt pond, land under the ocean, land containing shellfish and within flood zone AE12.
Mr. Newton: This RDA is seeking permission to conduct soil borings and utilize test pits within paved roadside areas of the site and on the pile supported pier. Sediment borings and probes will be performed on the pier to sample marine sediments. 7 borings will be advanced; 3 through the pier and 4 on land. A drill rig on the pier will be used to examine marine sediments. A traditional truck mounted drill rig will be used for the landward borings. 2 test pits will be opened landward of the bulkhead to understand the characteristics of the fill behind the bulkhead. In total, seven borings, four probes, and two test pits will temporarily alter .96 SF of LUO and 96.8 SF of LSCSF. All disturbed areas will be restored to pre-conditioned state. Staff recommends a negative 2 (under the State) and negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff’s recommendation.
Mr. Mathews: Mathews, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Gladfelter, recused. The motion is passed.

Elizabeth Stanberry, 154 Alder Lane, North Falmouth, MA – For permission to replace an existing deck within the existing footprint.
Mr. Newton: Jurisdiction: within 100 foot resource area buffer to a coastal bank and salt marsh and within flood zone VE17. This RDA is seeking permission to replace an existing rotted back deck. Deck proposed to be built in-kind; no expansion. Railings, railing posts, and footings are all to be reused. No mitigation required. All work to be done by hand. Staff recommends a negative 2 (under the State) and negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff’s recommendation.
Mr. Walsh: Second.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

William T. & Joan F. Vrettas, 14 Pennsylvania Avenue, Falmouth, MA – For permission to upgrade to a new Title V septic system.
Mr. Newton: Jurisdiction: within flood zone AE14. This RDA is seeking permission to perform a Title V septic system upgrade. The installation of the new system may require removal and resetting pool conduits and pipe lines, existing gas service, exiting decking, existing pool patios, fences, and landscape areas. All work is proposed in flood zone only; no other resource areas located within 100
feet of proposed work. No mitigation is required. Staff recommends a negative 2 (under the State and under the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff’s recommendation.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Robert T. Davis, Trustee of 32 Emerson Road Trust, 32 Emerson Road, Falmouth, MA – For permission to upgrade to a new Title V sewage disposal system.
Mr. Newton: Jurisdiction: within flood zone AE10. This RDA is seeking permission to perform a Title V septic system upgrade. Project is located within the flood zone only. The septic tank and S.A.S are proposed more than 100 feet from all other resource areas. No increase in design flow is proposed. No mitigation is required. Staff recommends a negative 2 (under the State and under the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff’s recommendation.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Lucius & Wendy Hill, 0 Nashawena Street (Assessors Map 24 20 Parcel/Lot 001 000), Falmouth, MA – For permission to install a 3’ wide elevated walkway to an existing licensed ramp and float. Ms. Lincoln promoted Michael Borselli to a panelist.

Michael Borselli (Falmouth Engineering) Across the street from the parcel is a licensed ramp and float. Resource areas include: West Falmouth Harbor, salt marsh, land subject to coastal storm flowage with a boundary VE 18 and AE 15. The float is 6 x 16-ft. There is also a ramp, stonework and a concrete slab that the ramp is affixed to. There is a grass path for access to the slab, the existing ramp and float. The slab is supported by stonework. The applicant would like to make the access to the ramp and float easier. The seasonal aluminum walkway will be fastened by helical anchors that will be placed in the ground. Over the years the property owners observed that in high tide the water is higher at the access point and inundated at high tide. It can be an inch to over 1 foot. I met on site with Jen during high tide. The grass path still has a peat layer as in a salt marsh but the vegetation has been eliminated because of the foot traffic. It is a benefit to install the aluminum sections as the salt marsh may recover and grow back. We can plant plugs if that is appropriate. Access for the mini-excavator will be by the path. The sections will be removed as needed and seasonally and stored in the upland across the street. When we met Jen raised her concerns about the prohibition of docks in a Velocity zone. The benefit should be weighed against the rule. The dock is a solid stone and concrete structure. Knee high water goes around the structure. This is an access to a dock that already exists and the stairs will be seasonal and removable as needed.

Ms. Lincoln: How is the walkway to be attached to the ramp?
Mr. Borselli: It will be affixed to the concrete slab.

Ms. Lincoln: The Staff report spells out the concerns with a dock in a Velocity zone but the thru-flow decking will allow the salt marsh to come back. Is a railing needed?
Mr. Borselli: No.

Ms. Lincoln: The walkway must be removed in a storm. Who will do that?
Mr. Borselli: Ben Carson already removes the ramp and float and will also remove the walkway.
Ms. Lincoln: He’s a busy guy. Is it realistic these will be removed and stored?
Mr. Borselli: Yes, it will be moved across the street and out of the Velocity zone.
Ms. Lincoln: I understand the issues, but it is going to be an extension of a dock in a Velocity zone.
Mr. Newton: No questions or comments.
Mr. Borselli: We can attempt to get a written plan from Mr. Carson.
Ms. Harris read the regulation (10.04) re docks. It’s pretty straightforward that it is identified as a dock under the regulations.
Mr. Walsh: No questions or comments.
Mr. Patton: If nothing is connected to the dock, is it still a dock?
Mr. Borselli: We can leave it as is and step across the gap onto the ramp. It’s kind of splitting hairs.
Mr. Patton: I think it’s an improvement. It’s been there a long time.
Ms. Gladfelter: You can verify if there is peat there with a core.
Ms. Lincoln: It’s a marsh.
Ms. Gladfelter: Take a boring. If it’s not trampled on, the marsh could grow back there.
Mr. Bird: No questions or comments.
Mr. Mathews: It’s seasonal and will be removed off season?
Mr. Borselli: Yes. The ramp and float are removed now and the stairway will be also.
Mr. Mathews: And you said you could plant some grass.
Mr. Borselli: Right. We wanted to do some invasive species management, but there is a Town right-of-way. Blueflax Design is going to do that now. I’ll have them do a boring.
Mr. Mathews: Whether attached or not is it safer?
Mr. O’Brien: The plugs will be nice. In the case of a hurricane the float, ramp and aluminum sections will be moved across the street.
Mr. Gurnee: The ramp is a piece of the structure. The aluminum sections will be easier to move and handle. When was the dock permitted?
Mr. Borselli: It’s ancient – it pre-dates the 1970’s.
Mr. Gurnee: The stonework is to protect the dock.
Mr. Borselli: The plan doesn’t show the breaks in the aluminum sections. I will make it clear on the plan.
Ms. Lincoln: The Chapter 91 license is dated 2006.
Mr. Borselli: It was an after-the-fact license.
Mr. Mathews: Any public comment?
Ms. Lincoln: No.
Mr. Borselli: The applicant went through this in 2008. He received an Order of Conditions to do it, but he never proceeded with the work. In the mean time it went from an A zone to a B zone. I will need a continuance.

Ms. Gladfelter: At the request of the applicant’s representative I move to continue the hearing until February 10, 2021.
Mr. Bird: Second.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Harlow-Hawkes recused. The motion is passed.

Lynne Riley, 0 Gayle Avenue (Assessors Map 40 12 Parcel/Lot 040 000), East Falmouth, MA – For permission to construct a single-family dwelling, to install native plantings, and to perform all associated clearing, grading, and landscaping.
The hearing is continued until January 27, 2021.

Melissa McKim, Trustee, Nina’s Marina Realty Trust, 306 Scranton Avenue, Falmouth, MA – For
permission to repair 330 linear feet of an existing licensed bulkhead and stone rip rap; to install a new timber boardwalk, drainage trench, and native plantings; and to install a new vinyl sheet pile bulkhead adjacent to and directly landward of the existing licensed timber bulkheads.

Ms. Lincoln moved Mr. Borselli to an attendee and promoted Michael McGrath to a panelist.

Michael McGrath (Holmes & McGrath) I presented four different exhibits to the Commission and an existing site plan in the application. There is a house and a boat shed on the property which is on Falmouth Inner Harbor. There is a licensed bulkhead and a short bulkhead to the north and two piers. A Velocity zone cuts through the site, starting at the northerly end about one third of the way up from the harbor and going to both the southwest and southeast corners. We will reconstruct the waterfront and repair the riprap on the southeast corner. It is on a U-shaped projection of land. In section CC plants that have been planted in the past have been destroyed by the salt in the water. We will raise the seawall there for protection of the plantings. You have a cross-section of the riprap. The new riprap will be built in accordance with the Army Corps of Engineers, but set much deeper. Brand new filter cloth and crushed stone will be placed in a portion of the bulkhead (CC) in front of the house. By adding 1-foot it will be enough of an increase in order for the wetland plants to survive. Section BB will have a boardwalk all around it. The new riprap will be waterproofed. We will excavate and expose the tie rods and the new tie rods will be attached to the old ones. There is a leaching trench with 18 inches of sand. We will remove organic matter through an outflow pipe that flows into the sound. We will drive new composite sheeting behind the bulkhead, remove the tie rods and put in new ones. We can reinforce the wall without removing the bulkhead. The reconstruction will be limited to existing structures. A float barrier will be installed and held in place by big balls situated every 8-ft to catch any debris. It will not be filtered by cloth, but by fumes. This will provide adequate containment. There will be a crane, surrounded by tubes, for about a week’s worth of work.

Ms. Lincoln: You’ve described the boom – can you put its location on the plan?

Mr. McGrath: Yes.

Ms. Lincoln: We also need a maintenance schedule for the trench drain.

Mr. McGrath: I will send you one.

Ms. Lincoln: Can you clarify the area of the previous plantings.

Mr. McGrath: Per a condition the vegetation was planted in the CC area where there is nothing but gravel now. Plants were put in twice but both were killed by the salt water. I can prepare a detail if you would like one.

Ms. Lincoln: Because of the 3 or 4 amendments to the project, it’s hard to figure out where the vegetation was. A clarification would be helpful to the staff. Everything is being trimmed to a uniform height. It’s being managed. You know the plants should grow to their own height.

Mr. McGrath: I looked at the plants. There is a complete row of bayberry with the top trimmed down. They do meet the goals of a resource area buffer. They have been trimmed but are very dense. They create a buffer, reduce runoff, filter out solids and provide very good habitat for nesting birds. The house is worth millions of dollars and if the plants were taller they would block the view and reduce the value of the house. The buffer is doing what you want it to do. I would ask the Commission to accept the buffer.

Ms. Lincoln: Wow!! Instead of asking the client not to trim his buffer, you are asking the Commission to accept it as is.

Mr. McGrath: If the client loses the view, the value of the property goes down.

Ms. Lincoln: The client can ask the Commission for permission to trim the buffer.

Mr. Newton: No questions or comments.

Ms. Gladfelter: This is not the appropriate forum to discuss the height of plants. If the client has an issue, have him talk to Jen to resolve it. Do we have a letter from DMF?

Ms. Lincoln: Yes. There is no time-of-year restriction.

Mr. Bird: No questions or comments.
Mr. O’Brien: No questions or comments.
Mr. Gurnee: No questions or comments.
Ms. Harlow-Hawkes: Re the maintenance of the trench drain – there is so much lawn area to the west – you could put in dry wells for the trench drain output. It is an aggressively developed lot. This would prevent the direct discharge into the harbor which is never allowed. Is there 950-sq.ft of plantings?
Mr. McGrath: There is more than 950-sq.ft.
Ms. Lincoln: Do you mean where it is being trimmed?
Ms. Harlow-Hawkes: The labeled native plantings.
Ms. Lincoln: That’s why I asked Mike to clarify the area of mitigation.
Mr. McGrath: They voluntarily put in a row of cedar trees.
Ms. Harris: No questions or comments.
Mr. Walsh: I agree with Betsy.
Mr. Patton: No questions or comments.
Mr. Mathews: Any public comment?
Ms. Lincoln: No.
Mr. McGrath: I would like a continuance to address the issues.

Mr. Bird: At the request of the applicant’s representative I move to continue the hearing until February 10, 2021.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye. Unanimous, so moved.

John D. Mitchell, 340 Scranton Avenue, Falmouth, MA – For permission to reconstruct an existing licensed pier.

Ms. Lincoln moved Mr. McGrath to an attendee and promoted Michael Borselli to a panelist.
Michael Borselli (Falmouth Engineering) This is to reconstruct a stone riprap and a licensed dock.
Resource areas include: land under ocean, land subject to coastal storm flowage, coastal bank, VE at elevation 15 (over the entire property). There is a Chapter 91 license from 1945 that allows for an 8-ft wide fixed pier ending in a T. The dock needs to be reconstructed as it is in a state of decline – the creosote pilings have failed. It will be built in the same footprint, but slightly smaller. The width will be reduced to 7-ft. The 20 pilings will be reduced to 16. The water depths are shown on the plan. The boat will tie up on the seaward face of the T. It doesn’t meet your current standards. A cross-section has been provided. The Harbormaster’s email citing no problems was sent to the staff. The piles will be driven, not jetted. It will be standard construction.
Ms. Lincoln: Staff asked Mike to confirm that it will be in the same configuration and he provided the information.
Mr. O’Brien: No questions or comments.
Mr. Gurnee: No questions or comments.
Ms. Harlow-Hawkes: Is there a time-of-year restriction?
Ms. Lincoln: I haven’t seen the DMF letter. Would you accept any restrictions?
Mr. Borselli: Yes.
Ms. Harlow-Hawkes: Normally we have land containing shellfish on the plan.
Mr. Borselli: I will put it on the plan.
Ms. Harris: No questions or comments.
Mr. Walsh: No questions or comments.
Mr. Patton: No questions or comments.
Ms. Gladfelter: No questions or comments.
Mr. Bird: No questions or comments.
Mr. Mathews: Any public comment?
Ms. Lincoln: No.

Ms. Gladfelter: Move to close the hearing and take it under advisement.
Mr. Bird: Second.
Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

CONTINUED HEARING UNDER A NOTICE OF INTENT

Scott Dravis, VRI Americas, 45 Surf Drive, Falmouth, MA – For permission to construct a pool and spa area, to install a perimeter pool fence, and to expand an existing concrete pool patio.
Town of Falmouth, Department of Public Works, 0 Menauhant Road, Parcel 45 20 002 000, Falmouth, MA – For permission to conduct beach nourishment, to construct two rubble-mound groins, and to install two handicap parking spaces.
Quorum: Courtney, Kevin, Betsy, Steve, Peter, Pat, Mark
Ms. Lincoln moved Mr. Borselli to an attendee and promoted Matthew Creighton to a panelist.
Matthew Creighton (BSC) This is the expansion of the existing pool area for a kiddie pool, spa and to extend the existing patio (6.5x70) and the fence around the patio. Resource areas include land subject to coastal storm flowage, a coastal dune and a buffer to the coastal dune. There will be work in the buffer that will be restored with mitigation. A rain garden will be installed. 3,148-sq.ft of mitigation is required and we are proposing 3,150-sq.ft.
Ms. Lincoln: Matt responded to the staff report and we have the revised plan which Alissa forwarded to the Board.
Mr. Creighton: I swapped out two plants and did take out any language re fertilizers. There will be no mowing of the mitigation.
Ms. Lincoln: We needed clarification re mowing. I have gone to the site with a BSC group and have no additional comments.
Mr. Newton: No questions or comments.
Ms. Harlow-Hawkes: I’m very impressed with the rain garden.
Ms. Harris: No questions or comments.
Mr. Walsh: No questions or comments.
Mr. Patton: Is there work going on there?
Mr. Creighton: There shouldn’t be.
Ms. Lincoln: Is there work going on?
Mr. Patton: It appeared so to me.
Ms. Gladfelter: No questions or comments.
Mr. Bird: No questions or comments.
Mr. O’Brien: No questions or comments.
Mr. Gurnee: The list of plants is nice. Do we need a planting plan?
Mr. Creighton: It’s on the plan with the numbers for each plant.
Mr. Gurnee: That’s fine.
Mr. Mathews: I like the rain garden. The staff reports are excellent. Thank you to Alissa and Kevin. Any public comment?
Ms. Lincoln: No.

Ms. Harlow-Hawkes: Move to close the hearing and take it under advisement.
Ms. Gladfelter: Second.
Mr. Mathews: Gladfelter, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.
Pinsonneault Builders, 47 Gunning Point Avenue, Falmouth, MA – For permission to raze an existing single family dwelling, to construct a new single family dwelling supported by concrete piers, to install a new Title V sewage disposal system, and to install mitigation plantings.

Quorum: Courtney, Kevin, Betsy, Steve, Peter, Pat, Mark

Ms. Lincoln moved Mr. Creighton to an attendee and promoted Michael Borselli to a panelist. Michael Borselli (Falmouth Engineering) I submitted a revised plan and addressed staff’s comments. The landscape wall will be removed during construction and rebuilt in the same location. We will look into transplanting the 3 cedar trees with an arborist at a pre-construction meeting as suggested. The existing trees would be more hardy than nursery stock. The ornamentals in the small mitigation area will be removed and native plants will be placed up against the buffer. There is a reduction in the enclosed area – 176-sq.ft of enclosed area and an outside rinse station of 24-sq.ft totaling 200-sq.ft. I believe I have addressed all issues and concerns.

Ms. Lincoln: You have addressed all staff’s comments and concerns.

Mr. Newton: No questions or comments.

Mr. Mathews: Thanks for addressing everything.

Mr. Gurnee: I have a problem with the 200-sq.ft, but including the rinse station is a good idea. There were no more questions or comments from the remainder of the Board members.

Mr. Mathews: Any public comment?

Ms. Lincoln: No.

Ms. Gladfelter: Move to close the hearing and take it under advisement.


Mr. Mathews: Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Cyrus Plettner, 18 Seabeeze Lane, Falmouth, MA – For permission to repair an existing Title V sewage disposal system, construct a new retaining wall, and reconfigure an existing parking area.

Quorum: Courtney, Kevin, Betsy, Steve, Peter, Pat, Mark

Ms. Lincoln moved Mr. Borselli to an attendee and promoted Maria Hickey to a panelist.

Maria Hickey (Maria Hickey Landscape) The area will have to be cleared for the new septic system. It’s so overgrown with invasive vines. We have requested to do an invasive species removal and replant the area. We didn’t include erosion control barriers (silt fence, hay bales) and I will do that. When the invasive species are removed we will replant with natives, i.e. winterberry, blueberry, clethra. We couldn’t test the soil. The applicant has asked for a retaining wall because of the hill. The driveway will be reconfigured. The road is in poor condition.

Ms. Lincoln: Staff went out to the property. The invasive removal will be beneficial. 10-ft around the house should be left open for maintenance and can be lawn. You should use jute matting near the wetland.

Ms. Hickey: We will do that.

Mr. Newton: No questions or comments.

Mr. Mathews: Do we have a DEP #?

Ms. Gladfelter: Yes, #4603.

Mr. Walsh: Did the mitigation for the driveway expansion make it to the drawings?

Ms. Lincoln: Yes.

There were no further questions or comments from the remainder of the Board members.

Mr. Mathews: Any public comment?

Ms. Lincoln: No.

Ms. Gladfelter: Move to close the hearing and take it under advisement.
Mr. Mathews:  Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye.  Unanimous, so moved.

REQUEST TO AMEND THE EXISTING ORDER OF CONDITIONS

Karen Munroe, 26 Ferry Road, East Falmouth, MA – Request to amend the Order of Conditions for MA DEP 25-4425 to allow for the driveway to be paved instead of gravel and to install a Cape Cod berm, crushed stone apron and leaching pit.
The hearing is continued until February 3, 2021.

Ms. Harlow-Hawkes:  Move to adjourn:
Mr. Bird:  Second.
Mr. Mathews:  Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O’Brien, aye; Patton, aye; Gurnee, aye; Walsh, aye; Harris, aye.  Unanimous, so moved.

The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary