

The Falmouth Conservation Commission  
**MEETING MINUTES - WEDNESDAY, FEBRUARY 5, 2020**  
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

Present: Jamie Mathews, Chair  
Russell Robbins, Vice-Chair  
Betsy Gladfelter  
Courtney Bird  
Peter Walsh, Alternate  
Kevin O'Brien, Alternate  
Jennifer Lincoln, Administrator  
Kevin Newton, Agent

Absent: Maurie Harlow-Hawkes, Mark Gurnee, Steve Patton

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

Mr. Mathews called Peter Walsh and Kevin O'Brien up to the quorum.

## **VOTE MINUTES**

### **REQUESTS FOR DETERMINATION OF APPLICABILITY**

Jeffrey Bush, 137 Lake Shore Drive, East Falmouth, MA- For permission to install a storage shed and mitigation plantings.

Mr. Newton: Jurisdiction: within 100-ft resource area buffer zone of land under water bodies. The RDA is for the after the fact approval of an already constructed 8'x12' shed. The applicant will install mitigation plantings in an area disturbed at the top of the bank. No other resource areas are located within 100 feet of the work. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Sam Slarsky, 127 Coonamesett Circle, East Falmouth, MA- For permission to vista prune according to FWR 10.18(10)(b).

Mr. Newton: Jurisdiction: within 100 feet resource area buffer zone of land under water bodies and inland bank. This RDA is to vista prune according to FWR 10.18 (10)(b). This vista prune aims to trim select branches and dead branches, remove dead trees and sucker growth, and selectively prune viewpoints through trees. Select debris will be removed. Applicant received permission from the association to vista prune through their property. Staff met onsite with the arborist to discuss the scope of the work. 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. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

Robert E. and Joanne D. Fallon, 71 Little Island Road, West Falmouth, MA- For permission to construct and maintain a 16' x 24' detached garage and deck and to install one drywell.

Mr. Newton: Jurisdiction: within 100 feet resource area buffer zone of a fragmented coastal bank, and within flood zone AE 17. The RDA is to construct a 16'x24' detached garage and deck; one drywell will also be installed for roof runoff. Garage and deck will be constructed in a previously approved garage location. It appears that two trees will need to be removed. The limit of work is established. No other resource areas are located within 100 feet of work. 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. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

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

Sharlene Cardoza, Trustee, Estate of Charles A. Cardoza 2012 Revocable Trust, 41 Mary Manuel Way, Falmouth, MA- For permission to construct a new single family dwelling with drywells and all associated clearing, grading, and landscaping.

Ms. Lincoln: No comment at this time.

Tom Bunker (BSS Design) The property is at the end of Mary Manuel Way. Resource areas include a several hundred foot wide salt marsh, flood VE elevation 14 and up, 25-ft Falmouth Velocity zone, a land form slope up to elevation 15 or 16 that is steeper than 10 to 1, coastal bank, at the base of the coastal bank is a Velocity zone that touches another wetland resource area 50-ft from zone A. This 50-ft zone A is further landward. The 100-ft zone A of the salt marsh is just a little bit seaward of that. The 100-ft further zone A is in a no touch zone. Uphill from the Velocity zone is a flood zone A, elevation 12, which is pretty much at the 12 contour which becomes a coastal bank and then the land is flatter and is no longer a coastal bank. Where the land form is flatter and is no longer a coastal bank it exceeds the slope at 10 to 1. The Town violated a no-touch zone by putting in a water main through zone A. The lot was created in 1977. Zone B is further out from WPA jurisdiction. There is another coastal bank off the page here and zone B makes another turn in this direction. Half of the lot is outside of zone A. It is a three bedroom house that will be put in a small area but there is not a lot of area left over for the house. The septic system has to be more than 100-ft from the coastal bank. The B line represents the coastal bank. With the garage on the east side of the house there is a 10-ft setback to the septic system. It is 10-15-ft from zone A. The slope of the land goes up to 20. This area of the lot will have to be cut down and the material will be brought out to lower the site so it's not too high to the road. Elevation 15 slopes up to high 17's and the floor of the house is at 19. No work is proposed in zone A. As required we will not do any excess clearing to create a lot in here. Dry wells will be installed for roof runoff, there will be a siltation fence around the limit of clearing and the bales will be staked. I did note in the narrative that the drainage will flow into catch basins. There will be a pervious driveway with very little runoff. In a larger rain event the runoff will flow landward rather than seaward. There will be not a lot of runoff in general.

Ms. Lincoln: The concern about the runoff from the driveway is we don't usually allow it to go into the road and we've had issues with that. I know you said it's a pervious surface and we all know with a stone driveway that with the packing of the stone dust, it's not so pervious. Is there any way to put drainage at the bottom of the driveway?

Mr. Bunker: We can do that. We can put some paving in the entrance to the driveway and add an inlet.

Ms. Lincoln: We've gotten calls from sites, particularly during construction, so would it be possible to bring the hay bales along the road as well? There have been issues with runoff from sites and this would make the whole site contained.

Mr. Bunker: Yes and the siltation that runs down can be put back.

Ms. Lincoln: The driveway area can remain open but don't have the whole site opened up like that. Bring it around the site if you can. Although you're keeping A intact the regulations do say that you need improvement in B. Have you thought of putting in cedars or anything else on the property?

Mr. Bunker, Yes, we can certainly do that. There was a question of being outside the B or inside the B. In the staff report there was a suggestion of being toward the neighbor. That's a good place for cedars and there will be wide open sun there.

Ms. Lincoln: Will there be enough room by the SAS to put them? 11-ft?

Mr. Bunker: Yes, there is 11-ft and the ground is going up toward the property line so there will be several feet. The SAS is a couple of feet down. The grade is higher. The only other question would be whether or not the applicant is going to want some sort of path to the marsh area.

Ms. Lincoln: I was just going to ask about that. We can handle that at a different time.

Mr. Bunker: Maybe handle that like a vista permit is done and decide on the direction of the path after the house is built.

Mr. Bird: The idea of a drain at the end of the driveway is a good idea. Given the type of surface make it one that is easy to clean out. It's not like a paved driveway. A good two-inch an hour storm will fill up any drain you have.

Mr. Bunker: It may be a trench drain.

Mr. Bird: As long as the homeowner or someone can clean it out so it doesn't defeat the purpose.

Mr. Bunker: Yes.

Ms. Lincoln: The only reason Mr. Bird is saying this Tom is that there have been a number of complaints about this type of thing.

Mr. Bunker: Okay.

Mr. Robbins: Will the applicant consider screening this property? There is a letter from a neighbor re this. Why would this be in front of us? Wouldn't this be between two neighbors?

Ms. Lincoln: Yes. We're just looking at a way of offering an improvement. That's all.

Mr. O'Brien: No questions or comments.

Mr. Walsh: Is the elevation around the house the proposed or the existing?

Mr. Bunker: The proposed is in the heavy wide lines and the existing is in the finer dashed lines.

Mr. Walsh: Okay.

Mr. Bunker: Behind the house you can see the solid line (17) crosses the dashed line at 19.

Ms. Gladfelter: I'd like to make a motion to close the hearing because it's very specific that you have to have drainage at the base of the driveway and several trees.

Mr. Bird: Second.

Mr. Bird: When can you get back to us?

Mr. Bunker: By next Wednesday.

Mr. Robbins: Are we going outside of what Town Counsel wants by doing this?

Ms. Gladfelter: No.

Mr. Robbins: I thought so.

Ms. Gladfelter: For things like a border between lawn and mitigation plantings maybe, but it says specific things. This slows down our process.

Ms. Lincoln: There will be drainage at the base of the driveway, hay bales, lines on the plan and improvement in zone B if possible.

Mr. Bunker: Will the cedar trees along the lot line be okay for improvement?

Ms. Lincoln: No I need them in zone B. Sorry, I thought zone B went to the lot line.

Mr. Bunker: I'm concerned about the cedars getting enough sun.

Ms. Lincoln: Think of something. I'm not going to be married to cedars. Give me a little bit of improvement in zone B.

Ms. Gladfelter: I'm amending my motion.

**Move. At the request of the applicant's representative I move to continue the hearing until February 19, 2020.**

Mr. Bird: **Second.**

Edward McCormick (abutter) I don't know how much jurisdiction you have over the right side of the property or if you are more concerned with the left side of the property? I'm not here as an opponent that says I don't want the house to be built because it's beside my property, but I would suggest that the requirements, whatever they may be, be met. If they are met I really don't have any beef on some for developing their property, but I would ask that whatever standards you have be strictly adhered to. My other comment and I'm not even sure if this is within your purview, but I'm asking anyway. Are you clearing?

Mr. Bunker: There will be clearing up close to the property line and the septic system and leaching field are 11-ft from the property line. It's sloping down from your lot to our lot. We're excavating on our lot down two or three feet so it will be sloping from your lot down to our lot.

Mr. Mathews: To be clear our jurisdiction stops at the blue line. Beyond that and up to your property line is out of our jurisdiction. What he is proposing meets all the Falmouth requirements for the septic system, etc. So the system can go where it is. It's 10-ft off the lot line so there will be a little bit of clearing and he is in his legal rights. It doesn't mean you can't ask Mr. Bunker to talk to the owner but he is not required to do anything else.

Mr. McCormick: My concern and maybe it's to the applicant's representative: if they do clear would they be willing to put in some vegetation to create a buffer?

Ms. Gladfelter: It's out of our jurisdiction, but you could talk to Mr. Bunker.

Mr. McCormick: I just want the Commission to do what's within the law.

Mr. Mathews called for the vote.

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

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

Mary Ann Pesce Choate, 58 Cape Codder Road, Falmouth, MA- For permission to raze existing house and construct a single-family dwelling, and pool, with all associated clearing, grading, and landscaping.

Ms. Lincoln: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. The previous OOC was issued to the prior owner. The work was completed. The new owner has asked us to assist them in obtaining permits to a similar but different project. This is a new NOI. We did use some of the same elements of the work done by BSS Design – the wetland resource delineation. In this case the resource areas are: land under the ocean, coastal beach, land subject to tidal action, a sloping land form that is actually armored and covered with vines and over growth because it's an armored coastal bank with an access stairway down. It meets the definition of a coastal bank. The top of the bank is shown following parallels to the riprap and then it turns because of the topography. It actually hits the existing house and follows along a retaining wall and then veers off in a northeastern direction. The bank is unique because it has no disturbance zone A. It has a 50-ft no disturbance zone in one location and a coastal bank that has a 25-ft no disturbance zone A. There is a 75-ft outer buffer zone B and a coastal bank that has no no-disturbance zone A. So it's technically a 100-ft outer buffer for zone B. We've shown on this plan that the hybrid no-disturbance zone A lines and we've shown the outer buffer zone B line. Effectively the entire lot is in jurisdiction. This is the existing conditions plan. There is a stairway down to the beach. To the north is an actual right-of-way for the neighborhood. No work is proposed in the right-of-way.

There is a concrete patio and there is a significant sized gravel driveway to provide access from Cape Codder Road. There are landscape shrubs planted along the driveway, the southerly side of the property is represented by the squiggly line and there is vegetation with a mix of invasive plants, briars, some vines and some native plantings mixed in. There is a lawn area and lawn along the south side of the house. There are four bedrooms in the existing house and the new house will have four bedrooms. This sums up the existing conditions. The proposed plan is color coded to make it a little easier to see the elements. We also ghosted the footprint of the existing house in red to show where the new house is relative to the other house. This is a classic re-development project and your regulations at 10.18 predominantly apply. The basic concept is you cannot come closer than the present primary structure to the most landward resource area. The architect was hired to design the building to meet those standards. The brown area shows that the house has been shifted back dramatically from the coastal bank but there is a patio in front of it and there is a pool. It was designed so that all the elements would fit on the site and still meet the setbacks of 10.18 because the existing house is just under 16-ft from the top of the bank and the pool is 22-ft from the top of the bank. On the north side we're not moving any closer to the top of the coastal bank. Submitted with the plan are exhibits that show impervious surface was calculated and we compared them to the proposed impervious surface calculations. If you review those exhibits and the tabulation of this plan you will see that the overall impervious surface is in zone A. The existing impervious surface is just under 2900-sq.ft and the proposed in zone A is being reduced to 2004-sq.ft. There's a net decrease in the A zone of 920-sq.ft. That was accomplished by pulling things back and away from the resources. By pulling back you're adding to the B zone so there is an increase in the B zone. That is all tabulated on the page. The net result of all the calculations there is a 2 to 1 ratio in actual required mitigation. (1,922-sq.ft). The lighter green area between the new house, the pool and the patio is proposed to be planted with native shrubs from the approved list and they will be planted in accordance with your spacing requirements. There are some native plantings that I'm not referring to as mitigation, but are within 10-ft of some of the elements so we cannot get credit for those. They are still an improvement and benefit to the native plantings. There is a proposed driveway associated with the new house and that is in gray. The new septic system is shown to be as far as possible from the wetlands. The limit of work is depicted as a red line that runs around the entire property on the seaward side and the north side has the right-of-way. The existing vegetation in the A zone on the south side is similar to the vegetation out here, but it is in the A zone and is not to be disturbed. Some proposed trees – 17 – are to be mitigation for 5 trees that are proposed to be removed. We are also proposing dry wells. We show where the pool equipment will be on the south end of the house and the AC unit will be beside the garage. This sums up the proposed project. Prior to tonight we had a staff meeting with Jen and Kevin to talk about a few things and specifically the area of vegetation in the B zone. Here on the south side of the property the planting has not been described at this point. The proposal is to remove some of the vegetation in the B zone and after a discussion with staff there is discretion as to what will be done with the vegetation. What we would like to do is consider how we analyze the the vegetation for its value. A lot of the vegetation is invasive and we have come up with a plan where we could remove the invasives and manage this area and plant it with native plants. That would constitute an improvement to the B zone from what is there. The language in FWR 10.18 talks about the expectation that you improve the B zones. We'd like an opportunity to do the improvement and not just plant grass. This plan doesn't really describe it except that there is some detail on Jen Mellila's plan. There is a proposal to plant some of the trees but there is a red cedar along the boundary. There is also a plan to plant eastern red cedars along the northern boundary. That is something that is already proposed but there's an opportunity in the open areas to do some more with plants and shrubs so we're happy to request a continuance when we can look into this with staff and come up with methods. I know you have discretion in the regulations in this section and we would like to demonstrate to you that we can make improvements.

Jen Melilla (Landscape Designer) The new driveway will be smaller than the other. We did not label the plantings in one area. There are plantings that are not mitigation or native in the back because they are yet to be determined. We wanted to discuss the B zone issue with you as well. We are just showing and labeling the ornamentals but not the invasive plants. (Ms. Melilla pointed out the different areas on the plan) We have some retaining walls that are stairs that lead up to the front door and we would like to plant ornamentals around the foundation of the house. We have a grass path that goes around the back for access. There is a pool gate and then you continue on to the grass path to get to the back to the native plants. The whole dotted area is all native plants and we get to the area that is all native but not counted as mitigation. The stone patio has grass joints in the middle so it will drain fairly well and there is a pool deck around the pool that is loosely placed with grass joints along the side. Drainage is not a problem. There is a row of cedars here and then we do have a couple of serviceberries right here and the rest is a mixture of shrubs and perennials, i.e. chokeberry, sumac, bayberry, sinqfoil, beach plum, Virginia rose, high bush blueberry, aster, butterfly weed, milkweed, switch grass, black-eyed Susan and bluestem. The larger shrubs are on the outside and most of the smaller shrubs are at the perimeter in the grass area. The mitigation plant list is strictly for mitigation and the native planting below is a similar palette, but not counted as mitigation. There is a smaller area within 10-ft of the pool and another tiny little arc is also within 10-ft. That's the native list, not the mitigation and it's clearly defined to meet the requirements. The pool fence continues with a gate to the back of the house. There is a set stairs that come down to a lawn area and a row of cedars is right there. We have undefined plants that are just labeled as non-invasive until we figure out the rest of the palette.

Ms. Lincoln: We've met with Mike. Unlike Mary Manuel Way this is not the same. Mary Manuel Way did have an entire A zone that was still naturally remaining intact. Staff was concerned that when we looked at the plan the way the mitigation calculations read, disregarding the fact that there was vegetation on the site, so we asked Mike to go back and kind of characterize the vegetation in more detail. If it was naturally vegetated, although Mike said it was a re-development project, it's re-development in a legally disturbed area. If a case can be made that this was planted or something like that, staff wouldn't be too concerned. But if it is natural vegetation the Board should not be allowing them to remove vegetation in B to put a house there and then just mitigate for the house. Basically the zone B was un-vegetated to begin with. We have an issue with this because we have wrapping mitigation around the pool so the zone A is not being completely filled. I've asked Mike to go back and look at this. That's where we were concerned with the removal of all the vegetation as you can see on the plan that the green line – all of that is currently labeled as vegetation. That's where our concern lies. We did not like the previous project. An improvement could be required in zone B. I've said this before – the previous Counsel said that it's not a right to clear the entire zone B. There is discretion with the Board and the discretion lies with whether or not zone A is completely filled. How much of zone B is being removed and for what purpose? You do have the discretion and it's not by right. I do have concerns with the location of the pool fence. You did have predominantly native species, Jen, but you also have a number of perennials. The yellow area is all perennials that are being used as mitigation and the Board does want native shrubs as mitigation, not perennials. We have no problem with putting perennials landward of those shrubs but it should be predominantly shrubs. I like the way you are going with the shrubs you have chosen. I have no problem with lower growing sumac but if we can incorporate more shrubs and less perennials that would be good. Right now you have 137 perennials out of the 237 plants you have proposed in the buffer zone, 48 are roses, and only 46 are a mixture of other species. So we'd like to see a little bit more. We understand you're working for your client but these coastal bank buffer zone projects are becoming rose and perennial gardens and they really should be a functioning native buffer. The pool fence is going straight to the top of the revetment and basically it's cutting the mitigation buffer plantings off on the top of the revetment. That's a pretty large area of the property that we're encircling with a pool fence and I'd like to see that modified as the Board has required in other instances. I get what the design is and not wanting the fence there, but the

fence is basically running across the top of the revetment and the mitigation is going to be inside the pool fence. The Board has said in the past that they don't want the buffer plantings inside the pool fence. They should be outside of the pool fence. Look at this more closely. Mike, can you go back and give us some more detail on the vegetation on site? It does look like you have a garden edge there so if you can make a case that would be fine, but it's a little bit of a different fact pattern from Mary Manuel Way. Basically you're taking the zone A mitigation and trapping them inside a pool fence and wrapping them around the pool. I think a little bit of work can be done.

Mr. Mathews: I know we did that on Dusty Miller Road.

Ms. Lincoln: We've done that on a number of projects. Buffer plantings should not be inside a pool fence.

Mr. Borselli: I guess I get that. The problem with the pool fence is that it prevents the buffer from functioning as a buffer because of wildlife habitat?

Ms. Gladfelter: Why put it inside – why not outside?

Mr. Borselli: I'm not saying I don't want to do this, I'm saying I don't understand why. I'll have to report back to the applicant. Maybe they didn't want to see the pool fence. I don't know the reason. We could change that.

Ms. Gladfelter: It's a disturbance in the buffer.

Mr. Borselli: So that's for wildlife habitat value? It will still be a buffer to the wetland resource of the coastal bank. It will continue to be a buffer.

Ms. Gladfelter: Then you have to have another delineation between the lawn and the buffer.

Mr. Borselli: Oh, because of the standards like barrier so you don't follow the buffer. I get it. I will have to talk to the applicant. I understand why you want to do it.

Ms. Lincoln: I apologize for not picking it up when we met.

Mr. Borselli: Getting back to the B zone area – we'll do our best to improve it. We'll inventory what is there and then come back with a revised plan. But I just want to make you aware that the B zone buffer is basically isolated from all of the wetland resources. It's an island.

Ms. Gladfelter: But it's a wildlife island.

Mr. Borselli: We can re-create the wildlife habitat with a better wildlife habitat especially if it's all invasives. Am I on the right track with that?

Ms. Lincoln: I think you have something to work with. I just don't want you to fall into removing the natural vegetation and putting a house in and only mitigating 2 to 1 for the house. Ignore the fact that there was all the vegetation there especially when zone A is not full. It is not a completely undisturbed no-disturbance area.

Mr. Borselli: This is a real discretionary section of your regulations. It comes down to finding what satisfies your interests and the applicants.

Ms. Lincoln: You'll have more discretion when zone A is completely filled.

Mr. Borselli: True.

Ms. Lincoln: The applicants are putting a pool there.

Mr. Borselli: I understand but you have to admit that we're significantly enhancing the A zone which I believe the goal is to make buffers wider which is what we're doing.

Ms. Gladfelter: We want to make the wetland resource better.

Mr. Borselli: I understand but there are other things involved. I hear you.

Mr. Bird: Since we're on the pool fence which is a thing of mine – first of all zone A is supposed to be undisturbed. Buffers are not only for plants but animal habitat and when you put up a fence, you impede the movement of animals through there. Basically you're fencing the property off. The purpose of a pool fence by code is to keep unauthorized people from the pool area, to protect the property owner from someone coming on the property and falling into the pool and drowning. I would rather see a pool fence here that was much more minimalist. A pool with an area around it where people can put their lawn chairs while the rest is left because you're in a zone A and yet there is lawn there but there can still be habitat for the free movement of animals. You're in zone A and

there is lawn there but you're still preventing habitat and the free movement of animals by putting the fence in. I want to see as minimalist an area as possible between the fence and the pool.

Ms. Lincoln: I think a case can be made that it was a previously disturbed area and you don't want to walk down the path of removing vegetation especially when zone A is not completed. I think we can work with Mike and come up with something to bring back to you. I think it's very possible and that's why I encourage Mike to go back and look at this in more detail. I think Jen you are on the right path with your design and I understand the competing interests. I have a lot of designers come and want to do the perennial borders and I get that. I try to get them to do the minimal and put the perennial border in front of the mitigation. I like your plant choices. You're in the right direction.

Mr. Newton: No questions or comments.

Mr. Walsh: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Robbins: The loose stone patio with the grass joints – what do you bed the stones in?

Ms. Melilla: You can use dense grade and stone dust or just packed sand. Use one of the two and you carve out the joints after you put the stone in loam 6 inches deep.

Mr. Robbins: And you're considering this pervious?

Ms. Melilla: Yes, parts of it are. The joints are pervious and the stone is impervious. It definitely drains a lot better than a patio.

Ms. Gladfelter: I don't want the pool fence to include all the mitigation. I don't mind the pool fence including the whole lawn, but I don't want it including the mitigation. You're going to have to delineate between the lawn and the mitigation anyway so maybe an attractive pool fence is the way you want to go. I could not find the zone A for the coastal bank. I mean the zone B line to the coastal bank.

Ms. Lincoln: It's the dark line on the bottom.

Ms. Gladfelter: I see it. The outer buffer zone B is way over here?

Ms. Lincoln: Yes.

Ms. Gladfelter: So all of this is in it?

Ms. Lincoln: Yes.

Mr. Borselli: That's because there is no A to that type of coastal bank so there is 100-ft off B.

Ms. Gladfelter: How about the riprap coastal bank?

Mr. Borselli: That would be 50-ft and it overlaps with the 100-ft. It all becomes one.

Ms. Lincoln: We did take a topo and we did make sure that it was done.

Ms. Gladfelter: So all of this lot is in B?

Ms. Lincoln: Yes, the whole lot. We did look at the coastal bank and looked at the topo of the whole area to make sure.

Ms. Gladfelter: I love everything you have for the perennials and stuff but that's not really mitigation planting. You have on your list 5 trees. You say there will be 17 trees. That has to be reconciled.

Mr. Borselli: I counted all the eastern red cedars.

Ms. Melilla: The remainder of the planting plan – we just did a mitigation planting plan and I added a little bit of mitigation but the rest of the planting plan is not done. But there will be cedars and I can provide the list for the next meeting.

Ms. Lincoln: You don't have to have the foundation planting plan for us as long as they're not invasives. We're not going to regulate the foundation plants.

Mr. Robbins: Where is the reserve area going?

Mr. Borselli: There is no requirement for a reserve.

Ms. Gladfelter: **At the request of the applicant's representative I move to continue the hearing until March 4, 2020.**

Mr. Robbins: **Second.**

Mr. Bird: This is a tight lot and a lot of construction going on here. You have outlined a little bit of a sequence in the narrative. I would like to see a little more detail because it's really going to be critical once the house is in place. It's going to be really tight to get around to the back side. Getting all the plantings done, it's going to be more difficult once the house is there. I'd like to see a much more detailed construction sequence methodology layered out and I would maybe meet with someone before the meeting so that everybody is on the same page.

Mr. Borselli: I can do that.

Mr. Mathews called for the vote.

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

Michael C. & Ann L. Feenan, 101 Lake Leaman Road, Falmouth, MA- For permission to construct additions and to add a patio to an existing dwelling.

Ms. Lincoln: The applicant has requested a continuance until April 1, 2020.

Mr. Walsh: Is this the 4<sup>th</sup> or 3<sup>rd</sup> time they have asked for a continuance?

Ms. Lincoln: This is the second time and it was not opened.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until April 1, 2020.

Mr. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

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

Jonathan Tower, 66 Crowell Rd, E. Falmouth, MA (DEP #25-4255) – Request a one-year extension.

Ms. Lincoln: The applicant has requested a one-year extension. This is the big coastal bank at the edge of Bourne Pond. Staff recommends a one-year extension.

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

Mr. Bird: Second.

Mr. Mathews: Unanimous, so moved.

Charles F., Jr. & Wende Salyards, 42 Whitecaps Drive, E. Falmouth, MA (DEP # 25-4254) - Request a one-year extension.

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

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

Mr. Walsh: Second.

Mr. Mathews: Unanimous, so moved.

### **VOTE ORDER OF CONDITIONS**

Ms. Gladfelter recused.

The Woods Hole, Martha's Vineyard, Nantucket Steamship Authority, Woods Hole Ferry Terminal (end of Railroad Ave), Woods Hole, Falmouth, MA (2/12/20)

Quorum: Courtney, Jamie, Kevin, Peter

Ms. Lincoln: This is the amended design for the terminal and the maintenance building – the height of the building, modifying the footprint and the length of the terminal building and the maintenance building.

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

Mr. O'Brien: Second.  
Mr. Mathews: Unanimous, so moved.

Mr. Bird: Move to adjourn.  
Mr. O'Brien: Second.  
Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary