

The Falmouth Conservation Commission  
**MEETING MINUTES - WEDNESDAY, APRIL 17, 2019**  
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

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

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

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

**VOTE MINUTES**

3/13/2019

Ms. Gladfelter: Move to adopt the minutes as written.

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

**REQUESTS FOR A CONTINUANCE FOR DETERMINATION OF APPLICABILITY**

Franklin Stearns, 322 Surf Drive, Falmouth, MA – For permission to upgrade septic system to a Tight Tank.

Mr. Lynch: The applicant has requested a continuance until April 24, 2019

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until April 24, 2019.

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Cameron Dawson, 0 Edgewater Drive West (41 06 000 067B), East Falmouth, MA – For permission to license an existing pier and float.

Mr. Lynch: The applicant has requested a continuance until May 1, 2019.

Mr. Bird: At the request of the applicant I move to continue the hearing until May 1, 2019.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

**REQUESTS FOR DETERMINATION OF APPLICABILITY**

Franklin Stearns, 322 Surf Drive, Falmouth, MA – For permission to upgrade septic system to a Tight Tank.

The hearing has been continued until April 24, 2019.

John Torpey Jr. Trustee, 120 Highland Avenue, North Falmouth, MA – For permission to construct a single car detached garage and install mitigation plantings.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to coastal bank and within flood zone AE 15. This project is to remove an old shed and construct a new single car garage in the same general location. The 16' x 24' garage will be constructed with flood vents. Two drywells, gutters and downspouts are to be installed to control roof runoff from garage. There will be a minor reconfiguration of the driveway to move it further away from the resource area and to tie into the garage. The site is to be regraded to match the existing conditions. 534-sq.ft of mitigation and two native trees are proposed to mitigate for increased impervious surfaces and the removal of two oaks. Plantings are to be shade tolerant shrubs placed 3 feet on center. 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.

MacDougall's Cape Cod Marine Service, Inc., 145 Falmouth Heights Road, Falmouth, MA – For permission to repair and maintain the travel lift bulkhead.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to land under the ocean, coastal bank, flood zone AE15. This is the minor repair and maintenance of the travel lift bulkhead. Repairs will be to the landward end of the travel lift. All work will take place landward of the bulkhead. A temporary silt curtain will be placed in the water to contain any sediment runoff. A temporary staging area will be surrounded by double staked straw bales. 40 linear feet of the bulkhead is to be repaired. 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.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Janice Buchieri, 81 Shorewood Drive, East Falmouth, MA – For permission to pump, fill and abandon cesspools and install Title 5 septic system.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to coastal bank and salt marsh. Two failing cesspools are to be pumped and filled with clean sand. The installation of the Title 5 sewage system will be on the easternmost portion of the lot and as far as possible from the resource areas. There is a variance from 310 CMR 15.211 as required to lessen the S.A.S to cellar setback from 20-ft to 15-ft. A vinyl liner is to be installed along the north and west parameters of the S.A.S. The existing water service is to be removed and re-installed to allow for the S.A.S. The owner mentioned an interest in pruning dead limbs from several oak trees near the coastal bank. Staff felt comfortable allowing the work under this RDA.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

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

Peter & Dyann Wirth, 88 Gardiner Road, Woods Hole, Falmouth – For permission to reconstruct and maintain the existing concrete perimeter wall and gate, construct a patio, reconfigure existing driveway, landscaping and all associated excavating, grading, planting restoration and mitigation

plantings.

Ms. McKay: No comment at this time.

Michael McGrath (Holmes & McGrath) presented abutter's cards. Resource areas include: vegetated wetland on the northern property line, Buzzards Bay, rocky intertidal beach, riprap, masonry wall. The project is to reconstruct the wall. The Selectmen have given their permission to reconstruct it. The existing wall will be removed as will the existing vegetation that will be replaced. There is a proposed patio and stairs to a small deck. Paved stone paths will be installed to the front entrance. There is a proposed pervious walkway. There is an existing landscape bed that will be planted with appropriate plants. (460-sq.ft of plantings). Previous aerial photos showed a lawn that now is crushed stone. There is a kayak rack on site.

Tim Houlihan (Zen Associates) The mitigation plantings will include: bayberry, beach plum, winterberry and bearberry. There will be a granite stone patio and two wooden stair systems to get to it. There will be a Japanese garden with natural boulders, granite pavers, crushed stone paving and reinforced turf. The lawn and the rosa ragosa will remain. The area outside the wall will be disturbed in order to build the wall. There are ornamental planters there that will be replaced with a mix of native plants. The existing boulders will line the walkway.

Ms. McKay: What is the date of the plan? We have a plan dated March 2019. (correct plan)

Mr. Lynch: Is there crushed stone around the pavers?

Mr. Houlihan: Yes.

Ms. McKay: We may update the mitigation plantings because of the pervious surface.

Mr. McGrath: It used to be lawn and now it is crushed stone. The area is completely enclosed and I don't see why removing the lawn and replacing it with shells will have an adverse affect on the wetland. There won't be as much nitrogen runoff.

Ms. McKay: I didn't say that it would, it is just the regulations. The discharge pipe going into the wetland will have to be addressed and the kayak rack must be removed from the wetland. The proposed reinforced turf area – we will need a cross-section on that and it may need to be mitigated for also.

Ms. Gladfelter: The client won't be using nitrogen on his lawn. As minimal as it might be – grass takes up nitrogen. To say it has no impact is not true. I would rather have woody vegetation.

Lawn does provide a function.

Mr. McGrath: Most of the time we worry about surface runoff. The area is surrounded by solid structure so no runoff will reach there.

Ms. McKay: You can't count it one way and then count it another way.

Mr. McGrath: We will need a continuance to discuss a few things.

Ms. Gladfelter: The pervious walkway around the house – what will it be made of?

Mr. Houlihan: Crushed gravel.

Ms. Gladfelter: At one time I went around the shoreline from north Falmouth to west Falmouth and in this area planters limited public access. Who owns the area to the right? You said that the Selectmen have allowed you to disturb the area and replant. Do you have a license?

Bob Ament (Falmouth Attorney) The license has been issued by the Selectmen. No portion of the wall will be on Town property. In order to rebuild the wall they have to disturb some of the Town owned property. New plantings along the wall will be an improvement over what is there now.

Mr. O'Brien: No questions or comments.

Mr. Bird: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Walsh: No questions or comments

Mr. Gurnee: No questions or comments.

Mr. Bird: At the request of the applicant's representative I move to continue the hearing until May 8 2019.

Ms. Gladfelter: Second.

Mr. O'Brien: Is this contingent on the owner coming back from Europe?

Attorney Ament: We will have communication with the owner in time to file.

Mr. Mathews: Unanimous, so moved.

Falmouth Yacht Club, 0 Clinton Avenue (46B 02 020 000H), Falmouth, MA – For permission to continue beach maintenance and nourish the beach with 500 cubic yards of sand.

Ms. McKay: No comment at this time.

Michael McGrath (Holmes & McGrath) presented abutter's cards. This is virtually the same as the previous OOC. Resource areas include: Vineyard Sound, coastal bank, coastal dune, riprap, stony beach. We will bring in 500-cu.yds of compatible sand. We will use the same type of sand as used before. 600-cu.yds were used for nourishment before. How much is gone? 600-yds. Mr. McGrath presented colored plans.

Ms. McKay: Beach maintenance activities will be provided as well.

Mr. McCarthy: They will rake the beach and perform normal activities.

Ms. McKay: Leave 10% of the rack. Thanks for the illustration. Mr. McGrath sent in an opinion letter which will be placed in the record.

Mr. Patton: It's existing cobble and used to be sandy. Will the sand go right over the cobble?

Mr. McGrath: Yes.

Mr. Walsh: Is the applicant requesting permission for 600 or 500 cu.yds?

Mr. McGrath: We have applied for 500-yds.

Mr. Walsh: The document shows the mean high water. Will the sand go further toward the ocean?

Mr. McGrath: We can't do that. The heavy dashed line is the limit of the nourishment. The heavy blue line is the mean high water line.

Mr. Gurnee: No questions or comments.

Mr. Mathews: Who benefited from the 600-yds?

Mr. McGrath: I don't know.

Ms. Gladfelter: Is there approximately a foot of sand on the beach now?

Mr. McGrath: Yes.

Ms. Gladfelter: When does Vineyard Sound turn into Nantucket sound.

Mr. McGrath: Probably around New Seabury.

Ms. Gladfelter: The mean high water height - where does that come from?

Mr. McGrath: It's from a software program where we show the gradual increase of mean high water.

Ms. Gladfelter: In 2012 was it calculated that way too?

Mr. McGrath: Yes.

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.

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

Jennifer Linville, 91 Gunning Point Avenue, Falmouth, MA – For permission to perform invasive species management, install native plantings, create a foot path and modify existing deck.

Ms. McKay: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. The property has frontage on Gunning Point Avenue and Sippewissett Road to the east. Resource areas include: BVW, two isolated wetlands, fragmented coastal bank, two flood zones – AE 16 and VE 16, Velocity zone. There is a single family dwelling on the property. The project is to square off the deck - 120-sq.ft – that will be supported by 3 sonatubes. The deck is up in the air. There will be a slight cantilever of the deck and a second story deck above the existing deck. We are proposing 2 other activities –

seeking permission for a 4-ft wide meandering path to Flume Pond. (There is a memorandum of understanding between two properties allowing the use of the path). The second activity is for vista pruning (25-ft) done according to your standards. There will be invasive plant management. The area will be fully restored with the installation of trees and significant native plantings.

Maria Hickey (Maria Hickey Landscapes) The meandering path will go through the trees. There is a significant area of property along Gunning Point Ave. and Sippewisset Rd. In that area are three dead trees that are encased in vines. Because of them you don't have clear visibility going in and out of the property. There is no native vegetation. We will remove the native shrubs and vines and then replant. On the corner of the proposed deck are two native trees (a Holly and a cedar) that the client wants to protect because they provide screening. A black oak with a split leader is leaning toward the house. Half of the tree is dead and we would like permission to remove it. We are seeking permission to replant a higher habitat value landscape. Erosion control barriers will be installed. We will plant tupelo trees to absorb road runoff. They will provide a canopy also. There will be a buffer of pollinators along the roads. There is limited habitat value there now. The path will be denoted by clethra and blueberry.

Ms. McKay: Are you extending the deck?

Mr. Borselli: Just squaring it off.

Ms. McKay: Will there be a second story on it?

Mr. Borselli: Yes.

Ms. McKay: Is there a level above it now? What is the total square footage of the new deck including the second story one in the Velocity zone?

Mr. Borselli: I didn't calculate that.

Ms. McKay: That's important. I'd like to know the square footage. The area that you're squaring off was the area of mitigation.

Mr. Borselli: The three blueberry bushes will be re-located.

Ms. McKay: You will remove the mitigation plants that were required for the house and replace them with perennial pollinators. The hash marks show that previous mitigation is to be removed.

Ms. Hickey: We will replant the area with native shrubs.

Ms. McKay: The plan doesn't say that. I can't accept pollinators in there. There are a lot of these invasive removals that are not clear. You have to make these plans very tight. I don't want to see perennials or wild flower gardens. The Board has the discretion to tighten up the plan so there are no perennial plants in the buffer. Shrubs should be 3-ft on center in staggered rows. You can do perennial borders in addition to the shrubs.

Ms. Hickey: We will also plant bacchius – perhaps 4-ft on center because they grow fast.

Ms. McKay: Where is the mitigation provided for the increase in impervious surface?

Mr. Borselli: There is almost an acre of restoration with a small amount of impervious surface added. We could take out some of the patio but are only adding 120-sq.ft of impervious surface and the invasive management is a significant improvement.

Ms. McKay: It's up to the Board. We do need the calculations on the Velocity zone increase. You need to tighten up the hash-marked area. There should be no "perennials" in the A zone. It has to be woody shrubs - two gallon, 3-ft on center except for the bacchius. Do you have a plant count?

Ms. Hickey: I can get that for you. I did include native perennials. There is a large area for visibility and a narrow band of perennials.

Ms. McKay: I don't want to see perennials in Zone A. We have received a number of calls re the path. It would eventually trespass on additional property owner's ability to get to the pond, if they could only go across the Connolly's property.

Mr. Borselli: That's the only thing on the memorandum.

Ms. McKay: Does Mrs. Connolly's land go to the Pond?

Mr. Borselli: I'm not sure.

Ms. McKay: You have to give us a bigger view of it.

Ms. Hickey: We can demarcate the size of the path.

Mr. Bird: How far is the terminus of the path to the water?

Mr. Borselli: I will figure that out.

Mr. Bird: That should be resolved. When was the OOC issued for this house?

Mr. Lynch: In May of 2005.

Mr. Bird: I had some concerns about the area where you're proposing the deck at that time. It was designed in such a way that it would not impinge on the area you are now trying to impinge on. All of a sudden we're seeing "creep".

Mr. Borselli: Jen and I talked about that. I looked in all the records and I don't know why it was notched, but I don't see any reason why it can't be extended.

Mr. Bird: It might have been for access reasons.

Mr. Borselli: That won't be a problem.

Mr. Bird: In the area of the restoration I agree on the morass of invasives that do provide habitat. I'm not sure that the invasives won't keep encroaching back.

Ms. Hickey: There is some habitat value there now and we are asking to improve the habitat value. There are no trees in there now. Without removing invasives they would just grow up and choke the trees. There will be ongoing maintenance.

Mr. O'Brien: No questions or comments.

Ms. Gladfelter: With any project we do we have to make a decision on what may happen in the future. I'd like to see the list of plants, how big they are and the distribution of the plants. I'd also like to know where certain plants will be planted.

Ms. Hickey: A lot is based on site conditions when you remove the invasives. I do densely plant.

Mr. Patton: This will be a great improvement and it's an enormous project to take on. The maintenance part will be hard.

Mr. Walsh: It's a good project.

Mr. Gurnee: How will you take out the invasives around the wetland?

Ms. Hickey: By hand.

Mr. Gurnee: I'd like to see a rough layout of where you're planting the plants.

Ms. Hickey: Primarily the whole area will be re-vegetated. The planting plan will be based on site conditions.

Mr. Gurnee: I'd like to see a picture.

Mr. Bird: It would be useful to have developed a maintenance plan to keep the invasives from coming back. The OOC goes for 3 years but the maintenance will go out a lot longer. We need a concrete plan for maintenance.

Ms. Hickey: We will try to get out as much of the roots of the invasives that we can and make the native species become the dominant species.

Ms. Gladfelter: What do you do with all the stuff you remove?

Ms. Hickey: I get a burn permit and make a pit to burn it. It eradicates it.

Ms. McKay: How long will it take to develop the plan?

Ms. Hickey: Until Friday.

Mr. Borselli: I can submit it by May 1<sup>st</sup>.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until May 8, 2019.

Mr. Bird: Second.

Ms. McKay: Make sure you provide the information Mr. Bird asked for.

Mr. Mathews: Unanimous, so moved.

**CONTINUED HEARINGS UNDER A NOTICE OF INTENT**

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

Quorum: Courtney, Betsy, Jamie, Steve, Peter, Kevin

Ms. McKay: What is the date on the plan?

Mr. Borselli: (Falmouth Engineering) March 28<sup>th</sup>. Mitigation planting is being removed and replanted. The placement of the mitigation planting was a concern. We adjusted the configuration of the planting around the patio and grill. We will also put a fence along there and put the shed where it was supposed to be. We calculated the volume of sand needed at 15-20-cu.yds. The shaded area is from mean low water landward. We submitted the original landscape plan from 2007 when the house was approved. It itemizes all the plant species that were proposed.

Mr. Mathews: Is the Chapter 91 plan still pending?

Mr. Borselli: It hasn't been issued yet.

Ms. McKay: Was it 100 or 90-cu.yds of sand in the last OOC?

Mr. Borselli: 100.

Mr. Walsh: No questions or comments.

Mr. Patton: No questions or comments.

Ms. Gladfelter: No questions or comments.

Mr. O'Brien: Thanks for including the 2007 plan. There were wooden stairs installed then that didn't last long.

Mr. Borselli: Which is why we're proposing granite ones.

Mr. Bird: No questions or comments.

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

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

Steven & Stephanie Kasok, 39 Jetty Lane, West Falmouth, MA- For permission to remove invasive species and restore with native plantings.

Quorum: Peter, Betsy, Kevin, Courtney

Ms. McKay: No comment at this time.

Jen Crawford (Crawford Land Management) The Board requested that we use less of the small native shrubs. I reduced the number of small plants by 53 and added 73. We added markers to the edges of the area. We will not use any mechanical equipment. The timbers being replaced will be switched to wood with more longevity.

Ms. McKay: Thank you for the revisions to the plan. We talked about the size of the lawn area. How much is there now? Square footage?

Ms. Crawford: 4280-sq.ft of lawn.

Ms. McKay: You are removing vegetation in buffer zone B and the Board has the discretion to allow it or not. The Board has seen many plans of restoration projects that are removing invasives and replacing them with a turf lawn or wild flower pastures. This is becoming a slippery slope. The area in the Velocity zone – you can't remove the vegetation there. The Board has allowed it in the past but it's a dangerous thing to do in a Velocity zone. The Board can do what it likes.

Ms. Gladfelter: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Bird: I appreciate that you're delineating the area with boulders but we usually ask for a fence. I don't want a boulder wall there, but you could have boulders every 6-ft or so along that line. We would need a revised plan.

Ms. Crawford: Could we have the option to use a split rail fence or the boulders?

Ms. McKay: Sure.

Mr. Bird: You could put "either way" on the revised plan.

Ms. McKay: We can condition that and get a revised plan after.

Mr. Walsh: No questions or comments.

Ms. McKay: Last time it was suggested that you incorporate your wild flower mix in the lawn area. Was it considered?

Ms. Crawford: Yes.

Ms. McKay: It's not just this plan, but we have to protect the wetland resource areas.

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

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

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

Michael & Brenda Doyle, 318 Acapesket Road, East Falmouth, MA – For permission to amend DEP #25-4316 to install coir fiber rolls and beach access stairs from dock.

Ms. McKay: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. ConCom issued an OOC for a new dock and a buffer restoration and native planting. There is erosion at the toe of the coastal bank. We are proposing to stabilize the toe with a fiber roll system. The proposed beach stairs (4-ft wide) are for access to the beach. The former path is now occupied by the fixed pier.

Theresa Sprague (Blueflax Design) Because of a violation of the previous owner, we will remove some non-native vegetation and restore the area with native plantings. The pathway went down through the bank. They were required to put in a path that cuts across the top of the bank. The previous owners installed a large granite step and put stones into the bank. When we removed the granite step the stones came out of the bank. There is quite a bit of erosion from scarping. We are proposing a typical coir array of about 50 linear feet. It will be 3 logs high and about 15-ft long. We will be covering the bank to a depth of 6 inches with compatible sand. Work will happen above the bank. To get access we'll have to remove some of the shrubs on the top of the bank and replace them after. The steps have eroded away. There is no ground cover there. The previous path made much more sense. There will be a mini-excavator to install the coir logs. It will be a typical installation with anchors, etc. The bank will be blanketed and plugged with native grasses. There is some invasive vegetation – ragosa rose to be flush cut and native plantings installed.

Ms. McKay: Why did you file for an amendment?

Mr. Borselli: It seemed more efficient because it's an open permit.

Ms. McKay: This falls within the scope of the dock project? It's a fairly large project. In fact it probably should have been a full-fledged project. Are they removable stairs?

Mr. Borselli: Yes.

Ms. McKay: Will they be going into the marsh?

Mr. Borselli: No.

Ms. McKay: What are the stairs for?

Mr. Borselli: Access to the dock.

Ms. McKay: I know we discussed this in considering the OOC.

Ms. Sprague: We did discuss the erosion on the coastal bank.

Mr. Mathews: When does the OOC expire?

Mr. Borselli: In September of 2020.

Mr. Lynch: Is this for access alone or a DEP situation?

Mr. Borselli: It's for access for the applicant. The dock has enough height for public access.

Mr. Gurnee: It would be much more durable if you put bayberry or beach plum into the logs rather than grasses.

Ms. Sprague: Viburnum has worked very well. But we will wait for next winter to plant it. We don't want to de-stabilize the roll.

Mr. Walsh: No questions or comments.

Mr. Patton: No questions or comments.

Ms. Gladfelter: I couldn't figure out how it could be an amendment when I read it and I still can't.

Mr. Borselli: My interpretation is that it doesn't have to be specific to the OOC as long as it is still open.

Ms. Gladfelter read the regulations re amendments. This is a major change to the original project.

Mr. Borselli: I didn't look at it that way.

Ms. Gladfelter: Theresa gave us a lot of information which makes me feel more comfortable.

Mr. Mathews: Can you add conditions to this?

Ms. McKay: Yes.

Mr. O'Brien: No questions or comments.

Mr. Bird: Betsy's comments are correct. Is this one of those situations? Was the erosion exacerbated by the installation of the dock?

Ms. Sprague: The erosion was happening previously and the previous owner was trying to stabilize it by adding stones. When the stones were removed it caused more erosion.

Mr. Bird: Was the dock a replacement?

Mr. Borselli: It's all brand new.

Mr. Gurnee: It looks like the erosion is coming from the top of the bank. I'm not sure the solution will address that, but the matting will help.

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

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Kevin Skelly, 258 Edgewater Drive East, East Falmouth, MA – For permission to amend DEP #25-4362 to revise the construction access and remove two trees.

Ms. McKay: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. The OOC was issued to allow for the repair to the existing stone revetment on the seaward side. Resource areas include: coastline, beach area, land under the ocean, revetment, land subject to coastal storm flowage. There is construction access on the south boundary for a small bobcat. All heavy lifting will be done by the barge. There is a high cost and possible impact on the bottom with a barge. Therefore I feel it is better to move the access to the north side of the property. There are two trees in the way – one is small – a 6" holly and a 14" cedar tree. After the work is done we will install 4 new cedars in the area of the top of the revetment.

Ms. McKay: The existing septic system is under the paved driveway. Put in the wall before the septic. Better to have shrubs by the revetment and put the trees elsewhere.

Mr. Borselli: We can shift them back somewhat.

Ms. McKay: They could damage the wall.

Mr. Walsh: No questions or comments.

Mr. Gurnee: No questions or comments.

Mr. Patton: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Bird: No questions or comments.

Ms. Gladfelter: No questions or comments.

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

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Noah & Caroline Clements, 21 Little Lane, East Falmouth, MA – For permission to amend DEP #25-4343 to revise the location of proposed dwelling and reconfigure the driveway.

Ms. McKay: No comment at this time.

Raul Lizardi (Cape & Islands Engineering) presented abutter's cards. The OOC was issued in February of 2018 for a different house with a walkout design. There is no walkout on the new design. The septic system is as designed. The setbacks previously approved are increased by 5-ft. There is no requirement for planting. The 4-ft path is added to the mitigation.

Ms. McKay: No questions or comments.

Ms. Gladfelter: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Bird: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Walsh: No questions or comments.

Mr. Gurnee: questions or comments.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

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

Ray Samuels, 86 Weston Road, North Falmouth, MA – For permission to extend DEP #25-4195 by three years.

Mr. Lynch: The applicant has requested a three-year extension to do some interior work

Ms. Gladfelter: Move to extend the Order of Conditions for one year.

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

### **VOTE ORDER OF CONDITIONS**

Town of Falmouth (c/o James McLoughlin, DPW), 0 Oyster Pond Road, (Map 50 05 017A 000), Falmouth, MA

Quorum: Mark, Peter, Betsy, Kevin, Courtney

Ms. McKay: This is the cobble berm along the bike path.

Ms. Gladfelter: It's pretty straightforward.

Ms. McKay: There will be a time of year restriction. Staff will meet with the DPW prior to doing work. There will be a pre-construction meeting. Compatible cobble must be placed.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Nasir & Kay Khan, 434 Seacoast shores Boulevard, East Falmouth, MA

Quorum: Mark, Peter, Betsy, Kevin, Courtney

Ms. McKay: This is the reconstruction of an existing dock.

Mr. Lynch: The illegal float is to be removed. There will be a time of year restriction.

Ms. McKay: They need to put the right pilings on the plan.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Laurie Pierangeli & Christine Pipczynski, 361 Shorewood Drive, East Falmouth, MA

Quorum: Mark, Peter, Betsy, Kevin, Courtney

Ms. McKay: This is the proposed pool and deck just inside our jurisdiction.

Ms. Gladfelter: Move to adopt the Order of Conditions as discussed.

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

Kay Khan, 438 Seacoast Shores Boulevard, East Falmouth, MA

Quorum: Mark, Peter, Betsy, Kevin, Courtney

Ms. McKay: This is the amendment for doing deck work in the front.

Mr. Lynch: There will be no more increases in the velocity zone after this.

Ms. Gladfelter: Move to adopt the Order of Conditions as discussed.

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

## **NEW BUSINESS**

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

Ms. McKay: There will be an Executive Session next week at 7:00 p.m. re 270 Sippewissett Road. At our meeting we will have a handful of RDAs, three new Notices and one continued Notice. Summer time is coming and we will be visiting properties. Although our summer residents are not down officially, you should knock on doors when you go out there just to be sure. Also the Pot Luck dinner is next week.

Mr. Gurnee: At this point we have no idea how the planting will be done in a number of Notices.

Mr. O'Brien: There is a new circuit rider from DEP. He is willing to put on a presentation at a meeting or send it as a power point presentation for our review.

Ms. McKay: Perhaps having landscapers present some of their projects before, during or after their work is complete will give you a comfort level. They do come out very nice.

Ms. Gladfelter: I'd like to take a field trip in a month or so and visit some of them we have approved.

Ms. McKay: We can try.

Mr. Mathews: It would be nice to see what we have approved.

Ms. McKay: Yes.

Mr. Bird: Especially the phragmites control on Little Sippewissett Marsh.

Mr. Lynch: How long a visit?

Ms. McKay: 15 to 20 minutes.

Ms. Gladfelter: Move to adjourn.

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary