

The Falmouth Conservation Commission  
**MEETING MINUTES - WEDNESDAY, MARCH 6, 2019**  
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

Present: Jamie Mathews, Vice-Chair  
Betsy Gladfelter  
Steve Patton  
Kevin O'Brien, Alternate  
Courtney Bird  
Jennifer McKay, Administrator

Absent: Mary Schumacher, Chair, Maurie Harlow-Hawkes, Mark Gurnee, Alternate,  
Peter Walsh, Alternate, Brendan Lynch, Agent, Kristin Alexander

Mr. Matthews opened the meeting at 7:00 p.m.

**VOTE MINUTES**

2/27/2019

Mr. Patton: Move to adopt the minutes as written.

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

**REQUESTS FOR DETERMINATION OF APPLICABILITY**

James & Marian Ware, 186 Gansett Road, Falmouth, MA – For permission to install utilities within existing driveway.

Ms. McKay: Staff recommends a negative 2 (under the State and the bylaw). Resource areas are not confirmed by this RDA.

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

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Steve Benoit, 143 Oyster Pond Road, Falmouth, MA – For permission to upgrade to a Title 5 septic system.

Ms. McKay: Staff recommends a negative 2 (under the State and the bylaw). Resource areas are not confirmed by this RDA.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Diane Martin, 12 Amvet Avenue, Falmouth, MA – For permission to upgrade to a Title 5 septic system.

Ms. McKay: Staff recommends a negative 2 (under the State and the bylaw). Resource areas are not confirmed by this RDA.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Newton Gresser, 72 Loop Road, Falmouth, MA – For permission to upgrade to a Title 5 septic system.

Ms. McKay: Staff recommends a negative 2 (under the State and the bylaw). Resource areas are not confirmed by this RDA.

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

Ms. Gladfelter: Second.

Mr. Bird: Where will they place the leach field?

Ms. McKay: In front of the house.

Mr. Mathews: Unanimous, so moved.

## **CONTINUED HEARINGS UNDER A NOTICE OF INTENT**

Nathan Holcomb, 270 Sippewissett Road, Falmouth, MA – For permission to construct an addition, garage, mudroom, screened room, deck, a gravel terrace, expanded driveway, 4-foot wide mulch path, wash station, drywells, invasive species management/restoration, and all associated excavating, clearing, grading and landscaping.

Quorum: Quorum: Steve, Jamie, Kevin, Courtney

Ms. McKay: No comment at this time.

Mark Manganello (LEC Environmental) presented a revised plan. There were two concerns at the last meeting: (1) 2000-sq.ft of shrub plantings as mitigation – provided; (2) shape of gravel terrace modified – rounded off one of the awkward points. The rinse station will be outside the 50-ft buffer zone.

Ms. McKay: Thank you for adding the shrubs.

Mr. Manganello: They will be planted on a 2 to 1 ratio.

Ms. McKay: You are proposing to plant winterberry and meadow sweet as well as VA rose and pasture rose. How many of the rose species will you plant?

Mr. Manganello: We didn't specify but I suppose equal numbers.

Ms. McKay: You're kind of heavy with roses. You should plant an equal number of each of the shrubs. Pick one of the roses to plant.

Mr. Manganello: Virginia rose.

Ms. McKay: You are proposing to remove the invasives and still plant the meadow mix which you will cut twice every two years.

Mr. Manganello: Yes.

Mr. Mathews: Are you okay with that?

Ms. McKay: I would prefer more shrub species in the area. Since there are predominantly invasive species in the area, mitigation around the wetland is a good thing. But the invasives provide much more habitat value than the meadow mix. You should put in more shrubs instead of just the meadow mix. If the patio can be constructed the way you are proposing – go for it. We will find a substitute for the pasture rose and there will be a finding re shrubbery - an equal mix of the mitigation plantings.

Mr. Bird: No questions or comments.

Mr. O'Brien: Are you certain about the boundaries of the wetlands?

Mr. Manganello: Yes. I have seen it with water and hydric soils and without water where there are no hydric soils.

Mr. O'Brien: If possible could you throw in a few more shrubs?

Ms. McKay: Are you still going along with two trees in the right-of-way?

Mr. Manganello: We would prefer to. Mr. Holcomb has done due diligence on his rights to it. The

neighbors will not be a problem and the landscaping will be an improvement.

Mr. Patton: I thought the reason for the meadow was to reduce ticks.

Mr. Manganello: That's why the family will not go near the meadow. Someone in the family has had Lyme disease.

Ms. McKay: There should be a single rail fence along the meadow to be sure there will be no mowing of the area.

Mr. Manganello: It is topographically impossible to mow the area. The area will also be monitored on an annual basis.

Ms. McKay: I still would like a single rail fence along the meadow.

Ms. Gladfelter: Between the meadow and the lawn.

Mr. Mathews: Just to be sure that the area does not get mowed.

Mr. Manganello: I don't think they would do that.

Mr. Patton: It's an interesting project. The wetland will be a challenge. I'm still surprised by the trees being planted in the right-of-way. Normally the Fire Department wouldn't allow planting anything there.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

## **VOTE ORDER OF CONDITIONS**

Town of Falmouth (c/o Gregg Fraser, Harbormaster), 0 Town Landing Road, Falmouth, MA (3/13/19)

Quorum: Steve, Jamie, Kevin, Courtney

Ms. McKay: The boat ramp has to be repaired. Staff would prefer that a coffer dam be used. Ramps have been installed without one and they make the project more expensive, but you get a better product in the end. I am advocating for using a coffer dam. There is also the relay of the shellfish and the time of year restriction from DMF that they must abide by.

Mr. O'Brien: Did you say that you are advocating for a coffer dam?

Ms. McKay: Yes.

Mr. O'Brien: You would like that rather than the silt curtain that they proposed?

Ms. McKay: Yes. It is low there.

Mr. Mathews: They're not expanding.

Mr. Bird: I don't think it's critical that they have a coffer dam. They could start the work without one and if the conditions justify a need for one, they can do it then.

Mr. Mathews: Are you comfortable with the elevations?

Ms. McKay: Yes.

Mr. Bird: Move to adopt the Order of Conditions as discussed.

Mr. Patton: Second.

Ms. McKay: Findings: pre-construction staff visit, time of year restriction, shellfish relay.

Mr. Mathews: Unanimous, so moved.

Shelby & Janet Mudarri, 4 Nichols Road, East Falmouth, MA (3/13/19)

Quorum: Steve, Jamie, Kevin, Courtney

Mr. Mathews: This is the extension to the dock.

Mr. Patton: Local shellfishermen have endorsed the project.

Mr. O'Brien: And some neighbors are opposed to it.

Ms. McKay: This is the enlargement of a structure in a Velocity zone. They are extending it and raising it up. I am not convinced of the public benefit argument.

Mr. Mathews: Lifting the dock is required.

Ms. McKay: Yes, it is if you allow the extension.

Mr. Bird: There is no change to the existing dock.

Ms. McKay: Yes, it is larger. They are extending it and raising the ramp. They are not going further seaward, but they are extending it.

Mr. Bird: Right now the ramp lands on the beach. The structure will now end on the wall. The findings can show that this is site specific.

Mr. O'Brien: I think that the neighbors object to the project because they didn't want a pier in there in the first place.

Ms. McKay: It has a valid OOC. The original concern of the neighbors was that it hadn't been installed in a number of years and then was installed on the other side of the boulder. The OOC was issued in the mid-90's and they have a Chapter 91 license. Your concern is to focus on the regulations. We could condition that they move it to the correct side of the boulder.

Mr. O'Brien: Will they have to modify the Chapter 91 license?

Ms. McKay: I think that's a requirement.

Mr. Mathews: The pre-planted mitigation will have to be moved.

Ms. McKay: And they need a new path.

Mr. Mathews: The landing will be next to the stairs so they will still be usable.

Ms. McKay: We will need a new plan with the path on it.

Mr. Patton: Move to adopt the Order of Conditions as discussed.

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

Town of Falmouth (c/o Jim McLoughlin, DPW), 164 Turner Road, Falmouth, MA (3/13/19)

Quorum: Steve, Jamie, Kevin, Courtney

Mr. Mathews: This is the culvert.

Mr. Patton: The sleeving is interesting.

Ms. McKay: It will be done under the direction of the Herring Warden. There is a time of year restriction. It is only a ½ day job. They will dam the area to drop the water level and push the sleeve through.

Ms. Gladfelter: It can't be done when the herring are running.

Ms. McKay: It can under the direction of the Herring Warden.

Mr. Bird: Move to adopt the Order of Conditions as discussed.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

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

## **OTHER BUSINESS**

Ms. Gladfelter: Speaking of herring, Chuck Martinsen will give a talk about all the herring runs in Town on Tuesday at 7:30 p.m. On April 29<sup>th</sup> at noontime, there will be a groundbreaking for Phase 2 of the Coonamessett River project. On Thursday there will be a CPC meeting at the library.

Mr. Patton: I thought the meeting was primarily for new applicants, but there will be other business also. I believe it's at 7:00, but I will email all of you with the time.

Mr. Bird: Move to adjourn.

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 7:37 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary