

The Falmouth Conservation Commission  
**MEETING MINUTES - WEDNESDAY, JANUARY 10, 2018**  
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

Present: Mary Schumacher, Chair  
Jamie Mathews, Vice-Chair  
Betsy Gladfelter  
Courtney Bird  
Maurie Harlow-Hawkes  
Steve Patton  
Mark Gurnee, Alternate  
Kevin O'Brien, Alternate  
Jennifer McKay, Administrator

Absent: Kristin Alexander, Peter Walsh, Alternate

Ms. Schumacher opened the meeting at 7:00 p.m.

## **MINUTES**

1/3/2018

Ms. Harlow-Hawkes: Move to adopt the minutes as corrected.

Mr. Bird: Second.

Ms. Schumacher: Unanimous, so moved.

## **REQUEST FOR A CONTINUANCE UNDER AN AMENDED ORDER OF CONDITIONS**

Wigwam Sippewissett Trust, 8 Wigwam Road, West Falmouth, MA – Request to amend the existing Order of Conditions (DEP 25-3590) to reconfigure the existing driveway, to relocate the existing beach access sand path more north and to replant the old path, to authorize existing after-the-fact modifications including installation of stone landing at SW corner of the house, reconfiguration of the main entry landing, installation of utilities on raised platforms, approve proposed planting revisions and the associated clearing, excavating, grading and landscaping.

Ms. McKay: The applicant has requested a continuance until February 14, 2018.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until February 14, 2018.

Ms. Harlow-Hawkes: Second.

Ms. Schumacher: Unanimous, so moved.

## **CONTINUED REQUESTS FOR DETERMINATION OF APPLICABILITY**

Claudia Pagani Revocable Trust, 100 Menauhant Road, East Falmouth, MA – For permission to construct a 13.6 sq ft addition over the existing deck.

Ms. McKay: Jurisdiction: within 100-ft resource area buffer to coastal bank, bank of salt pond, land under the ocean, land under salt pond, land containing shellfish, salt marsh, BVW/freshwater wetland and in land subject to coastal storm flowage (flood zone A). On January 9, 2018 staff met on-site with the owner, Matt Costa and Jean Duff-Still. The house footprint is in compliance with an

outstanding OOC, but native plantings are required using bayberry, to be installed along the west side of the stone wall (not south side) adjacent to the existing buffer; the north side along the salt marsh requires a 15-ft buffer landward. A revised plan is to be submitted along with conditions for survival and monitoring reports, to be installed by 5/15/2018. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

Mr. Bird: Move to accept staff's recommendation.

Ms. Harlow-Hawkes: Second.

Ms. Schumacher: Unanimous, so moved.

## **REQUESTS FOR HEARINGS UNDER A NOTICE OF INTENT**

Royal & Patricia Collette, 27 Grove Street, North Falmouth, MA – For permission to raze the existing dwelling and construct a single-family house with underground garage, porch with stairs, install a crushed stone driveway, utilities, dry wells, native tree and shrub mitigation plantings and the associated clearing, excavating, grading and landscaping.

Ms. McKay: No comment at this time.

Tom Bunker (BSS Design) presented abutter's cards. We did a survey of the land. FYI the garage is not underground; it is under the house. The existing house dates to about 1957. It is on the northern edge of the Silver Beach neighborhood. The wetland is across the street from the house and was delineated by LEC. There is a BVW with a 50-ft zone A and zone B. The elevations go from 6.2 to 7.5-ft in the front and 9 to 11-ft in the back. The new house must be above 15-ft and the proposed first floor elevation is 17.5-ft. It is in the area of sewers and will be connected to the sewer. The existing garage is to be removed. A 22" oak within zone B and two other oak trees are to be removed. 935-sq.ft of mitigation is required and 1950-sq.ft will be planted. The house is moving back. The front of the house is 25 ½-ft from the street and 75-ft from the wetlands. The increase in coverage is 1,000-sq.ft - most in zone B. In zone A the increase is 203-sq.ft. and must be re-vegetated. We are proposing 3 tupelo or red maples (2 ½-ft diameter). The dry wells will be connected to downspouts and they are all in zone B. I believe the project meets your performance standards.

Ms. McKay: Are you moving a tree?

Mr. Bunker: No, removing.

Mr. Bird: No questions or comments.

Ms. Harlow-Hawkes: Will there be AC pads and/or a rinse station?

Mr. Bunker: There are none on the architectural. If they do have them they will have to make the deck smaller.

Ms. Gladfelter: Remind the person with the stakes to put them in the right place.

Mr. Bunker: I will.

Mr. Mathews: No questions or comments.

Mr. Patton: Re the mitigation calculations - 165 and 170 don't add up to 1,015.

Mr. Bunker: You're right.

Ms. McKay: We will need a corrected plan.

Mr. O'Brien: The line between the old garage and the new garage - shouldn't that be softened?

Mr. Bunker: Yes.

Mr. Gurnee: No questions or comments.

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

Ms. Harlow-Hawkes: Second.

Ms. Schumacher: Unanimous, so moved.

Paul Dupee, 87 Atamansit Road, Hatchville, MA – For permission to construct a patio and screened porch, install native tree and shrub mitigation plantings, conduct vegetation management and the associated clearing, excavating, grading and landscaping.

Ms. McKay: No comment at this time.

Tom Bunker (BSS Design) presented abutter's cards and an addendum to the plan. I will introduce the project and Bernice Waller will follow me. The house is on the west side of Coonamessett Pond. It was built about 1920 and is in pretty good condition. It's a large piece of land – 5.8 acres. The house is at one end and on the edge of the pond. It is in zone 2 of the public water supply. The BVW has a 100-ft zone A. Resource areas include: inland bank, land under waterbody, 75-ft zone A. The house is within zone A. You have an addendum because the walkway didn't print on the big plan. LEC marked the wetland. The proposal is a walkway from the driveway into the side entrance of the house. Part of it is on top of a crushed stone path. The patio will have a stone floor with walls and a fireplace on one side. There will be a French drain near the patio with water piped to infiltrators. Downspouts will also be directed to infiltrators. One other downspout is under the patio. There are calculations on 25-year storms. There will be four infiltrators in total. The corner of the house is the same distance to the inland bank. It is not moving closer to the resource areas. The limit of work will be revised and put on a new plan with the walkway. Some non-natives may have to be removed. There is no access near the top of the slope. The walkway is included in the mitigation calculations. 3,150-sq.ft of native shrubs are required. The understory and lawn will be planted.

Bernice Waller (Bernice Waller Landscapes) We are proposing a restoration area abutting the pond edge. There are primarily invasive vines there now with shallow rooted vines. This will enhance the habitat value. The applicant is a bird lover and we will be introducing a plant palette with a lot of woody shrubs, i.e. chokeberry, Tupelo.

Ms. McKay: The patio is not moving closer?

Ms. Waller: It's not closer to the existing offset of the wetland.

Ms. McKay: Shot from one corner it's at 47-ft and at another it's 42-ft.

Ms. McKay: How much chokeberry?

Ms. Waller: We will be using it as a shrub.

Ms. McKay: I don't have any more questions as I went out to the site with Ms. Waller.

Mr. Mathews: No questions or comments.

Mr. Patton: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

Ms. Gladfelter: What about the discharge pipe?

Mr. Bunker: Which one? I know that one is being tied into the drainage. I'm talking about the one at the top corner.

Ms. Gladfelter: It goes right to the pond.

Ms. McKay: Can you connect it to your drainage setup?

Mr. Bunker: I can probably connect it to the lawn drainage.

Ms. Gladfelter: In the mitigation planting plan - why are you removing trees?

Ms. Waller: One is severely diseased. I had a walk through with Hamilton Tree and they flagged that one. The other one is leaning and prone to falling.

Ms. Harlow-Hawkes: Since the owner is a bird lover - the dead tree is great habitat. On the west side of the house they are in buffer planting and outside of where they would be a hazard.

Ms. Waller: Are you talking about the 12" and 18" caliper oaks?

Ms. Harlow-Hawkes: Yes, they are good wildlife habitat.

Ms. Waller: They are diseased and their removal would provide better light for the new understory. We will be increasing habitat value by introducing trees that are good for the habitat.

Ms. Harlow-Hawkes: There is a lot of mitigation on the side with a lot of vegetation.

Ms. Gladfelter: Yes, but they will be taking out invasives.  
Ms. Harlow-Hawkes: Got it. Switch grass on the edges is easily mowed and it's not a pollinator.  
Ms. Waller: It's a good transitional plant and an oriental.  
Ms. Harlow-Hawkes: I didn't see any on the property.  
Ms. Waller: You will find it in a natural buffer zone. The quantity may seem like they're over planted, but they're not.  
Ms. Harlow-Hawkes: What is the time frame for the restoration plants?  
Ms. Waller: By the end of fall in 2018 - or the following spring.  
Ms. Harlow-Hawkes: Are the hydrangeas counted in the mitigation?  
Ms. Waller: They are not included in the restoration planting. Native plants do create habitat. There will be a small quantity of hydrangeas.  
Ms. Harlow-Hawkes: You can have them but they can't be counted. All of your plants have the same symbol. It's easier for us if you have a legend? Where's the third cedar?  
Ms. Waller: That's an error.  
Ms. Harlow-Hawkes: You're missing one tree.  
Ms. Waller: I'll add it.  
Ms. Harlow-Hawkes: The tree sizes and species in our jurisdiction are not on the plan.  
Mr. Bird: No questions or comments.  
Ms. Gladfelter: You said that the grasses wouldn't be mowed, but we have had a lot of experience where low grasses being mowed.  
Ms. Waller: You would have to remove the plant material?  
Ms. Harlow-Hawkes: How big are the plants?  
Ms. Waller: About 1 gallon that grow to full height in the first year (3 ½ ft). It is planted with highbush blueberry mixed in.  
Ms. Gladfelter: How do you plan to remove the trees?  
Ms. Waller: In the restoration areas they will be cut at the base. The root mass will remain. That will be less disturbance for the area.  
Ms. Gladfelter: Will you allow it to stump sprout?  
Ms. Waller: Sure.  
Ms. Schumacher: There are two areas with grass. Make a note of that.  
Mr. Bunker: Which trees are allowed to sprout – on the southwest side?  
Ms. Gladfelter: Yes.

Ms. Gladfelter: Move to close the hearing and take it under advisement.  
Mr. Bird: Second.  
Ms. Gladfelter: It is a beautiful site and a nice project.  
Ms. Schumacher: I appreciate the thoroughness of your work.  
Ms. Schumacher: Unanimous, so moved.

Michael O'Brien, 331 Edgewater Drive West, East Falmouth, MA – For permission to reconstruct the existing seasonal pier into a larger fixed pier consisting of six 10-inch diameter pilings, four 6-inch x 6-inch posts, a 4-ft x 70-ft walkway, 6-ft x 16-ft terminal "T", support timbers, decking and railings and the associated clearing and excavating.

Ms. McKay: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. We will rebuild the existing pier, ramp and float. The project is on Eel Pond. The existing walkway, ramp and fixed pier are in the water showing the importance of driving piles and not jetting them. The ramp and float are stored on the property. The existing pier was not permitted as seasonal. Resource areas include a low profile coastal bank, strip of salt marsh, land under the ocean, land containing shellfish. It has a Chapter 91

license. An RDA was issued in 1994 and is attached to the application. We are proposing to improve the situation from both a use and environmental point of view. There will be steps to walk down the slope and a low profile walkway that leads to the ramp and float. Right now the ramp and float don't meet the right separation to the bottom and the pier access doesn't meet the standards for public access underneath. We will rebuild this to be more usable and convert it to an entirely fixed structure. The new structure on the profile shows that the pier elevates for a 5-ft separation underneath and will be made of thru-flow decking along the walkway. Although it is in a Velocity zone, it was previously permitted and licensed and we believe it's a better situation. The Harbormaster has no issues with the proposed project. It will be the same length as the current structure. The letter from DMF comments that the elevation above the resource area and the thru-flow decking is an improvement.

Ms. McKay: You say it's the same length and same size?

Mr. Borselli: It's the same alignment and the same length. There is a slight increase in width to go over the bank. The overall shaded out footprint has been improved with the thru-flow decking.

JM How about the length? The Chap 91 license says it's 54-ft and this one is 75-ft.

Mr. Borselli: The length is 48-ft from mean high water. The license and approved pier is the same footprint that we're constructing.

Ms. McKay: No it isn't because the float is different. You are proposing a 16x6 float and it is licensed for a 5x5 float. The end of the pier is 16x6.

Mr. Borselli: The fine line surveyed footprint is what is on the Chapter 91 plan.

Ms. McKay: Tell me why it's different. You submitted the documentation.

Mr. Borselli: If you look at the Chapter 91 plan, there's a dimension on here from the beginning of the struct... The existing float is 51/2 by 12 1/2-ft. We will eliminate that float and convert it to 6-ft. Your regulations allow the T to be 100-sq.ft. There is a little corner here that does cast a shadow, but the new one won't cast a shadow.

Ms. McKay: You are lengthening it to 70-ft from 54-ft, by going up and over the stairs.

Mr. Borselli: I thought that was good. It was mandated in the 1994 RDA – the landward end should be elevated over the marsh. It is slightly bigger in footprint but the environmental benefits make it a big improvement.

Ms. McKay: What is the elevation, the separation of the platform from mean high water? You've done a number of these on Eel River east that had to come back and ask for pilings to tie off their boat to their new dock. I don't want this here.

Mr. Borselli: Their boat ties nicely to it.

Ms. McKay: This will be much more substantial.

Mr. Borselli: Not much more substantial but more environmentally better.

Mr. Bird: No questions or comments.

Ms. Harlow-Hawkes: The Chapter 91 public access signs are no longer on these docks. We shouldn't give compliance if one is not put on the dock.

Mr. Borselli: DEP is enforcing that strictly now. They won't issue a permit without a sign.

Ms. Harlow-Hawkes: I read the old RDA and it stated that it should have floats and docks of fiberglass. I'm glad you're fixing that now. A condition should state that there is no tying up on the side of the dock - only at the end.

Mr. Borselli: I would expect that condition.

Ms. Gladfelter: Is the mooring field on the plan?

Ms. Harlow-Hawkes: No. Will there be a ladder on the dock?

Mr. Borselli: No. If they want one, they would need an amendment.

Ms. Gladfelter: If the piles are driven correctly the dock will survive a hurricane.

Mr. Borselli: I have advised him to have bubblers.

Mr. Mathews: I appreciated the detail in the narrative.

Mr. Patton: This dock is going to go if they don't do something.

Mr. Borselli: It's iced in now.

Mr. Patton: It doesn't seem any longer.

Mr. O'Brien: Based on the last dock we were involved with where the boat didn't fit – does the applicant already have his boat?

Mr. Borselli: He's actually in the market to purchase a new boat.

Mr. O'Brien: In the other case they went away with a bigger dock. I hope your client understands he has to buy a boat that fits there.

Ms. Gladfelter: He can't make it any bigger.

Mr. Gurnee: It's going to be a fixed dock. What about kayaks and canoes that can't go up on the dock. They will be dragging then up on shore. If they are doing it every weekend, it will kill the beach grass.

Mr. Borselli: The deck is 3-ft above high tide. I think they could get them up on the dock.

Ms. Gladfelter: We should think about that in the future.

Mr. Bird: They could install davits.

Ms. Gladfelter: Someone had a rail system to get boats up on the dock.

Mr. Bird: There are ways to do it.

Ms. Harlow-Hawkes: We can put it in the findings.

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

Mr. Bird: Second.

Ms. Schumacher: Unanimous, so moved.

## **CONTINUED REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT**

Rand's Canal Association, Inc., Rands Canal (Map 02-01-002-001), North Falmouth, MA – For permission to re-dredge approximately 1250 cu yds of material, 5-ft below MLW with a potential over dredge to 6-ft below MLW, from the Rands Canal channel entrance using a barge and from shore. Work activities include creating a 16-ft wide construction access and dewatering area through coastal dune, removal of sand through trucks for the Falmouth Beach Department, replanting with beach grass to restore access as a 4-ft path and the associated clearing, excavating, grading and landscaping.

Quorum: Mark, Kevin, Steve, Jamie, Betsy, Mary, Maurie, Courtney

Ms. McKay: No comment at this time.

Michael Borselli (Falmouth Engineering) The hearing was continued so we could make more separation from the salt marshes on the channel. We adjusted the center line of the channel. The side slopes are 3 to 1. We re-graded the cut on the shoal. There is an additional 250-cu yds.

Ms. McKay: No questions or comments.

Mr. Gurnee: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Patton: I understand that the sand from this project will be used on a nearby project.

Mr. Borselli: There is a dialogue between Mr. Good and the Beach Superintendent. Our application contends that the sand will be used by the Town Beach Committee on any project that has proper permits. We have a tight window. The sand will be taken from here by truck.

Ms. McKay: As long as the transport of sand off site is by the same method we spoke about wherever it goes with a proper permit is fine.

Mr. Mathews: No questions or comments.

Ms. Gladfelter: No questions or comments.

Ms. Harlow-Hawkes: Is there a time restriction on herring?

Mr. Borselli: Yes, before March 15<sup>th</sup>.

Ms. Harlow-Hawkes: The shellfish relay - is that on Town time?

Ms. McKay: I don't know.

Ms. Harlow-Hawkes: The applicant should pay for it, not the taxpayers.

Ms. Gladfelter: The Town keeps the shellfish.

Ms. Harlow-Hawkes: The 60-ft reach on the excavator makes me nervous. Somebody should be there at all times and someone should be on the barge to protect the area.

Ms. McKay: Please send me a revision.

Mr. Borselli: No questions or comments.

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

Ms. Harlow-Hawkes: Second.

Ms. Schumacher: Unanimous, so moved.

Olga Baryski, 2 Wigwam Road, West Falmouth, MA – For permission to construct a wading pool and pool patio, install a dry well and the associated excavating, grading and landscaping.

Quorum: Mark, Kevin, Jamie, Betsy, Mary, Maurie, Courtney

Ms. McKay: No comment at this time.

Michael Borselli (Falmouth Engineering) This is the 3<sup>rd</sup> hearing, because we submitted new information that was late at the last hearing. We have submitted additional information, letters and a new plan. There will be a 12x12 pad for a therapy pool. We have described the wetland resources and the required mitigation of 3 to 1 or 432-sq.ft. 300-sq.ft will be planted closer to the coastal bank; 132-sq.ft in another area. Regulation 10.39 allows you to do small projects and get permits as long as there are reduced cumulative resource area impacts. We are offering additional native planting to reduce it. We will reduce resource area impacts by offering an additional 468-sq.ft. for a total of 900-sq.ft. We submitted the exhibit plans with the total cumulative resource area impacts.

Brian Wall (Attorney) DCPC regulations don't come up too often. I was retained to see how this project meets them. I would like to start at 10.05 in the procedures sections. Sec 7 (permits) provides a limitation on the scope of the permits – no more than 6,000 sq.ft of alteration. This is a limitation on a scope of the permit in DCPC. Attorney Wall read the definition of 10.39. He read the performance standards in 10.39 (6) (c). 6,000-sq.ft or 10% of lot must be undeveloped. Development may be permitted up to that amount. It may be permitted provided that there is a reduction in total cumulative resource area impacts. There is no quantification of reduction. He read the footnote. The work may be permitted provided there is a reduction. The project is a 12x12 concrete pad. There is a 3 to 1 reduction for the project (900-sq.ft of mitigation). If we were to do the 10% - existing altered land and minus out 6,000 and timed it by 105 – it would require more than 1438-sq.ft of native plantings. It would require 1,820. That would be cost prohibitive. The therapy pool is like a hot tub without the jets. The regulations allow the Board discretion to allow less. The project meets the performance standards. The mitigation proposed is a reasonable amount and meets the spirit and intent by allowing reduction.

Ms. McKay: I respectfully disagree that it meets the performance standards, but you do have discretion so it's up to the Board.

Ms. Harlow-Hawkes: Thank you for the aerials – they are much clearer. The 2005 aerial as compared to the 2014 – what happened to the big cedar tree that was where you're putting the pool? It was off the end of the existing deck – a huge evergreen – in 2014 there is nothing. In 2016 there were garden beds in the driveway. The island is void. There is nothing along the south end. I am concerned that there has been landscaping done there. In 2014 the shed wasn't there or a fire pit. Which is more important to the applicant - the pool or things you could get rid of? Think about it.

Paul Baryski (Son of applicant) Where it's going to sit there is not a tree there. There was a tree that died. We had no plan to cut it down, but it was dead. It didn't affect the view.

Ms. Harlow-Hawkes: It was there in 2005. Why in 2016 are there are changes in the landscape?

Mr. Baryski: I don't know.

Ms. Harlow-Hawkes: The island is totally re-landscaped. The Tiki Bar and shed were not there in 2005 – or the fire pit. You could give those back for vegetation. The therapy pool could be put in the deck so there would be no need for mitigation.

Mr. Baryski: I would have to remove the deck and rebuild it and that would probably cost as much as the pool. The stone was around the shed before. The pool is going in the mulch area. We haven't removed any plants. Asphalt was taken up and is now mulch. It is a more pervious surface than you had before.

Ms. Harlow-Hawkes: Is the top of the pool level with the deck.

Mr. Baryski: It will be taller by 2 ½ ft and will be covered when not used.

Ms. Gladfelter: Just to remind you that if anything is done in the DCPC no matter how far from the salt marsh, you have to come to the Conservation office. If a tree is cut it must be replaced. The impervious surfaces were prior to the DCPC regulations, but they are 3 times more than would be allowed now. Ms. Gladfelter read from the DCPC regulations - 10.39. I'm a little surprised about the letter saying the required amount of mitigation is prohibitive. We discussed options, i.e. putting it on the deck. We are making decisions on this land.

Mr. Bird: I will hold my questions now.

Mr. Mathews: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: When were the DCPC regulations passed?

Ms. McKay: 1996.

Mr. Gurnee: When was the house built?

Attorney Wall: 1985.

Ms. Gladfelter: We're addressing this from this point forward.

Mr. Gurnee: It's more developed land than the new regulations would allow. You just have to get better. If you actually do 10%, that's awesome. It doesn't reach 10%, but it is better. They are moving in the right direction.

Ms. McKay: The Board has the discretion to do whatever they choose.

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

Ms. Harlow-Hawkes: Second.

Attorney Wall: If there were no project, there would be no reduction. It's not based on the project, it's based on the proffer. I would ask the Board to use common sense and be reasonable.

Ms. Schumacher: Unanimous, so moved.

## **REQUESTS TO AMEND THE EXISTING ORDER OF CONDITIONS**

Wigwam Sippewissett Trust, 8 Wigwam Road, West Falmouth, MA – Request to amend the existing Order of Conditions (DEP 25-3590) to reconfigure the existing driveway, to relocate the existing beach access sand path more north and to replant the old path, to authorize existing after-the-fact modifications including installation of stone landing at SW corner of the house, reconfiguration of the main entry landing, installation of utilities on raised platforms, approve proposed planting revisions and the associated clearing, excavating, grading and landscaping. The hearing is continued until February 14, 2018.

Ms. Gladfelter recused.

Woods Hole Steamship Authority (c/o William Cloutier), 29 Luscombe Avenue, 33 & 36 Railroad Avenue and Railroad Avenue (Map 51A-01-044A-000; 51A-01-044B-000), 12 Cowdry Road, Cowdry Road (Map 51A-01-043-004), Juniper Point Road (Map 51A-01-042-000A; Map 51A-01-043-005), Woods Hole, MA – Request to amend the existing Order of Conditions (DEP 25-4151) to perform maintenance dredging of approximately 306 cu yds of material over 4265 sq ft inside Slip #2 at the Woods Hole ferry terminal.

Ms. McKay: No comment at this time.

Brenda Skalaski (Steel Associates) One of the Steamship Authority vessels went aground and is coming back in May. Since there is an ongoing project we are asking for an amendment to the OOC.

Ms. Schumacher: Is there a time restriction?

Ms. Skalaski: Yes. The designed dredge elevation is -6. 306cu.yds will be removed. I called the Beach Superintendent and asked if they would like the dredge material. He said that if approved he would like it.

Ms. Schumacher: The restriction begins on January 15<sup>th</sup>.

Ms. Skalaski: We have sent an emergency request to DMF to allow us to do this.

Ms. McKay: No questions or comments.

Ms. Harlow-Hawkes: The boat was damaged on October 27th.

Ms. Skalaski: We talked to DEP and they are on Board with whatever the Board decides.

Ms. Harlow-Hawkes: We're here for the environment. We received the request on December 7th. I know you want a one-day restriction. Why did you wait so long? Do you have someone lined up?

Greg Endicott (Facilities Manager for Woods Hole Steamship Authority) We had to go out to bid.

Ms. Skalaski: We reached out to Jen to see if we needed an emergency permit.

Ms. Harlow-Hawkes: I'm not against it, but you should have had the dredging people on Board and ready to start. We hear this all the time. Has the eel grass moved at all since we received the plan?

Ms. Schumacher: The plan is less than a year old. Are there other ferries affected by this?

Ms. Skalaski: No.

Mr. Bird: No questions or comments.

Ms. Gladfelter: No questions or comments.

Mr. Mathews: No questions or comments.

Mr. Patton: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

Mr. Endicott: Once the lowest bidder is chosen we are ready to go.

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

Mr. Mathews: Second.

Ms. Schumacher: Unanimous, so moved.

Ms. Gladfelter returned to the meeting.

### **REQUESTS TO EXTEND THE EXISTING ORDER OF CONDITIONS**

Robert Ouimette, Trustee, 17 Foster Road, East Falmouth, MA (DEP # 25-3537) – Request a one year extension (01/29/2019).

Ms. McKay: This is for beach nourishment. Staff recommends a one year extension.

Ms. Harlow-Hawkes: How much more are they going to bring in? The beach is pretty much gone.

Ms. Gladfelter: Move to grant a one year extension.

Mr. Patton: Second.

Ms. Schumacher: Unanimous, so moved.

William J. McGann, 5 Foster Road, East Falmouth, MA (DEP # 25-3535) – Request a one year extension (01/28/2019).

Ms. McKay: This is the same request. Staff recommends a one year extension.

Ms. Gladfelter: Move to grant a one year extension.

Ms. Harlow-Hawkes: Second.

Ms. Schumacher: Unanimous, so moved.

## **OTHER BUSINESS**

Mr. Mathews: Is anyone going to the conference in March?

Ms. McKay: There will be some interesting presentations. Look them over and let us know.

Ms. Gladfelter: Move to adjourn.

Ms. Harlow-Hawkes: Second.

Ms. Schumacher: Unanimous, so moved.

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary