The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, JANUARY 23, 2019
Selectmen’s Meeting Room, First Floor at Falmouth Town Hall, 7:00 p.m.

Present: Mary Schumacher, Chair
         Betsy Gladfelter
         Maurie Harlow-Hawkes
         Steve Patton
         Mark Gurnee, Alternate
         Kevin O’Brien, Alternate
         Peter Walsh, Alternate
         Jennifer McKay, Administrator
         Brendan Lynch, Agent

Absent: Jamie Mathews, Vice-Chair, Courtney Bird, Kristin Alexander

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

VOTE MINUTES

1/16/2019

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

REQUEST FOR A CONTINUANCE UNDER CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Dana Rodin, Quissett Harbor Preservation Trust, Inc. (c/o Salt Pond Bird Sanctuaries, Inc.),
Quissett Harbor Road (Map 48-03-001B-003), Falmouth, MA – For permission to dismantle and reconstruct two sections of revetment in same footprint and install 18-ft of fiber rolls on an eroding section of coastal bank.
Ms. McKay: The applicant has requested a continuance until January 30, 2019.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until January 30, 2019.
Ms. Gladfelter: Second.
Ms. Schumacher: Unanimous, so moved.

Jay & Lea Decoteau, Trustees, 507 Central Avenue, East Falmouth, MA – For permission to rebuild the existing licensed stone seawall and construct landscape walls and a turf parking area with all associated clearing, grading utilities and landscaping.
Ms. McKay: The applicant has requested a continuance until February 6, 2019.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until February 6, 2019.
Ms. Schumacher: Unanimous, so moved.
Michael O’Brien, 331 Edgewater Drive West, East Falmouth, MA – For permission to construct a vinyl sheet piling bulkhead to replace an existing failed timber bulkhead. 
Ms. McKay: The applicant has requested a continuance until January 30, 2019.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until January 30, 2019.  
Ms. Schumacher: Unanimous, so moved.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Edward & Patricia MacNeil, 36 Drift Road, West Falmouth, MA – For permission to construct a dormer within existing roof line with no increase in footprint.  
Mr. Lynch: Staff recommends a negative 2 (under the State and bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Harlow-Hawkes: Move to accept staff’s recommendation.  
Ms. Gladfelter: Second.  
Ms. Schumacher: Unanimous, so moved.

Michael Fenlon, 50, 54, 58 Gardiner Road, Woods Hole, MA – For permission to repair existing licensed seawall and to repair driveway when project is complete.  
Mr. Lynch: Staff recommends a negative 2 (under the State and bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Gladfelter: Move to accept staff’s recommendation.  
Ms. Schumacher: Unanimous, so moved.

Timothy Leonard, 68 Natal Avenue, East Falmouth, MA – For permission to pump, fill and abandon the existing septic system and to install a Title 5 septic system.  
Mr. Lynch: 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.  
Ms. Schumacher: Unanimous, so moved.

CONTINUED REQUEST FOR A DETERMINATION OF APPLICABILITY

Leonard Remia, 11 Avenue A, Falmouth, MA – For permission to pump, fill and abandon existing septic system and upgrade to a Title 5 system.  
Mr. Lynch: Staff recommends a negative 2 (under the State) and a negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Harlow-Hawkes: Move to accept staff’s recommendation.  
Ms. Gladfelter: Second.  
Ms. Schumacher: Unanimous, so moved.
Lawrence & Denise Rothschild, 3 Hamblin Point Road, East Falmouth, MA – For permission to install a swimming pool, deck, retaining walls, fire pit, enclosure fence, and leaching pit.

Ms. McKay: No comment at this time.

Tom Bunker (BSS Design) presented abutter’s cards. The property was formerly two lots and has been combined into one lot. Resource areas include: salt marsh, Hamblin Pond, edge of salt marsh along the edge of the property which extends into a salt marsh, coastal bank, flood zone AE elevation 12. There is a 12-ft contour to the top of the coastal bank that adjoins a salt marsh (the easterly portion abuts the other resource area. There is an area with a promontory of land with no coastal bank. It’s flatter than 10 to 1. This is a sizeable nearly flat area with a break in the slope. There is a 25-ft zone A. All of zone A is naturally vegetated so no mitigation is required. The septic system is landward and more than 100-ft from the resource areas. The patio is on the east side and the limit of work is in zone B. 15 trees are to be removed, but none in zone A. The proposal is to build to the side of the house. The patio and deck will be to the east of the house in zone B, as will the swimming pool, retaining walls and fire pit. The terrace will be flat. The one tree in the limit of work will remain. Native plantings will be within the fenced-in area. There will be a mulch path on the lower side of the pool. 132-sq.ft of lawn will be removed and native shrubs planted. The patio will slope toward Hamblin Point Road, so there will be no runoff toward the salt marsh. There will be a leaching pit for drainage. There will be a channel drain along the lower edge of the patio that will be piped into the leaching pit. All pool functions will go into the leaching pit on the inland side of the area and not in zone B. The plan before you tonight shows a retaining wall along the water side of the lawn – this is a change we might make. We are asking that if we decide to make this change (eliminate the wall) it could be done administratively rather than having to come back and amend the OOC. We would like your input on that but this NOI is for keeping the retaining wall.

Tom Lee (Tom Lee Studio) The existing deck will go to the pool terrace. There will be plantings outside the pool – a mix of woody shrubs, i.e. inkberry, clethra. On the woodland edge there will be low bush blueberry and swamp azalea. Outside your jurisdiction there will be some magnolia trees and ornamental shrubs. Where the lawn is taken out we will plant native shrubs.

Ms. McKay: We met with Tom today over the issue of the buffer. The bank closest to the house is not adjacent to the lower bank. A correction has to be done in the zone A offset to the buffer. It’s a minor correction.

Ms. Schumacher: Do you accept this?

Ms. McKay: It’s a small area and it matters if the Board wants to consider it adjacent.

Mr. Bunker: There is 40-ft of flatter terrain and there is more than a 2-ft separation.

Ms. Schumacher: I think we have enough information re that. How do you feel about the potential for grading?

Ms. McKay: I’m fine with that.

Mr. Gurnee: What is the level of the pool?

Mr. Bunker: The patio is 27.5-ft and the pool is 25-ft.

Mr. Gurnee: There is a fence on the retaining wall. What’s on the pool?

Mr. Bunker: There is nothing around the pool itself.

Mr. Gurnee: Is that okay?

Mr. Bunker: Yes.

Mr. Gurnee: Is it an infinity pool?

Mr. Bunker Yes.

Mr. Walsh: No questions or comments.

Mr. Patton: No questions or comments.

Ms. Gladfelter: The planting being done is not mitigation planting?

Mr. Bunker: Correct.
Ms. Gladfelter: You understand that once the planting is in it’s a naturally vegetated buffer?
Mr. Bunker: Yes. It’s required in a way.
Ms. Gladfelter: It must be maintained as a naturally vegetated buffer. I don’t know what an infinity pool is but what happens when you have to pump out the water?
Mr. Bunker: The water goes into a dry well. The pumps are east of the patio and will pump into the leaching pit.
Ms. Gladfelter: What size is the wall?
Mr. Lee: 2.5 ft
Ms. Harlow-Hawkes: It’s a beautiful site however there has been some illegal cutting there. No underground irrigation or fertilizing of the lawn is allowed. Low bush blueberry plants concern me because they tend to get cut.
Mr. Bunker: There will be no mowing inside the fence.
Mr. O’Brien: No questions or comments.
Ms. Schumacher: I’m fine with the administrative decision being made.

Ms. Gladfelter: Move to close the hearing and take it under advisement.
Ms. Schumacher: Unanimous, so moved.

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VOTE ORDER OF CONDITIONS

Clowes Easterly Limited Partnership, 146 Nobska Road, Woods Hole, MA (1/30/19)
Quorum: Mark, Peter, Steve, Mary, Betsy, Maurie, Kevin
Ms. McKay: This is the deck.
Ms. Gladfelter: We asked for the applicant’s agreement that there would be no mooring field.
Ms. Schumacher: And we have a confirmation that the applicant accepts the term.
Ms. Gladfelter: There is to be vegetable oil used in the equipment.
Mr. Patton: They are to remove the equipment from the beach every night.
Ms. McKay: We will submit the finding re the mooring field into the record.

Ms. Gladfelter: Move to adopt the Order of Conditions as discussed.
Mr. Patton: Second.
Ms. Schumacher: Unanimous, so moved.
Ms. Harlow-Hawkes: There has been illegal cutting along the top of the bank in the critical area of Crooked Pond. There should be a fence there.

Ms. McKay: A single rail fence?

Ms. Harlow-Hawkes: Yes. The bank will grow back if it is left alone. There should be a swale toward the paddle boat. Runoff from the patio sheets toward that area. There is some sort of a depression there and they should put in an earthen berm.

Ms. McKay: They talked about using the old septic system as a drywell.

Ms. Harlow-Hawkes: That should not be used as a dry well. It can only hold 330 gallons of water per day and one good rain storm will kill that. They should make one double size dry well and move it where it doesn’t affect the tree.

Ms. McKay: They should remove the old SAS and put in dry wells.

Ms. Gladfelter: Yes, as long as the 18” tree is protected.

Ms. Harlow-Hawkes: The Board of Health may make them remove the old septic system.

Ms. McKay: Then the dry wells can go there?

Ms. Harlow-Hawkes: Yes.

Mr. Patton: If they keep the AC unit it can stay where it is now but if they want a new one they have to move it.

Ms. Gladfelter: There is no outdoor shower on the plan. If they want one it will have to be outside our jurisdiction.

Ms. Harlow-Hawkes: Move to adopt the Order of Conditions as discussed.

Ms. Gladfelter: Second.

Ms. Schumacher: Unanimous, so moved.

OTHER BUSINESS

*Board will consider any matters not reasonably anticipated by the Chair.*

Joint Meeting – January 26, 2019

Ms. Schumacher: I have been trading emails with Julian Suso and Susan Moran re the joint meeting on the 26th. They want us to be there, but it is not required. It would be nice to have a quorum.

Ms. McKay: That should be covered because Brendan will be there.

Ms. Schumacher asked who was planning to be there.

Mr. Walsh: What would the Conservation members be commenting on?

Ms. Schumacher: The waste water update.

Ms. McKay: Future waste water initiatives.

Ms. Schumacher: Roadway construction.

Mr. Gurnee: On another subject, I would like to have someone come into one of our meetings and talk to us about planting and habitat use. Saying mitigation should always be 3-ft on center seems ridiculous.

Ms. McKay: I agree with you.

Ms. Gladfelter: It would be good to have an open discussion with engineers and landscape architects and get them to think in those terms.

Ms. McKay: Brendan will be at a meeting tomorrow with Conservation Agents and he can ask if they know anyone who can address this. We can advertise this for a meeting in late February.

Ms. Schumacher: It would be nice to target this when an agenda is not too full.

Ms. McKay: I think we need to identify a person who can provide this information first.

Mr. Lynch: At the MACC meeting in March at Holy Cross there will be several workshops on
biodiversity and habitat.
Ms. Harlow-Hawkes: Erosion control and planting should be involved in the conversation also.

Ms. Harlow-Hawkes: Move to adjourn.
Ms. Gladfelter: Second.
Ms. Schumacher: Unanimous, so moved.

The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary