

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, JANUARY 08, 2020
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

Present: Jamie Mathews, Chair
Russell Robbins, Vice Chair
Betsy Gladfelter
Maurie Harlow-Hawkes
Courtney Bird
Steve Patton
Mark Gurnee
Peter Walsh, Alternate
Kevin O'Brien, Alternate
Kevin Newton, Agent
Jennifer Lincoln, Administrator

Mr. Mathews opened the meeting at 7:00 p.m.
Mr. Mathews called Kevin O'Brien up to the quorum.

VOTE MINUTES

12/18/2019

Ms. Harlow-Hawkes: Move to adopt the minutes as written.
Ms. Gladfelter: Second.
Mr. Mathews: Unanimous, so moved.

12/18/2019 Executive Session

Ms. Harlow-Hawkes: Move to adopt the minutes as written.
Mr. O'Brien: Second.
Mr. Mathews: Unanimous, so moved.

12/30/2019

Ms. Gladfelter: Move to adopt the minutes as written.
Mr. Patton: Second.
Mr. Mathews: Unanimous, so moved.

REQUEST FOR A CONTINUANCE UNDER A NOTICE OF INTENT

Cape House 11 LLC, 207, 217, and 223 Meadow Neck Road, East Falmouth, MA- For permission to enhance and reconstruct an existing coastal engineered structure and to extend the structure along the shoreline.

Ms. Lincoln: The applicant has requested a continuance until February 12, 2020.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until February 12, 2020.
Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

Michael C. & Ann L. Feenan, 101 Lake Leaman Road, Falmouth, MA- For permission to construct additions and to add a patio to an existing dwelling.

Mr. Newton: The applicant has requested a continuance until February 5, 2020.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until February 5, 2020.

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

REQUESTS FOR DETERMINATION OF APPLICABILITY

R & B Development, Inc. / InnSeason Resorts, 134 Menauhant Road, East Falmouth, MA- For permission to upgrade one failed septic system and to upgrade one substandard septic system.

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to coastal dunes, coastal banks, land under the ocean and land containing shellfish and within flood zone AE 14 and VE 15. This RDA is to remove and replace two septic systems. There is no increase in design flow. Parking lot pavement will be removed and repaved to accommodate the new septic systems. Additional drainage will be added. The limit of work has been established. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Harlow-Hawkes: Move to accept staff's recommendation.

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Barbara Susi, 360 Wild Harbor Road, Falmouth, MA- For permission to construct a new single family dwelling and septic system with associated grading and landscaping.

Mr. Newton: Jurisdiction: within flood zone AE 15. This RDA is to construct a new 4-bedroom dwelling with accompanying garage, porch and septic system. 5 drywells have been proposed to manage stormwater runoff. The project is not within 100-ft of any other resource areas. All disturbed area are to be loamed, seeded and maintained to prevent erosion. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Harlow-Hawkes: Move to accept staff's recommendation.

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Richard Pierce, 74 Penzance Road, Falmouth, MA- For permission to upgrade to a Title V subsurface sewage disposal system.

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to coastal bank and within flood zone AE 14 and VE 15. This RDA is to upgrade the septic system to a Title V. Design flow will increase from a 5-bedroom to a 6-bedroom. The existing cesspools will be pumped and filled. A small construction ramp will be installed to allow equipment and trucks to access the property from Penzance Road. All disturbed lawn areas will be restored with loam and grass seed. The limit of work has been established. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Harlow-Hawkes: Move to accept staff's recommendation.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Woods Hole Boat Sales, Inc., 352 Scranton Avenue, Falmouth, MA- For permission to replace broken piles and decking on an existing, licensed pier.

Mr. Newton: Jurisdiction: Land under the ocean and within flood zone VE 15. This RDA is to remove and replace 8 broken and worn piles. The new piles will be vinyl-coated. Decking and structural supports will be replaced as necessary. The footprint of the old dock and decking will remain the same. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Gladfelter: Move to accept staff's recommendation.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Unanimous, so moved.

William J. & Ellen C. Wedge, 78 Associates Road, West Falmouth, MA- For permission to repair an existing foundation and to construct second floor additions.

Mr. Newton: The applicant has requested a continuance until January 29, 2020.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until January 29, 2020.

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Racing Beach Association, Inc., 0 Racing Beach Avenue, Parcel 012 000, Falmouth, MA- For permission to replace a 65' long section of drain pipe, remove an old drain pipe and leaching structure, and to install a new manhole.

Ms. Lincoln: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. The beach is at the end of Racing Beach Ave. It terminates to an existing stone riprap that is privately owned. There is an existing dilapidated leaching pit with pipes on each side. The terminal end of the drain pipe goes to an upland freshwater wetland system that ends in a pond. The Association has been in coordination with Mosquito Control re a mosquito problem because of more and more difficulty in controlling the flow in this pipe that is very old and filled with sediment. Seaweed is continually driven up the pipe. Water backs up in the channel that causes flooding upstream, stagnation and lots of mosquitoes. We feel we have provided the best solution to a bad situation. You have a letter of support from the Association. We are proposing to replace the pipe and remove the old concrete leaching pit. We will install a new manhole further landward. We will expose the pipe to run through the manhole landward of mean high water. We will also create a small splash with rocks from the beach. The flow from upstream will be directed through the new pipe. Seaweed gets driven up into the pipe by wind. This is not perfect solution, but it will be an improvement over what is there now. Seaweed can get driven all the way up the pipe. We will snake through it, clean it and dig it out. The manhole will have an invert inside with a cover. We will open the pipe in the middle which will allow the pipe to be cleaned more easily. The water flow will reduce the amount of maintenance. Resource areas include: land under ocean, coastal beach, coastal dune. There is a footpath that meanders through the area. We will remove only the vegetation necessary to do the pipe excavation and trench the new pipe as best we can. We plan to keep the old pipe working until the new one is installed. The beach will maintain the same profile. The trench will be backfilled. There will still be public access. The limit of work is in orange on the plan.

Ms. Lincoln: What are the impacts to the wetlands by allowing it to drain?

Mr. Borselli: It drains routinely and as a normal course of events unless seaweed prevents it.

Ms. Lincoln: So it's just when seaweed gets pushed up into the pipe that there is a problem?

Mr. Borselli: When seaweed is in the pipe there is no flow. After the seaweed is removed water flows.

Ms. Lincoln: Is the end of the current pipe submerged?

Mr. Borselli: No, but it gets covered with sand. They will still need to provide maintenance. This will reduce the amount of seaweed and make it easier to maintain. The pipe extends all the way out.

Ms. Lincoln: You are not proposing work on Lot 124? This is on Association property or Racing Beach Ave?

Mr. Borselli: Yes, the work is limited but there is the possibility of more pipe being needed. We will come back if necessary.

Ms. Lincoln: You have described how you are going to construct it – what is the overall timing?

Mr. Borselli: 2 to 3 days.

Ms. Lincoln: Why do you need to have the other pipe at the same time?

Mr. Borselli: While we dig out the existing pipe water will be flowing all the time. That could exacerbate the problem. We could possibly block it off. We are trying to balance the interest.

Ms. Lincoln: If it's only for a day or two – would it back up that quickly?

Mr. Borselli: We'd like to have the ability to keep the existing pipe on line if we could. The trench will be right next to the old pipe.

Mr. Newton: No questions or comments.

Mr. Gurnee: No questions or comments.

Mr. Walsh: No questions or comments.

Mr. Patton: Was the pipe created during the construction of the road?

Mr. Borselli: I think it was constructed because of the road.

Mr. Robbins: No questions or comments.

Mr. Mathews: Are you concerned about erosion?

Mr. Borselli: The pipe will rest on a stone pad.

Ms. Gladfelter: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Bird: No questions or comments.

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

Ms. Harlow-Hawkes: **Second.**

William Gindriff (Racing Beach Association) The existing system is at least 100 years old. We don't know the condition of the pipe under the road. We may want to replace the pipe under the road at some time and would like it to be part of this request.

Ms. Lincoln: We don't have the plan for that now. It would have to be an amendment to the permit. There would have to be notification to the abutter's.

Mr. Borselli: We won't dig up the road. We'll go through the pipe under the road.

Ms. Lincoln: Like a sleeve?

Mr. Borselli: Yes.

Mr. Mathews: Could you put a camera in there?

Mr. Borselli: We can. If we really thought we had to replace the pipe under the road, we would come back. I'm pretty sure it's okay.

Mr. Bird: You should get this done and then file an amendment. If you don't use it it's okay.

Mr. Mathews called for the vote.

Mr. Mathews: **Unanimous, so moved.**

Scott Tynell, 163 Bay Road, North Falmouth, MA- For permission to conduct shellfish aquaculture within Rand's Canal and Megansett Harbor.

Ms. Lincoln: No comment at this time.

Scott Tynell: I grew up in this house. We are seeking permission to raise oysters and quahogs. There will be an upweller in front of 163 Bay Road. The seed will be placed in the upweller in March and then put in floating bags in May. The bags will be attached to each other by clips. We will be moving the seed at the end of September and the equipment will be out of the water by the end of October. They will be moved to a deep water site in Megansett Harbor for the winter. In March the new seed will be placed and the cycle begins again. There will be bottom cages on a daisy chain system. We will plant 100,000 to start and scale it up later. There have been concerns from an abutter about how the filing was done. I went from department to department. I went to the Selectmen, DMF had some issues – the upweller was not addressed sufficiently – so I went back to the Selectmen a second time and a third time. All three meetings were about the same project, just two different phases. The cages won't go further out than our existing dock goes. They will be inside the deep water channel.

Mr. Newton: No questions or comments.

Ms. Lincoln: Will the upweller be on site?

Mr. Tynell: It will be on the property, but not in the water.

Ms. Lincoln: Where will you put it?

Mr. Tynell: There is a parking area on the property: The upweller will be 25-30-ft off the existing dock. There will be PVC piping along the dock. There will be a small path across the wetlands to reach the upweller.

Ms. Lincoln: The upweller hasn't been permitted yet. Staff has no concerns with the project. We do need a little more information on the site of the upweller. We need a more detailed site plan on the Bay Road property and the relation to the dock. Then the abutters will have a little more detailed plan to look at. How will you grow the quahogs?

Mr. Tynell: We will just be growing oysters at this time.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Ms. Gladfelter: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Walsh: Did you contact the Harbormaster re boat traffic?

Mr. Tynell: Yes and he had no concerns.

Mr. Gurnee: No questions or comments.

Ms. Lincoln: We need a site plan with more detail. That will alleviate concerns. You can ask the Harbormaster to put something in writing. How long will it take for a site plan?

Mr. Tynell: A couple of weeks.

Ms. Lincoln: Will you start this summer?

Mr. Tynell: Yes. January 29th would be okay.

Ms. Gladfelter: **At the request of the applicant I move to continue the hearing until January 29, 2020.**

Ms. Harlow-Hawkes: **Second.**

Irene Wilson (Attorney representing the abutters) There are concerns about a segment on Mr. Tynell's property. There is a lot of organic load in an Upweller - in terms of water quality. The bags are in an intertidal zone – not sitting on the bottom. This raises a navigation concern. They say they will take the bags out in anticipation of storm events. There will be a lot of wear and tear on the marsh and beach. There are a lot of issues that have to be looked at.

Brad Baldwin (abutter) I have many concerns. I don't know what an upweller is or what it does - beyond the fact that there will be 9,000-sq.ft of oysters floating in the canal. What will be the impact on birds and what about the smell? The oysters will be grown in the canal and then moved out into Megansett Harbor. There are already two current ones out in the Harbor. This is a commercial operation. My long term concerns are about maintaining the property and blocking the waterways. Most importantly, the mature shellfish are being brought in and cleaned. This is a residential area, not a commercial area. As for off-season storage – the traps that wash up on beach – will they smell? I don't want boxes of shellfish sitting on the property. What is allowed and what is not?

Ms. Lincoln: The Board has limited jurisdiction in this case. Our concern is the effect of a project on the wetlands. Storage – as long as it's not stored on a salt marsh – is up to the applicant. Some of your concerns are more suited for the Board of Selectmen. We govern wetland resources – if storage is in the upland we have no concerns about that. That's why we asked for a site plan. I would like the pictures of the sunken boat in the harbor that you mentioned.

Ms. Harlow-Hawkes: The applicant has heard our concerns within our purview.

Mr. Mathews called for the vote.

Mr. Mathews: **Unanimous, so moved.**

Ms. Gladfelter recused

Town of Falmouth, Coonamessett River Gateway Park, 62 John Parker Road, Falmouth, MA- For permission to construct an overlook and parking area with ADA compliant walkways and emergency vehicle access.

Ms. Lincoln: No comment at this time.

Tom Bunker (BSS Design) We built the overlook model (presented to the Commission). Resource areas: lower Bog (along the Coonamessett River that was restored under a prior DEP #); AE elevation 10, coastal bank, A zone, 50-ft buffer for both the BVW and the A zone and a 100-ft buffer for both resource areas. There is a boardwalk built under a previous notice also. There will be a parking area on John Parker Road. There is a pathway down the hill to the former cranberry bog. The overlook will have a raised observation deck. We will create a hard pack surface around the lower bog. The existing conditions plan shows the 100-ft riparian zone and the 200-ft riparian zone. A flood zone covers the entire area. The limit of work is on the plan. 55 trees are being removed and 58 are being replanted. All but 4 of the trees are within the 100-ft buffer to the resource areas. There is 17,000-sqft of disturbed area. We can disturb up to 10% of the disturbed property (63,000-sq.ft can be disturbed). The proposed observation deck will be permitted under Conservation regulations for limited projects. Drainage issues along the road will be corrected. Storm water will flow off of the surface area. There will be a rain garden in the south location. Calculations have been done to meet Town of Falmouth drainage regulations. There will be a weir that will trap 15 cu-ft of water and a leaching basin. Several weirs will be built to catch water with a leaching pit to catch overflow. There will be a small amount of clearing of invasives and some grading for the emergency vehicle turnaround.

Joe Waller (Stimson Associates) I am honored to be associated with this project. There were alternatives to this project: to do nothing, parking and gateway park. The parking is at John Parker Road. Alternate b was to come in from the south but vehicles would not fit in this area. An alternate was to come in to the north of lower bog but parking would be in resource areas. A driveway way entering from the north would accommodate emergency and all other vehicles. Falmouth DPW helped with the survey. An important part of the project was an accessible path – a stone dust path connecting to the two boardwalk crossings. The parking lot surface is sand and gravel. The aerial walkway is to overlook the corridor. We will restore and replace trees to be removed for parking. The walkway is designed to have minimal impact on the ground. We will use salvaged wood, weathered steel and bound logs for the aerial walkway. Stone benches will be located along the walkways. A mix of herbaceous and woody material will be planted.

Mr. Newton: On the southeast corner of the map – will there be any work next to Dexter’s Crossing?

Mr. Waller: The existing path will remain.

Mr. Bunker: We are fixing the area that is just a gully caused by erosion. It’s not near the road.

Ms. Lincoln: There was an abutter concern re that.

Mr. Bunker: There is knotweed in the area.

Ms. Harlow-Hawkes: No questions or comments.

Mr. O’Brien: No questions or comments.

Mr. Bird: I think it’s a great project. I have one question: 50 years from now standing on the overlook what will people see?

Mr. Waller: A canopy of trees and shrubs.

Mr. Bird: Will it all be mature forest?

Mr. Bunker: It may be that we’ll have to apply for vista pruning.

Mr. Robbins: No questions or comments.

Mr. Patton: It’s a great project. What is the pitch of the walkways?

Mr. Waller: About 4.75%

Mr. Patton: The benches are a great idea. It’s farther than you think.

Mr. Waller: Water will be pitched off the walkways.

Mr. Patton: It’s very accessible.

Mr. Walsh: It’s a great project.

Mr. Gurnee: Have you looked at drainage coming off the packed road, the driveway and parking spaces?

Mr. Bunker: Yes, it flows into a rain garden, is picked up by swales and other rain gardens. The driveway has some ups and downs to it. The catch basin is capable of taking 2 ½ inches per hour. The surfaces are porous.

Ms. Harlow-Hawkes: Move to close the hearing and take it under advisement.

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Ms. Gladfelter returned to the meeting.

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Bonnie W. Simon, Trustee, 138 & 144 Gardiner Road, Woods Hole, Falmouth, MA- For permission to demolish and remove an existing single family dwelling, reconfigure an existing driveway, conduct invasive species removal, install restoration plantings and landscape modifications with all associated excavation, clearing, grading, and utilities.

Quorum: Mark, Peter, Steve, Russ, Jamie, Betsy, Maurie, Kevin

Ms. Lincoln: No comment at this time.

Dan Warner: The changes we made were from your concerns at the last hearing.

Mr. Newton: I reviewed the plan and you have addressed our concerns.

Mr. Gurnee: No questions or comments.

Mr. Walsh: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Robbins: No questions or comments.

Ms. Gladfelter: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Mr. O’Brien: No questions or comments.

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

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Unanimous, so moved.

John Mullen, 410 Surf Drive, Falmouth, MA- For permission to raze existing pilings and horizontal structural members and construct a cabana with associated utilities and to install a sewage tight tank.

Quorum: Kevin, Maurie, Betsy, Jamie, Russ, Mark

Ms. Lincoln: No comment at this time.

Brian Wall (Attorney) This is our third continuance. In the comments at the end of the second, there were 4 requests for information. More information on the tight tank was requested. We provided a letter on December 23rd in which we gave the definition of a tight tank. It is a septic system that is only used when there is no other alternative. Staff had a question re zoning and parking. Kevin Clower, the Attorney who discussed this with ZBA, sent a letter stating that parking is not required. There is an existing permit on the site that does not require parking. The plan also shows that there is a board across the pilings to prevent parking. Ms. Harlow-Hawkes presented information that when Hurricane Bob came through it was ruled that the project could not be any bigger than before and the new stairs had to get bigger because of the height. We have brought the stairway under the structure so it will remain the same size as before Hurricane Bob. Staff asked us to provide the Board of Health's decision, their meeting minutes and a copy of the permit. Jen has that information. We have addressed all your concerns. Stan Humphries stated that all concerns have been addressed also.

Ms. Lincoln: I did get the information from the Board of Health myself. Our concern was that the Board of Health had not been informed that it was no longer a gray water application. Scott McGann did not remember, but the information was not provided. Regulations state that a new septic system cannot expand its scope of use. The coastal dune will be altered. They say they will re-create it. We have letters from Town counsel, the Town planner and others stating that parking is required. We asked that the zoning problem be resolved before coming back to the Commission. It is not resolved yet by the ZBA. If parking is necessary, that has not been resolved. I did send Attorney Wall's packet of information to the Associate Town Counsel who has given her decision to you. Mr. Clower submitted a new letter to ZBA and Town Counsel is going to respond to that letter.

Mr. Mathews: Town Counsel advised us that we must hear from ZBA before making a decision. We don't want to close until that's determined tomorrow.

Ms. Gladfelter read the letter from the Associate Town Counsel that states that we should wait until the ZBA question is resolved.

Attorney Wall: Was the Board satisfied with the other information we gave you?

Ms. Gladfelter: I am satisfied that you gave us the information.

Ms. Lincoln: The staircase flip flops and goes back toward the landing?

Michael Borselli (Falmouth Engineering) Yes, we modified the stairway to go underneath. The entire structure was scaled down in size and is now the same size as the original. What you approved in 1992 was gray water to go into a cesspool and it will now be a sealed structure – even though it will be black water. This will not leach into the ground.

Attorney Wall: I read Attorney Mullins letter and parking is not part of your purview. We will agree to a continuance.

Ms. Gladfelter: We want a complete package.

Attorney Wall: We would like a date a couple of weeks from now. If ZBA continues it can we send a letter asking for a continuance?

Ms. Lincoln: Yes. Three department heads disagree with Attorney Clower's letter.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until January 22, 2020.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Unanimous, so moved.

Cape House 11 LLC, 207, 217, and 223 Meadow Neck Road, East Falmouth, MA- For permission to enhance and reconstruct an existing coastal engineered structure and to extend the structure along the shoreline.

The hearing is continued until February 12, 2020.

Michael C. & Ann L. Feenan, 101 Lake Leaman Road, Falmouth, MA- For permission to construct additions and to add a patio to an existing dwelling.

The hearing is continued until February 5, 2020.

REQUESTS TO AMEND THE EXISTING ORDER OF CONDITIONS

Ivor Bloom, 245 Sippewissett Road, Falmouth, MA- For permission to install native plantings to mitigate for areas of installed gravel.

Ms. Lincoln: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. The Board issued an OOC to raze and construct a new home on this property. We thought everything was okay for a Certificate of Compliance but discovered that Mr. Bloom had installed some crushed stone areas at the end of the newly completed house where it was supposed to be lawn. He couldn't get grass to grow there. He is open to providing mitigation. It's all in the A zone and mitigation is required at a 3 to 1 ratio - 2100-sqft of mitigation. Note 6 on the plan explains the mitigation.

Mr. Newton: They applied for a Certificate of Compliance. The project was evaluated and the gravel was found. The applicant did properly request an extension. There is a plan for what's going back in there. There is an area of approximately 200-sq.ft of invasives to be removed and a lawn planted.

Ms. Lincoln: The Board will discuss that. We may require native shrubs.

Mr. Borselli: We are eliminating a significant amount of lawn area with mitigation.

Ms. Lincoln: It's required because of the gravel area.

Mr. Robbins: No questions or comments.

Mr. Patton: It's a good solution.

Mr. Walsh: No questions or comments.

Mr. Gurnee: It's better than a scrubby lawn.

Ms. Gladfelter: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Bird: No questions or comments.

Ms. Harlow-Hawkes: Move to close the hearing and take it under advisement.

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

James Kerrigan and Jennifer Kuntz, 28 Ashley Drive, East Falmouth MA- For permission to eliminate the proposed retaining wall and proposed fill, relocate the proposed house, driveway, and septic system, reduce the size of the proposed house, and to construct a deck.

Ms. Lincoln: No comment at this time.

Ken Breivogel (Jack Landers-Cauley Engineering) The Board issued an OOC for this property in 2018. There was an amended Order to install a retaining wall that was approved in October of 2018. They have decided to build a smaller house, eliminate the retaining wall and fill and put a deck on the smaller house. It's no closer to the resource areas than the original house. It's an questions or comments.

improvement to the resource areas.

Ms. Lincoln: I have no questions. The Board allowed the applicant to build if they could meet the setbacks for the historic coastal bank. They are still holding the setbacks from the line.

Mr. Newton: No questions or comments.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Ms. Gladfelter: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Walsh: No questions or comments.

Mr. Gurnee: No questions or comments.

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

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Unanimous, so moved.

CONTINUED REQUEST TO AMEND THE EXISTING ORDER OF CONDITIONS

Scott Lutz, 109 Madeline Rd, East Falmouth, MA- For permission to amend DEP SE #25-4483 to adjust the location of the house and stairway to meet zoning setbacks.

Ms. Lincoln: No comment at this time.

Wayne Tavares (Tavares Landscaping) I moved the trees to the upland and out of the resource area as was requested.

Mr. Newton: No questions or comments.

Mr. Gurnee: No questions or comments.

Mr. Walsh: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Robbins: No questions or comments.

Ms. Gladfelter: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Bird: No questions or comments.

Mr. Patton: Move to close the hearing and take it under advisement.

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

OTHER BUSINESS

Discuss/vote the hiring of consultant to review 207, 217, 223 Meadowneck Rd.

Ms. Lincoln: I reached out to three consultants – one had been retained by the applicant – Jim O'Connell; another was unable to do it at this time; Woods Hole Group provided a proposal. I reviewed it. The charge is \$5860 to retain their services. I am recommending them. If the Board approves I will send the information to Don Monroe. We will have a site visit with everyone concerned. We can continue the hearing until February 12th.

Mr. Patton: Can the consultant meet the 2/12 date?

Ms. Lincoln: This just came to us in November and I will get it going as soon as we can. I will get in touch with Mr. Monroe tomorrow. I will need the payment from the applicant before we can engage with the consultant.

Mr. Patton: Can you get yourself and the two consultants together by then?

Ms. Lincoln: I believe so.

Ms. Harlow-Hawkes: Move to have Jen go forward with Woods Hole Group as consultants.

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

Ms. Harlow-Hawkes: Move to adjourn.

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary