

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

Present: Jamie Mathews, Acting Chair
Steve Patton
Russell Robbins
Mark Gurnee
Peter Walsh, Alternate
Kevin O'Brien, Alternate
Brendan Lynch, Agent
Jennifer McKay, Administrator

Absent: Betsy Gladfelter, Maurie Harlow-Hawkes, Courtney Bird

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

VOTE MINUTES

REQUESTS FOR DETERMINATION OF APPLICABILITY

Town of Falmouth (c/o James McLoughlin), Thomas B. Landers Road, Falmouth, MA- For permission to install a leaching basin, grass swale and stone lined waterway to Shallow Pond. Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to BVW/freshwater wetland, land under waterbodies, fresh water pond. This application is for stormwater improvements. The leach basin and swale will be located at the low point of Thomas B Landers Road. There will be a 1,000 gallon leach basin. There will be a vegetated swale along the edge of the pavement. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

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John Parker, 136 Waterside Drive, North Falmouth, MA- For permission to add two drywells and install plantings along the top of the stone rip rap.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to land under ocean, coastal beach, coastal bank, flood zone VE/AE. Plantings and drywells are to fulfill an expired OOC. The OOC required a 15' vegetated buffer along the top of rip rap. The existing plants are perennials. The perennials are to be replaced with native woody shrubs. (Bayberry, Sweet Pepperbush, Beach plum, Meadowsweet) Staff is comfortable with approving this RDA with the stipulation that we receive a revised plan by the end of the week (8/9/19). COC to be requested after plantings and drywells are installed. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

Melissa Beford, 118 Oyster Pond Road, Falmouth, MA- For permission to treat a stand of phragmite.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to land under waterbodies, BVW, salt pond, flood zone VE15. The existing stand of phragmites measures ~300 SF. The larger stand is located on an adjacent property. Staff informed the applicant and representative that a joint-effort would be more effective against phragmites. Hamilton Tree will do the treatment of the phragmites. There will be a wipe-on foliar application. Follow up treatments are necessary at the beginning of the growing season and at the end of the growing season. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

Shelby & Janet Mudarri, 4 Nichols Road, East Falmouth, MA- For permission to reconstruct existing concrete deck.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to land under waterbodies, coastal beach, coastal bank, flood zone VE/AE. The existing concrete patio will have a deck constructed above it. There will be a decrease in impervious surface due to the removal of a concrete walkway. The deck will be within the existing footprint of the concrete patio. No mitigation is required. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Josh & Lisa Bernstein, 282 & 288 Quissett Avenue, Woods Hole, MA- For permission to continue maintenance of invasive species previously approved under DEP #25-3677 & 25-3708.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to land under waterbodies, coastal beach, salt marsh, coastal bank, flood zone VE/AE. This RDA is for continuing maintenance of invasive species at 282 & 288 Quissett Avenue. The properties were issued on separate OOC's for a coastal bank restoration in 2010. Each property received a COC in the fall of 2018. The maintenance plan will follow the original conditions of the OOC. . Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Walsh: Second.

Mr. Mathews: This is for invasive management. Do they need a DEP #?

Ms. McKay: No, this is for the rain garden restoration and the invasive management. Wilkinson Environmental came back with an RDA to do the invasive management part.

Mr. Mathews: Unanimous, so moved.

Michael & Suzanne Bennett, 45 Gunning Point Road, Falmouth, MA- For permission to control invasive species.

Mr. Lynch: Jurisdiction: within 100-ft resource area buffer to land under waterbodies, coastal beach, coastal bank, flood zone VE/AE. This property has a heavily vegetated area at the top of the coastal bank. The vegetation extends back over 100' from the top of the bank. The vegetation includes bayberry, rosa rugosa and massive amounts of bittersweet and other invasives. The past homeowner stopped maintaining the invasive vines and the new homeowners wish to maintain native vegetation.

This RDA is for maintenance of bittersweet that has begun to grow into the maintained foot path as well as vines that are overtaking the native stand of vegetation. There is one dead pine next to the house that can be removed. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Robbins: Second.

Mr. Mathews: Are there open notices on this property?

Mr. Lynch: No.

Mr. Mathews: Unanimous, so moved.

REQUESTS FOR HEARINGS UNDER A NOTICE OF INTENT

Town of Falmouth (c/o Gregg Fraser), 55 Old Dock Road, West Falmouth, MA- For permission to replace the existing boat ramp with a pile-held ramp and float system for public use.

Ms. McKay: No comment at this time.

Michael McGrath (Holmes & McGrath) presented maps and abutter's cards. The project is to reconstruct the boat ramp on West Falmouth Harbor. The existing ramp drops down several inches and the project is to extend it with three concrete blocks so that there is enough depth for boats to be launched. There is a cross-section on the plan of the before and after ramps. The concrete blocks will be cast in place above mean high water. There will be floats on the NE side of the ramp. There will be two 12" piles that are untreated to help in loading and unloading trailers. The piles will be driven. There will be a silt curtain to limit potential turbidity during construction. We hope the Board will waive a shellfish survey. This will be an improvement over the existing conditions.

Mr. Lynch: No questions or comments.

Ms. McKay: You understand that you will be under a time of year restriction from DMF?

Mr. McGrath: Yes.

Ms. McKay: You will have a silt curtain but no coffer dam?

Mr. McGrath: Correct. Cofferdams are very expensive. I think the silt curtain is sufficient and I have done it this way in the past.

Ms. McKay: Where?

Mr. McGrath: Once in Waquoit and at White's Landing about 20 years ago.

Ms. McKay: The ramp has been in disrepair for a long time. We will monitor the progress.

Mr. Mathews: Do you have a DEP #?

Mr. McGrath: Yes. But we still have to deal with DMF, the Army Corps of Engineers and Chapter 91 which will probably want a water quality search.

Ms. McKay: There will be a seasonal float held by two piles. Will the floats have stops?

Mr. McGrath: I'd have to drive more piles.

Ms. McKay: Are they pilings or pipe piles? Will they be left in? Are they resting on the bottom?

Mr. McGrath: Yes.

Ms. McKay: How many more piles would you need for the stops?

Mr. McGrath: 10.

Ms. McKay: Will they be resting on the bottom at low tide?

Mr. McGrath: They will be in 2-ft of water. I don't know if they will be resting on the bottom.

Ms. McKay: It's 0.3 according to the soundings. Is there any way we can keep them from resting on the bottom?

Mr. McGrath: They will be resting on the bottom at low tide.

Ms. McKay: Is there more water on the other side?

Mr. McGrath: We can't put it on the other side. There is an existing seasonal float there.

Ms. McKay: Okay. I wish they weren't resting on the bottom. I'll work with the Harbormaster on

that.

Mr. McGrath: I have put legs on floats – they are 4x4 with pads on the corners.

Mr. O'Brien: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Walsh: Will the existing concrete slabs be taken out?

Mr. McGrath: Yes.

Mr. Walsh: Will the concrete slabs have grooves so that the vehicles will have traction?

Mr. McGrath: Yes. They are manufactured and made for boat ramps.

Mr. Walsh: There is a 7.8% slope – will it be the same all the way?

Mr. McGrath: It will be just at grade at the far end.

Mr. Walsh: The seasonal docks will be taken out and put back?

Mr. McGrath: Yes.

Mr. Walsh: Are they readily attached and un-attached seasonally?

Mr. McGrath: Yes.

Mr. Walsh: DMF has a time of year restriction between January 15th and May 31st. Is that okay?

Mr. McGrath: I agree with it.

Mr. Walsh: The habitat loss may require mitigation.

Mr. McGrath: There is a significant drop here. Yes there may be habitat loss, but it will be for public use. This will also prevent disturbance on the bottom.

Mr. Gurnee: Will you break up what is there now?

Mr. McGrath: Yes, they have to come out.

Mr. Gurnee: What will be under the concrete slab?

Mr. McGrath: A shadow layering (6-8 inches) of stone aggregate which will be put in based on best methods. There will be some disturbance and may be minor dredging.

Mr. Gurnee: How will you tie the slabs together?

Mr. McGrath: It is a manufactured system recommended for boat ramps and they meet the State guidelines.

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

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

VOTE ORDER OF CONDITIONS

Kenneth & Lorraine Montuori, 28 Pine Bank Road, North Falmouth, MA (8/07/19)

Ms. McKay: This is the installation and restoration of a salt marsh. I reached out to ConCom in Chatham re their OOC issued for two similar projects. It's a new concept. When the marsh starts to come back it will be a protected resource area. It will push closer to the property boundary as it comes back. All work is above mean high water. Special conditions will include a pre-construction staff meeting and the fact that Wilkinson will be the sole contractor and if any other contractor is chosen they must come before the Board.

Mr. Mathews: Does Wilkinson actually do the work?

Ms. McKay: Yes, they do the work themselves. They have an installation crew. Other conditions: no equipment is to be stored in resource areas overnight, monitoring after storm events, an annual monitoring report on the project is required.

Mr. Robbins: They want to start planting in September.

Ms. McKay: They want to install plants this fall, but they have to do another survey before they start. A survey was done last fall and if they have to re-design the project, they will have to come back to us.

Mr. Robbins: Can that be decided administratively?

Ms. McKay: They will have to come back to the Board. They will have to come in with an RDA for the phragmites removal. Other conditions will include a licensed applicator, pre-construction survey; if core cobble array becomes exposed and can't contain the cobbles, they must contact the Conservation Agent. All normal conditions will be included.

Mr. Mathews: Any comments from DMF?

Ms. McKay: No, the project is above mean high water. They don't actively seed the area so it shouldn't be a problem.

Mr. Patton: Were there any comments from Chatham?

Ms. McKay: Their two resource areas are a little different. There are some concerns but they are watching it carefully.

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

Mr. Patton: Second

Mr. Mathews: Unanimous, so moved.

Kevin & Kira Connors, 59 Waterside Drive, North Falmouth, MA (8/07/19)

Mr. Mathews: This is the raze and rebuild project.

Mr. Lynch: Pretty standard conditions. There is a coastal bank along the road. They are decreasing the size of the house and shifting the limit of work.

Ms. McKay: They are on the inland side of Waterside Drive.

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

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

Anne Leavitt, 32 Parker Road, East Falmouth, MA (8/07/19)

Mr. Mathews: This is the new house on undeveloped land.

Mr. Lynch: It's a fully vegetated lot. There was a question of a vernal pool but it is actually a isolated wetland. No mitigation is needed. Standard conditions and pre-construction photos are proposed.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Town of Falmouth (c/o Chuck Martinsen), Within Eel River Estuary, East Falmouth, MA (8/07/19)

Ms. McKay: This is the pilot oyster project on 3 sites in the Eel River Estuary. They will be leased out to growers. All the usual special conditions for this type of project will be noted. There will be working floats spaced for access. They will use helical screws to hold the bags.

Mr. Robbins: They gave an excellent presentation.

Ms. McKay: They have been working on this for awhile. It's a well thought out proposal.

Mr. Walsh: Do we have a DEP #?

Ms. McKay: Yes.

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

Mr. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

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

Mr. Mathews: There is no meeting next week. I'd like to wish Brendan good luck in his new

endeavor and let him know that he will always be welcomed back.

Mr. Robbins: You have been such a great help to the Building Department and we will miss you.

Mr. Lynch: I'll miss all of you too.

Ms. McKay: The Board of Health and the Board of Selectmen will hold a joint meeting tomorrow to discuss the mosquito samples in the three sites in Falmouth (Treetops, Woods Hole and behind Town Hall). They anticipate that spraying will have to be done in these areas. If members choose to go to the meeting, please limit it to three of you.

Mr. Robbins: Move to adjourn.

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 7:41 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary