

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, MARCH 13, 2019
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

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

Absent: Mary Schumacher, Chair, Maurie Harlow-Hawkes, Mark Gurnee, Alternate, Kristin Alexander

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

VOTE MINUTES

The minutes of 3/6/2019 will be voted at the next meeting.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Denisa & Sheldon Wagner, 46 Gosnold Road, Woods Hole, MA – For permission to reconstruct deck into a porch.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to coastal bank (seawall) and within VE-16 flood zone. This RDA is proposing to extend street-side deck by three feet and reconstruct as a porch. The structure will be increased by 88-sq.ft. Mitigation plantings will be provided. The applicant will be submitting an NOI for a seawall reconstruction in the near future. Plantings will be required to mitigate for the seawall reconstruction. Plantings referenced in this RDA will be referenced in the NOI application/plans. Staff is comfortable with the RDA plantings to be added to the seawall NOI plantings. Staff spoke with engineer Dave Martin who submitted the RDA and will be filing the NOI for the seawall repair. Both parties agreed to the mitigation requirements. Staff recommends a negative 2 (under the State) and a negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

Andrew Shiff, 102 Nashawena Street, West Falmouth, MA – For permission to upgrade to a Title 5 septic system.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to salt marsh, coastal bank and within AE-17 flood zone. This project involves three parcels under common ownership. The parcels have been approved by the planning board to be combined into one single parcel. This RDA is proposing to pump and fill the existing cesspool with clean sand. They will connect the existing sewer outlets to a new 1500-gallon tank and 500-gallon pump chamber located over 100-ft from a coastal bank and salt marsh. The tank and pump chamber will be installed under existing driveway. The leaching system will be located 80-ft from the salt marsh in the northeast corner of lot. It is the

farthest possible location. The limits of work will be established along the driveway and south of the proposed leach field to protect the resource areas. The disturbed area will be restored with loam and seed and the driveway graded to existing conditions. No vegetation is to be removed. The construction access will be through the existing driveway and Pine Island Circle. Staff recommends a negative 2 (under the State) and a negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Michael Simpson, 28 Blue Shutters Lane, North Falmouth, MA – For permission to enclose existing deck and patio.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to the BVW. The applicant will add a roof over an existing deck. There will be no increase in the footprint. No new footings are anticipated. The deck is to become a screened-in porch. The homeowner also expressed interest in tree removal and driveway work. Staff instructed the homeowner to contact the Conservation Department if they intend to address new issues. Staff recommends a negative 2 (under the State) and a negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Ronald Simons, 14 Ridge Road, North Falmouth, MA – For permission to remove 16 trees.

Mr. Lynch: The applicant has requested a continuance until March 27, 2019.

Mr. Gladfelter: At the request of the applicant I move to continue the hearing until March 27, 2019.

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Eleanor & Philippe Bouvier, 359 Edgewater Drive East, East Falmouth, MA – For permission to construct a two-car garage and expand the driveway.

Mr. Lynch: Jurisdiction: within flood zone AE-12. The property is located on the west side of Edgewater Drive east. The proposed two-car garage will be built over an existing lawn. There will be an expansion of the driveway. The contractor will sweep the street at the end of each workday. No vegetation is to be removed and no mitigation is required. Staff recommends a negative 2 (under the State) and a negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

REQUESTS FOR A NOTICE OF INTENT

Kevin O'Brien recused

Blue Flag Development, LLC, 836 Palmer Avenue, Falmouth, MA – For permission to redevelop the existing campground including upgrading existing septic to meet Title 5 regulations, install Airstream campers, install a rain garden, remove invasive species and restore wetland with native species and all associated clearing, landscaping, grading and excavating.

Ms. McKay: No comment at this time.

Brendan Mullaney (Bracken Engineering, Inc.) presented abutter's cards. This is the proposed Sippewissett campground redevelopment. The project has been approved by the ZBA, the Planning Board and the Board of Health. There is a small, isolated wetland adjacent to the Bikeway. It has been a seasonal campground since the 1920's and the current owners have owned the property since 1961. Storm water runoff drains toward the wetland. There will be a parking lot along Palmer Ave. There is a disturbed area caused from bad drainage. Test pits showed no real evidence of a high ground water level. The area drains slowly. The existing asphalt will be removed and there will be only gravel paths. Three of the proposed trailer sites are within the 100-ft zone. A proposed control building for the wastewater system is within 50-ft. The collection system will be fed by gravity into the septic tank and then pumped up to the northeast corner of the site. It is outside the 50-ft buffer zone. We would be robbing the wetland of a water source if we met all the standards. Thus there is a proposed rain garden designed with an under drain that flows to the wetland.

Invasive species will be removed and there will be a full wetland restoration.

Theresa Sprague (Blueflax Design) There is an isolated wetland and an A and B buffer. The invasive species include knotweed, English Ivy, black locust, porcelain berry. An excavator will be employed. Tree stumps will be flush cut and allowed to re-generate. Four oaks will be removed from the B zone for the collection system. Three red maples and one white oak will be planted. There will be a three to seven year management period to support the wetland. There is a lot of garbage in the area and it will be removed over time. The area will require some maintenance. There is a path to access the area to be cleaned. The goal of the three to seven year management is that natural succession will occur. Because of the topography of the land storm water is draining to the wetland. The type of sediment in the area is causing mucky conditions. After the invasives are removed, the wetland will be treated. 179 herbaceous shrubs will be planted along with other shrubbery and three trees. The shrubs include winterberry and a small amount of sweet fern. The rain garden is for storm water management and a buffer to the wetland.

Ms. McKay: I don't have too many concerns as we met on site with Ms. Sprague last Friday. I don't have any questions. It will be an improvement and a nice access to the bike path. Our jurisdiction in the proposed project is very small.

Mr. Mullaney: There are 108 sites being proposed and 98 will be airstream trailers. The trailers will not be permanent and may be removed. There will be ten tent sites. The goal of the developers is to minimize the amount of clearing. A central clubhouse facility is proposed in the middle of the property and a firepit gathering place will be behind the clubhouse.

Mr. Bird: You have done a good job with the restoration of the wetland. It was probably part of the Sippewissett Marsh before the railway went through. What is the water level – about 8-ft?

Mr. Mullaney: It's roughly at 8-ft – the height of the marsh.

Mr. Bird: I am concerned with the grades and the elimination of the asphalt. Will you be using a dense grade for the erosion problem?

Mr. Mullaney: We want the space to be as natural as possible. From a maintenance standpoint we might have to add more soil.

Mr. Bird: Aesthetically it will be much nicer, but some of the grades are so steep you may have more erosion potential.

Mr. Mullaney: The owner is dedicated to the project. The company's goal is no pavement unless absolutely necessary. The parking lots are all gravel.

Ms. Gladfelter: Nice job on the design of the rain garden. The driveway has nothing to do with our jurisdiction. Both representatives did a nice job.

Mr. Patton: This will be a real asset for our community. No vehicle driving is allowed within the site?

Mr. Mullaney: Right. There will be a number of golf carts if needed.

Mr. Patton: The soil composition in the wetland area is unusual. It's "quicksandish".

Mr. Mullaney: It's the silty fine sediment that turns into that type.

Mr. Patton: It's a great plan.

Mr. Walsh: You have confirmed that water flows into the wetland area. Where does the water go currently – underground?

Mr. Mullaney: It sits in the wetland area and drains very poorly. We will be intercepting the water before it gets into the wetland and treating it.

Mr. Walsh: The silt or buildup is not supposed to affect the function. The treatment area for water coming down through the site that was building up the silt – will that need maintenance?

Mr. Mullaney: Yes. There will be a riprap type pad. The sediment will come into it and clean it.

Mr. Walsh: No effluent will be going out to the wetland from the wastewater plant?

Mr. Mullaney: No. There will be a sediment forebay with an active filter. There is a gravity collection system that gets treated and goes to a clearing tank and is pumped to the northeast corner of the site into two large leach fields.

Mr. Walsh: Do you have results to compare the proposed treatment process with what is there now?

Mr. Mullaney: It's an improvement over existing conditions. I can provide the results to you.

Mr. Walsh: Would you suggest that there will be a 50% improvement over the old level?

Mr. Mullaney: I believe it will be even greater than that. It will be a substantial improvement.

Mr. Mathews: Has the system been approved by the Board of Health?

BM Yes.

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

Mr. Walsh: **Second.**

Mel Stephen (abutter) I'm anxious about the nitrogen level in the marsh. There is already a lot of nitrogen loading by septic systems in the area. Title 5 doesn't mean that much as far as lessening the amount of nitrogen. We should be improving the water quality in the marsh. The current owners take the effluent off the property. I'm not sure the marsh will be protected by this new system.

Mr. Mullaney: I will provide you with an analysis. Cesspools were on site and the effluent was pumped from trailers into cesspools. Basically this is a top of the line system. There is a condition in the Board of Health approval that in 6 months to a year they have to reach a certain number for the effluent. If it is not reached they will have to add more protection.

Mr. Stephen: Are there any current measurements of the nitrogen levels in the Sippewissett Marsh?

Ms. McKay: ConCom doesn't monitor that.

Ms. Gladfelter: In 2005 a 72 hour measurement of the nitrogen levels was done every hour. I was involved in the study by MBL looking at bacteria in different parts of the marsh. We would get samples of the bacteria we found and find out about the DNA and none was human.

Mr. Stephen: The marsh has been deteriorating over the years.

Ms. Gladfelter: There have been issues because of the sand in the marsh, but unless you have data showing it has changed, we don't really know about changes.

Mr. Stephen: How will we know if it's getting worse?

Ms. Gladfelter (to Jen) Is there a Pond watcher site here?

Ms. McKay: I will check.

Mr. Stephen: It's getting worse not better. We should be making it better.

Ms. Gladfelter: If this system is replacing a series of cesspools, this will be better.

Mr. Stephen: The cesspools may not be functioning.

Ms. Gladfelter: This is a complex issue and there are lots of people responsible whose practices have contributed to the problem.

Mr. Stephen: The Title 5 system is not treating nitrogen properly.

Mr. Bird: I'm very concerned about the marsh as I live about a 1/4 mile from that site. A water quality project was conducted on part of my property. Nitrogen problems are from a lot of causes. There is a cumulative impact. This campground has been there for 100 years. Putting a state of the art system in there which is designed to address nitrogen loading - I welcome that. Their restoration

of the wetland and the rain garden taken together with the septic system can be nothing but an improvement for that marsh. It's definitely an improvement over what's there.

Mr. Mathews called for the vote.

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

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Mr. O'Brien returned to the meeting.

Patrick & Phyllis McDevitt, 5 North Chop Lane, East Falmouth, MA – For permission to reconstruct existing stone riprap and incorporate new granite steps within riprap.

Ms. McKay: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. The property has frontage on Vineyard sound. Resource areas include: land under the ocean, coastal beach, armored coastal bank, land subject to coastal storm flowage, VE 15 and AE 13. ConCom issued an OOC for beach nourishment in the past. Since the house was rebuilt the required mitigation planting has disappeared. I discovered this on the day of the first scheduled hearing and it was continued to revise the plan. The mitigation will be re-established. The riprap has been there for decades. I met with the property manager and Woods Hole Group prior to the beach nourishment to look at the riprap. Tidal action is drawing soil from the upper part and the riprap could fail at anytime. There is erosion on the seaward side – toe stones are starting to be exposed. There has been a huge blowout on the adjacent property. The construction access will be the same as it was for the beach nourishment. We will use the same stones. The toe stones will be replaced. The riprap will be lined with stones and filter cloth. No part of the coastal bank will be exposed overnight. We will do one section at a time. No heavy equipment will be left on the beach overnight. The project may even be done from overhead. All equipment will be stored in the upland overnight. Environmentally friendly hydrolic oils will be used. Granite steps will be installed in the wall. The wall is currently under review by Chapter 91 because of a question about the license. It's possible the riprap was not licensed, because at the time the mean high water did not meet it. Now it touches the bottom of the wall, so the applicant may need to get a license. It is on the final stretch of review by Chapter 91.

Ms. McKay: Will you go through the construction methodology from the top?

Mr. Borselli: Only one section at a time is exposed. They will not work from top to bottom. They will do one section from bottom to top at a time.

Ms. McKay: There will be no heavy equipment on the beach?

Mr. Borselli: There may be.

Ms. McKay: How will you get there?

Mr. Borselli: We may have to construct a sand ramp.

Ms. McKay: We have to know how much sand is going on the beach. The last plan you gave us shows the coastal beach all the way out to the groin. It's not supposed to be.

Mr. Borselli: There is no intention to add more nourishment than what was proposed.

Ms. McKay: We need a new plan then. We will need to know the cubic yardage of the sand ramp. It will have to be part of what was allowed in the OOC.

Mr. Borselli: Whatever the original OOC required is what it will be.

Ms. McKay: Your plan is a bit misleading. Do you have a contractor for the wall yet?

Mr. Borselli: No.

Ms. McKay: When the contractor is chosen you should talk to them to get an idea of the estimate size of the sand ramp.

Mr. Borselli: I can get you that number.

Ms. McKay: I need the information before we close the hearing. They will give you the volume estimate.

Mr. Lynch: Will the septic system be okay if it's in the construction access?

Mr. Borselli: Yes, it will be protected by steel plates.

Mr. Lynch: Is there a swim platform on top of the wall?

Mr. Borselli: No, it's a temporary set of stairs to get to the beach. They pull them up off season.
Mr. Walsh: No questions or comments.
Mr. Patton: No questions or comments.
Ms. Gladfelter: Is there a time of year restriction?
Mr. Borselli: No.
Ms. Gladfelter: How long will this take?
Mr. Borselli: About 2 weeks. The concept is only to do what you can in a day.
Ms. Gladfelter: And avoid storms.
Mr. Borselli: We may wait until late summer or early fall.
Ms. Gladfelter: That's hurricane season.
Mr. Borselli: It may be in October.
Ms. Gladfelter: Do we know what type of mitigation plantings is being planned?
Mr. Borselli: The landscape plan by Heather Wright is part of the record. It is very detailed and specific. I can give you a copy.
Ms. McKay: Please provide a copy for the next hearing.
Ms. Gladfelter: The original mitigation disappeared or was it ever planted?
Ms. McKay: I believe they received compliance so it must have been planted.
Mr. Borselli: It was there when we requested the beach nourishment. I don't know what happened.
Ms. Gladfelter: They got compliance with what was there. Does it have to be put back in as it was directed in the original OOC?
Ms. McKay: No, you can change it if you want.
Mr. Borselli: It was pretty diverse.
Ms. Gladfelter: There is a shed in the middle of the previous mitigation planting. Is there a story about that shed?
Mr. Borselli: This shed was moved. I will add a note to the plan stating that the existing shed is to be moved from the buffer.
Mr. O'Brien: We are getting the mitigation back?
Mr. Borselli: Yes.
Mr. O'Brien: I assume they will be put it back somewhere else. Otherwise how will he mow the lawn?
Mr. Borselli: The olive green color on the plan is the original mitigation placement.
Ms. McKay: A landscaper is not going to go over a grill platform to get to the lawn. I think the mitigation needs to be moved.
Mr. Borselli: I can do an adjustment and thicken one area and lessen another so the landscaper can get by.
Ms. Gladfelter: A split rail fence there is a good idea.
Mr. Bird: No questions or comments.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until April 3, 2019.

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

VOTE ORDER OF CONDITIONS

Nathan Holcomb, 270 Sippewissett Rd., Falmouth, MA (3/20/19)

Quorum: Steve, Jamie, Kevin, Courtney

Ms. McKay: The restoration plan and the revised plan with the patio have been received. This is the proposed addition. There will be invasive species removal and mitigation for the impervious surface around the wetland. There is a meadow mix plan. They have increased the shrubs in that area.

Mr. O'Brien: There were comments about fewer roses?

Ms. McKay: They will get rid of the pasture rose.

Mr. Mathews: They need a single rail fence.

Ms. McKay: And monitoring. The mitigation will be planted 3 ft on center. In the meadow area – should 25% be converted to a shrub community? 50%? Usually it would all be a shrub community. There is no view issue. I'd say 25 to 30% in the area.

Mr. Mathews: 25% in addition to the mitigation for the impervious surface.

Mr. Bird: And it is to be concentrated around the wetland.

Ms. McKay: We will need a revised plan

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

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

Ms. Gladfelter: I would like to ask for an endorsement of the Rod and Gun Club's bog restoration. An endorsement letter to MEPA.

Mr. Patton: Move to send a letter of endorsement to MEPA re the Rod and Gun Club's bog restoration.

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Ms. Gladfelter: Just a reminder about the CPC meeting tomorrow.

Mr. Bird: Move to adjourn.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary