

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, AUGUST 12, 2020, 7:00 P.M.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, **the August 12, 2020 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
 - a. Zoom Login instructions:
 - i. Instructions and the meeting link for this specific meeting can be found at the following web address:
<http://www.falmouthmass.us/1092/Conservation-Commission>
 - ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
3. Additionally public comments may be sent in advance of the meeting to concom@falmouthma.gov at **least 5 hours prior** to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.
4. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@falmouthma.gov so they may be displayed for remote public access viewing.

Present: Jamie Mathews, Chair
 Russell Robbins, Vice-Chair
 Betsy Gladfelter
 Maurie Harlow-Hawkes
 Courtney Bird
 Steve Patton
 Kevin O'Brien

Mark Gurnee, Alternate
Peter Walsh, Alternate
Pat Harris, Alternate
Jennifer Lincoln, Administrator
Kevin Newton, Agent

Also present as attendees:

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

Mr. Mathews instructed the public on how to use the Chat function for questions or comments on any of the hearings. All submissions will be read into the record.

OTHER BUSINESS

A request from T3C to approve the Municipal Certificate for Pariah Dog Farm.

Ms. Lincoln promoted Jessica Whritenour and Jonathon Polloni to panelists. This is to correct information re water on the property.

Jessica Whritenour (Executive Director – 300 Committee) We mistakenly presented information at the hearing last week re 10% of the water on the property was in Zone II for drinking water protection. After consulting the Zone II map it was made certain that none of the water on the property is in Zone II. This was an error from the drafting phase and I apologize for the error. The Municipal Certificate (MC) has been revised. The water is in the water resource protection district. The MC is correct. The 300 Committee purchased the Conservation Restriction (CR) from Matt Churchill (owner of the property). We have received a grant from USDA who is signing off on everything. The Select Board and the State are also signees. A public benefit must be acknowledged in order for the Commission to sign the Municipal Certificate. The primary benefit is that it is a farmland protection project. 98% of the property is prime soil. We discussed the concept of organic farming being a part of the Municipal Certificate and we believe that it is not appropriate here. Thank you for your willingness to reconsider.

Jonathon Polloni (Attorney representing Matt Churchill) Ms. Whritenour did a good job of presenting the project. I would like to talk about a few things that I wrote about in my letter to the Commission. The purpose of the CR is to preserve the agricultural value of the Pariah Dog Farm. Having shopped there I know that the quality of the food is outstanding. Open land will be preserved through the CR. It is a legal document and very thorough about restricting development not being used for farming. It reverts back to open space. There is a building parcel for facilities necessary for farming. It has been seven years since this process was started. It would be difficult to achieve organic certification as it takes about 3 years and requires a lot of reporting. Mr. Churchill relies on volunteer labor. The purchase will help him to pay off his mortgage and get the farm paying for itself.

Ms. Lincoln: We are usually involved with the 300 Committee in a different role. This one is to affirm public interest. We do not own the CR.

Mr. Newton: No questions or comments.

Ms. Harlow-Hawkes: **Move to accept the Municipal Certificate with the corrections.**

Ms. Gladfelter: **Second.**

Ms. Gladfelter: This is definitely in the public interest. It's unfortunate that we were given mis-information concerning the water supply.

Mr. Bird: I supported the concept for organic certification, but preserving farmland in Falmouth is extremely important. That was the wrong call and this one is the right one.

Mr. Mathews: We made a call on the information we had.

Mr. O'Brien: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: Thank you to all the people who made comments. I support this.

Mr. Mathews: Thank you to everyone for the revisions. Is there anyone of the Chat function?

Ms. Lincoln: No.

Mr. Mathews called for the vote.

Mr. Mathews: **Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; O'Brien, aye; Patton, aye. Unanimous, so moved.**

Mr. Patton: Do we need to do anything re the vote we took last week?

Mr. Mathews: No. We voted on an amendment last week. That is not attached to this request.

Ms. Gladfelter: It has nothing to do with the CR.

Ms. Lincoln: Pariah Dog Farm says thank you on the Chat function.

VOTE MINUTES

8/5/2020

Ms. Harlow-Hawkes: Move to adopt the minutes as written.

Mr. Patton: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Paula A. & Richard F. Sette, 64 Edgewater Drive East, East Falmouth, MA – For permission to remove existing concrete patio, install drywells, and to install pavers

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to coastal bank, land under the ocean, land containing shellfish, salt marsh, and within flood zone AE 12. This RDA is remove an existing concrete patio and to replace it with pavers. There will be no increase in impervious surfaces; all work is located under the existing deck. No mitigation required. 2 drywells are also proposed to be installed an connected to the roof drains. Staff recommends a negative 2 (under the State) and negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Falmouth, Robert McCormick, 93 Teaticket Path, East MA – For permission to remove an 8’ section of railing on the south side of the dock in order to construct a ladder on the dock

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to Land Under Salt Pond, Land Under Ocean, Salt Marsh, Coastal Bank and Resource Area Buffer and within flood zone AE12. This RDA is remove a section of the existing licensed pier in order to construct a ladder. The ladder is proposed in order to allow for access for launching kayaks No other alterations are proposed to the dock. As per the OOC for the pier, only one boat may be moored at a time. Special Condition #6 for MA DEP 25-3990 “A railing or similar barrier shall be constructed on the south side of the pier to further discourage the mooring of multiple boats. Staff recommends a positive determination based on the special conditions for the dock. Staff recommends a Positive 3 (under the State) and Positive 5 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Lincoln promoted Robert McCormick to a panelist. When this project was before us the Commission recommended that the dock have a T or L shape at the end. This is a straight dock and the railing was to be installed so only two boats could be on the dock.

Robert McCormick (applicant) We have had this dock since 2015 but it was not used until this year. It is a straight dock. On the north side there is a mooring field and we would like to launch kayaks and paddle Boards from the dock. There is a lot of sea grass in the area. There is a 14-ft area of water that abuts our property and we can’t use the area for paddle boards and kayaks without removing the railing.

Ms. Lincoln: We have received a letter from the abutting neighbors about the request to use the other side of the dock. The letter also mentioned that there was a motorized boat attached to the dock.

Mr. McCormick: There is no motorized boat there now. We are trying to protect the sea grass. There is over 14-ft of waterfront there.

Ms. Lincoln: Mr. Sleeper is on the Chat function. The only location is behind my mooring field and my floating dock.

Mr. Mathews: Should they come back for an NOI?

Ms. Lincoln: Yes.

There were no further questions or comments from the Commission.

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

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, no; Patton, aye; O’Brien, aye; Walsh, abstains; Harris, aye. 8 aye; 1 no; 1 abstention. The motion is passed.

Charles Breen, 18 Spartina Place, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to coastal bank, BVW, salt marsh and within flood zone AE17. This RDA is to vista prune according to FWR 10.18(10)(b). Staff met on site with David of Hamilton tree to review scope of work. Applicant has received multiple vista pruning permits in the past and has followed the regulations. Applicant has also provided written approval from the association to conduct vista pruning through their property. Looking at the vista window from the deck, the large oak tree located beyond the bottom left of the vista window on the

edge of the salt marsh shall not be pruned. Staff recommends a negative 2 (under the State) and 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: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Mary Ann & Richard Bradshaw, Trustees of Mary Ann Bradshaw Revocable Trust, 8 Elysian Avenue, Falmouth, MA – For permission to add a second floor addition to an existing house within the flood zone.

Mr. Newton: Jurisdiction: within flood zone AE 13. RDA is to add a second floor to the existing house with no increase in footprint and to rebuild the existing vestibule in the same footprint. Entire lot is located within flood zone AE 13. No other resource areas located within 100 ft of work. 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.

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Laurie E. & John E. Cadigan, 11 Beebe Acres Road, Falmouth, MA – For permission to construct a small addition to an existing house within the flood zone.

Mr. Newton: Jurisdiction: within flood zone AE 12. RDA is to reconstruct an existing porch, to construct a small addition to the front of the existing house, and to install a drywell. Entire lot is located within flood zone AE 12. No other resource areas located within 100 ft of work. No mitigation required. Staff recommends a negative 2 (under the State and bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Patton: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Jason Gesing, 39 Davis Neck Road, Falmouth, MA – For permission to vista prune according to FWR 10.18(10)(b).

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to BVW and within flood zone. This RDA is to vista prune according to FWR 10.18(10)(b). Staff to meet on site with David of Hamilton tree to review scope of work. Staff has provided copies of the vista prune regulations to the applicant. Current buffer area is thick and thriving. Staff recommends a negative 2 (under the State) and 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.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Russ and Elise Phillips, 105 Coonamessett Circle, East Falmouth, MA - to vista prune according to FWR 10.18(10)(b).

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to an inland bank, land under water body, and within zone 2 of a public water supply. This RDA is to vista prune according to FWR 10.18(10)(b). Staff has previously been on site to review work for path maintenance. RDA approved by the Commission in July 2020. Hamilton Tree will be completing the vista prune. Shrubs on the inland bank shall not be pruned. Applicant has also provided written approval from the association to conduct vista pruning through their property. Staff recommends a megative 2 (under the State) and 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: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Sostek Family Management Trust, 448 Seacoast Shores Boulevard, East Falmouth, MA – For permission to renovate the existing single family dwelling, construct a second floor addition, construct a balcony, and to install mitigation plantings.

Mr. Newton: Jurisdiction: within 100 ft resource area buffer to lan under the ocean, land containing shellfish, salt marsh, coastal dune, and within flood zone VE 14/AE12. This RDA is to renovate the existing single family house, including adding a second floor addition. Approximately 51 SF of the proposed balcony is within FWR buffer zone B. 105 SF of mitigation is proposed. No excavation is proposed. Mitigation plantings will be installed prior to construction. Temporary above ground irrigation will be provided. Once plantings are installed, the applicant will contact the Conservation Staff for an inspection. Staff recommends a negative 2 (under the State and bylaw). Resource area boundaries are not confirmed by this RDA.

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

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Bruno DiFazio, 41 Moonpenny Lane, Falmouth, MA – For permission to construct a single family dwelling with all associated clearing, grading, and landscaping.

Ms. Lincoln promoted Michael Borselli to a panelist.

Michael Borselli (Falmouth Engineering) This is #41 Moonpenny Lane also known as Lot #1. The property has frontage on Bourne's Pond. Resource areas include salt marsh, BVW on the southeast, low profile eroding coastal bank and land subject to coastal storm flowage. The no disturbance zone A's and B's are on the plan. The project was carefully designed to conform to resource area buffer regulations. The dimensions and shape of the house were all proposed for

activity to be outside of zone A. The work is in outer zone B and 25-ft from the coastal bank. There is a boundary AE12 and VE14 and a 25-ft Falmouth wetland line. The project is outside of the Velocity zone. There is a 10-ft separation from the limit of work. The septic system is as far as possible (100-ft) from any wetland resource. It has a 4-bedroom capacity. The first floor is at 15.9-ft. There is no basement. The driveway leads to Moonpenny Lane. We worked closely with the owner to have the house fit the site. The staff report had a few issues: (1) the lot is completely wooded – there are over 100 trees on the lot. Staff recommends that we locate trees within 25-ft of the limit of work to be preserved. We will do that and submit a revised plan; (2) there is no foot path to the water on the plan because it hadn't been thought of. A path will be 4-ft wide and will be put on the plan; (3) Mr. Borselli quoted 10.1(a) in the regulations. No mitigation is required with work within zone B, but improvement must be shown. Native plants will be planted around the limit of work. I will put them on the plan. The entire project has been designed with the regulations in mind.

Ms. Lincoln: To be consistent with other projects, we like to see paths on the plan. We did work with the applicant on the placement of the house. We know where the plantings are. This is in the Bourne's Pond overlay district. Has your client considered a denitrifying septic system?

Mr. Borselli: I have not spoken to my client about that.

Ms. Lincoln: It would be helpful.

Mr. Robbins: It would be good to have the footpath on there.

Mr. Patton: Having the trees and the path on the plan is important.

Ms. Gladfelter: I have the same concerns.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: You did a wonderful. It avoids most of our concerns.

Ms. Harlow-Hawkes: You can't put the mitigation too close to the house. The pond is stressed out with nitrogen. I encourage you to discuss a denitrifying system with your client.

Ms. Harris: No questions or comments.

Mr. Walsh: Is our rule about the number of trees and inches to be removed be noted on the plan still in effect?

Ms. Lincoln: We want a survey within 20-25-ft to remain on the lot in zone A. We have no problem with trees being removed to build the house. We're just concerned with the trees along the limit of work line.

Mr. Mathews: Anyone on the Chat function?

Ms. Lincoln: No.

Mr. Mathews: Do we need a continuance for the revised plan?

Ms. Lincoln: Yes.

Mr. Borselli: I would like a continuance until August 26th.

Ms. Lincoln: We are fairly busy on the 26th with several Notices.

Mr. Mathews: Could you live with September 2nd?

Mr. Borselli: There is a possibility of a purchase and sale agreement.

Mr. Mathews: Would it just be to accept the revised plan?

Ms. Lincoln: Yes.

Mr. Mathews noted that Selectman Sam Patterson and Amy Coughlin were attendees.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until August 26, 2020.

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Frances M. Keegan, 42 Deer Run Lane, Falmouth, MA – For permission to rebuild existing steps, to extend a stone wall, to conduct invasive species management, to replace invasive species with beech grass and to install mitigation plantings.

Ms. Lincoln: The applicant has requested a continuance until September 2, 2020.

Mr. Bird: At the request of the applicant I move to continue the hearing until September 2, 2020.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Wendy Hill and Susan Condon, 268 Surf Drive, Falmouth, MA – For permission to install a tight tank wastewater holding tank and to abandon the existing cesspool.

Quorum: Russ, Betsy, Maurie, Courtney, Mark, Steve, Kevin, Peter

Ms. Lincoln promoted Michael Borselli, Stan Humphries and Brian Wall to panelists.

Brian Wall (Attorney for the applicants) I reviewed the Staff report and would like to respond to it and comments from the Commissioners at the last hearing. The applicant mentioned in a letter to the Commission that a neighbor was complaining about the noxious fumes coming from the incinerating toilet. Neighbor is not the right word. Hill and Condon are “tenants in common”. Wendy owns 50% and Susan owns 50%. They are co-owners. Mr. O'Brien had concerns about connecting the tight tank to neighboring properties. That is not what will happen. Staff report (1) the Board's concern with consistency in rulings with other properties on Surf Drive, i.e. #410. The applicant at 410 wanted to abandon a cesspool and install a tight tank. The request was withdrawn and there was no decision. Staff had made comments against approval but we don't know the outcome. On #322 Surf Drive the applicant proposed the abandonment (April, 2019) of a cesspool and the installation of a tight tank and it was approved; (2) FWR 10.03 talks about the site of septic systems – no new waste water systems can be installed in a Velocity zone and there can be expansion of use. A tight tank is not a new septic system by definition.

Approval can only be granted if there is failure. This is not a new system. Expansion of use – Atty. Wall read 10.03. Currently permitted is a cesspool for gray water and an incinerating toilet for black water. If this project is approved there will be no discharge into the air or the ground. The Title 5 Zoning regulations talk about the use of land and change in use. This is not a change of use or expansion of use. It will be exactly the same if the Commission approves it. Title 5 requires you have 110 gallon use per bedroom. There is no addition of bedrooms. Title 5 allows an upgrade but you can't increase flow and don't have to meet the setback requirements. There is no change in expansion or use. I feel that I have successfully rebutted the comments in the Staff report.

Stan Humphries (ECR) I reviewed the plan and the NOI. You have my August 4th letter and I believe this project applies under the coastal dune regulation.

Ms. Lincoln: I would like to clarify our decision re 322 Surf Drive. The cesspool was receiving black water. We issued a negative determination. On 410 Surf Drive it was an expanded use of

the system. No black water was going into the cesspool. This is the installation of a concrete structure in a barrier beach and coastal dune and is an expanded use. There will be the hook up of an additional bathroom. The Commission does not look at it from Zoning or Title 5 regulations. We look at it from our environmental regulations.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: I see no environmental effect with this project. It is a sealed structure and no sewage will come out. It's next to the road. There is no negative impact to the project.

Ms. Harlow-Hawkes: I read a report from ECR that says that since 2009 there has been accretion there. In 1991 Hurricane Bob washed that building away. The dune has been impacted by storms and the structure will be impacted also.

Mr. Walsh: I agree with Mark.

Mr. Robbins: The structure will be under the dune. The incineration toilet is under the structure.

Mr. Patton: I support the project.

Ms. Gladfelter: I support Maurie's view. Our job is to protect the environment. Ms. Gladfelter read a couple of sections from the Massachusetts Barrier Beach Task Force. In a major storm the entire barrier beach will be liquid. The tanks act as additional groins. It will stay when the barrier beach moves landward. I'm not in favor of putting hard structures into a beach for a house that may be temporary.

Mr. Bird: I support Jen's interpretation. For a number of years these places were abandoned. Re-introducing sewage is an expanded use. We allowed a tight tank in another location and did not allow one in another case. I lived through the 1954 hurricane and Hurricane Bob. The houses along Surf Drive ended up on the other side of Salt Pond. We are expecting significant sea level rise over the next few years. Much of the beach will be under water. These houses are grandfathered. No new structure would be allowed. We have to be stringent on development. It is an expanded use because of the black water. Composting toilets are very viable.

Mr. Mathews: Anyone on Chat function?

Ms. Lincoln: No.

Mr. Humphries: Re the barrier beach: erosion and flooding sometimes combine all along Surf Drive. There has never been a shoreline close to the road since the 1800's. Long term erosion is 2-ft per year. Hurricane Bob and the 1954 hurricane were 100-year flooding providing vertical water over the site and across the road. The houses at that time did not meet FEMA guidelines. These houses won't be washed away.

Attorney Wall: Re Ms. Gladfelter's concerns: there is already a cesspool. We are swapping one out for the other.

Ms. Harlow-Hawkes: I would like clarification from Mr. Humphries. The ECR information stated that 16-ft of accretion was experienced with 6-ft per year since 2009.

Mr. Humphries: That is the short term exchange since 2009. Long term the erosion will take the accretion away.

Ms. Gladfelter: I would add my CV into the record.

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

Mr. Bird: Second.

Mr. Mathews: Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye.. Unanimous, so moved.

Frank and Donna Skelly, 369 Edgewater Drive West, East Falmouth, MA – For permission to raze an existing single family dwelling and to construct a new single family dwelling, to add a new Title V septic system, and to reconfigure the driveway.

Quorum: Jamie, Russ, Betsy, Maurie, Bird, Mark, Steve, Kevin, Peter, Pat

Ms. Lincoln: The applicant has requested a continuance until September 16, 2020.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until September 16, 2020.

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

CONTINUED REQUEST TO AMEND THE EXISTING ORDER OF CONDITIONS

Robert Richards, 45 Little Neck Bars Road, Falmouth, MA – For permission to install an additional concrete slab area or to install a series of wood framed deck panels beneath the structure, and to install bayberry plants.

Quorum: Jamie, Russ, Betsy, Maurie, Bird, Mark, Steve, Kevin, Peter, Pat

Ms. Lincoln: Michael Borselli remains as a panelist. Attorney Wall and Stan Humphries are moved to attendees. The continuance was for a revision to the plan.

Michael Boselli (Falmouth Engineering) We had a second site visit with Jen. You have the revised plan and a letter to summarize the revisions. (1) snow fencing on the upper beach has been added to the plan; we are asking to keep it and have included a letter of support from the 300 Committee re the snow fencing (we should have asked them first). (2) there are the same stairs along the path to the beach that are rebuilt in the same footprint and the contractor is asking for after-the-fact approval. (3) the underside of the elevated house is completely open and we revisited the idea of expanding the concrete slab under the house. We plan to put clean, washed stone that will be inset in the sand to create stepping stones. It will stabilize the area to walk around. We thought the dune would stay but it doesn't. We think the fresh stone will stabilize the bedding. The blue-stone pieces from the driveway will be consistent with that.

Ms. Lincoln: No questions or comments.

Ms. Harlow-Hawkes: It's dry-laid – set in gravel.

Mr. Borselli: Yes.

Ms. Harlow-Hawkes: It's basically stone – not a patio.

Mr. Borselli: Yes.

Ms. Harlow-Hawkes: It would have been good if it were on the plan. It's 1300-sq.ft that is not on the plan. Did the electric line get addressed?

Mr. Borselli: It's a Comcast cable line. I will investigate it. I don't think it serves their property. It's an overland cable.

Ms. Harlow-Hawkes: It was put in during the project.

Mr. Borselli: I will get information to you soon about it.

Ms. Harris: In the prior Order the intent was not to allow the shaded area to be impervious. It was to allow a dune to move through it.

Mr. Borselli: There is a wind tunnel effect under the building and the dune is expanding on the eastern side of the building, not under it.

Ms. Harris: It seems that something could be done to stabilize the sand going through according

to the original Order.

Mr. Borselli: Fencing under the building would impede access. The vegetation on the edge didn't work.

Ms. Harris: I share Maurie's concern that it is not on the plan.

Mr. Borselli: I will provide a detail of that.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Ms. Gladfelter: I have all the information I need. It's a creative solution.

Mr. Bird: You're talking about 6 inches of 1 ½ inch stone?

Mr. Borselli: Yes.

Mr. Bird: We will need to see a diagram so we know where the stone is. It may trap the sand. It's a good solution.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

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

Ms. Harlow-Hawkes: Second.

Ms. Lincoln: We need a revised plan. There is no border around it. How will they transition from the bluestone. They are adding 6 inches of stone.

Mr. Borselli: The stone will be blended into the sand.

Ms. Harris: We need a continuance.

Ms. Gladfelter: I withdraw my motion to close the hearing.

Ms. Harlow-Hawkes: I withdraw my second.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until September 2, 2020.

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

REQUEST TO EXTEND THE EXISTING ORDER OF CONDITIONS

Robert Richards, 45 Little Neck Bars Road, Falmouth, MA – (DEP# 25-4385) – Request extension to October 8, 2021.

Ms. Lincoln: The applicant has requested an extension until October 8, 2021. We did not advertise the correct DEP number and have to re-advertise it.

Mr. Borselli: I will withdraw the application with the wrong DEP # and re-issue the request.

Neil & Betty Watanabe, 8 Bridge Street, East Falmouth, MA – (DEP# 25-4359)-Request one-year extension.

Ms. Lincoln: The applicant has requested a one-year extension.

Ms. Gladfelter: Move to grant a one-year extension.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

VOTE ORDER OF CONDITIONS

Terrance and Megan Rogers, 35 Rose Meadow Lane, Falmouth, MA

Quorum: Jamie, Russ, Betsy, Maurie, Bird, Mark, Steve, Kevin, Peter, Pat

Ms. Lincoln: This is the pool near the coastal bank that is an already impervious area. There will be the regular standard conditions.

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

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Sandra Klein, 53 Bryant Point Road, North Falmouth, MA

Quorum: Jamie, Russ, Betsy, Maurie, Bird, Mark, Steve, Kevin, Peter, Pat

Mr. Newton: This is the mitigation planting, the invasive removal and planting according to the original Order.

Ms. Lincoln: How does the Board want to monitor it? They should have a three-year monitoring requirement. If we give them compliance they must post a Bond if there is a transfer of the property.

Ms. Gladfelter: Do they do the planting and invasive stuff before they get the Certificate of Compliance?

Ms. Lincoln: They do the project first. If the property is sold they must post a Bond. It's hard to say we won't issue compliance over a monitoring report.

Ms. Harris: If a seller posts the bond, there is no incentive for the buyer to comply with the 3-year monitoring requirement. I recommend a partial compliance upon installation of mitigation plants, and a full compliance certificate after 3-years of successful growth.

Ms. Lincoln: Good idea.

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

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

The Christine M. Moynihan Trust, 335 Shore Street, Falmouth, MA

Quorum: Jamie, Russ, Betsy, Maurie, Bird, Mark, Steve, Kevin, Peter, Pat

Ms. Lincoln: This is an amendment to add an AC and generator platform over the driveway.

Mr. Mathews: It will have the same conditions as a primary Order.

Ms. Lincoln: Yes.

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

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

Mr. Mathews: No meeting next week. Thank you to Adrianna and Tom for the IT work.
Ms. Lincoln: I will be out of the office next week.

Ms. Harlow-Hawkes: Move to adjourn.

Mr. Bird: Second.

Mr. Mathews: Mathews, aye; Robbins, aye; Gladfelter, aye; Harlow-Hawkes, aye; Bird, aye; Gurnee, aye; Patton, aye; O'Brien, aye; Walsh, aye; Harris, aye. Unanimous, so moved.

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary