

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, FEBRUARY 12, 2020
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

Present: Jamie Mathews, Chair
Russell Robbins, Vice-Chair
Betsy Gladfelter
Maurie Harlow-Hawkes
Steve Patton
Peter Walsh, Alternate
Kevin O'Brien, Alternate
Jennifer Lincoln, Administrator

Absent: Courtney Bird, Mark Gurnee, Kevin Newton, Agent

Mr. Mathews opened the meeting at 7:00 p.m.
Mr. Mathews called Kevin O'Brien and Peter Walsh up to the quorum.

VOTE MINUTES

1/29/2020

Mr. Patton: Move to adopt the minutes as written.
Ms. Gladfelter: Second.
Mr. Mathews: Unanimous, so moved.

REQUEST FOR A CONTINUANCE UNDER A NOTICE OF INTENT

Cape House 11 LLC, 207, 217, and 223 Meadow Neck Road, East Falmouth, MA- For permission to enhance and reconstruct an existing coastal engineered structure and to extend the structure along the shoreline.

Ms. Lincoln: The applicant has requested a continuance until March 4, 2020.

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

Mr. Robbins: Second.
Mr. Mathews: Unanimous, so moved.

REQUEST FOR A CONTINUANCE FOR DETERMINATION OF APPLICABILITY

Heather and Thomas Mahoney, 2 Elysian Avenue, Falmouth, MA- For permission to construct and maintain a front porch and to install a native tree.

Ms. Lincoln: The applicant has requested a continuance until March 4, 2020.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until March 4, 2020.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Woods Hole Yacht Club, 58 Bar Neck Road, Woods Hole, Falmouth, MA- For permission to conduct maintenance and repairs to existing licensed piers and rip-rap.

Ms. Lincoln: Jurisdiction: within 100feet of land under ocean, coastal beach, coastal bank, and within flood zones VE 15 and VE 16. The RDA is to conduct maintenance and repairs to licensed piers and riprap. The applicant aims to replace three float pilings using a crane mounted on a barge, hand chip the stone piers and riprap, replace three pilings supporting an elevated platform, conduct mortar work by hand to the stonework and caps, repair and replace the deteriorated decking and cleat rails, replant minor washout of rosa rugosa and replace some existing pipe railings. All debris will be removed off site and disposed of properly. Staff recommends a negative 2 (under the State and 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: Unanimous, so moved.

Robert Wolfe, 12 Burgess Street, Falmouth, MA- For permission to conduct maintenance to an existing licensed sea wall.

Ms. Lincoln: Jurisdiction: within 100-ft resource area buffer to coastal bank, land under ocean, salt marsh, land containing shellfish, and within flood zone VE 18. The RDA is to conduct maintenance on an existing seawall. The wall be hand cleaned. Filter fabric and crushed stone will be placed behind the wall at the northeast corner in order to repair and stabilize washout. Staff recommends a negative 2 (under the State and 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: Unanimous, so moved.

Heather and Thomas Mahoney, 2 Elysian Avenue, Falmouth, MA- For permission to construct and maintain a front porch and to install a native tree.

The hearing is continued until March 4, 2020.

Susan Moran, Trustee of the Charles E Moran Qualified Pers Residence Trust, 402 Wild Harbor Road, Falmouth, MA- For permission to conduct maintenance and repairs to an existing licensed sea wall.

Ms. Lincoln: Jurisdiction: within 100 feet of coastal bank, coastal beach, land under the ocean, land containing shellfish, salt marsh, BVW/freshwater wetland and within flood zone VE18.

The RDA is for cosmetic repair and minor reconstruction of the existing riprap wall along the southern portion of the lot. Revetment stone will be used to stabilize the existing riprap. All work is to be done by hand, no machinery. 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.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Unanimous, so moved.

Robert T Vanasse Jr. & Kathleen F. Vanasse, 35 Emerson Road, East Falmouth, MA- For permission to remove an existing deck and entry and to construct an addition within the flood zone.

Ms. Lincoln: Jurisdiction: within flood zone AE 12. The RDA is to remove an existing deck and entry and construct an additional living space in its place off the left side of the house. Two drywells will be installed. No other resource areas are located within 100-ft of work. Staff recommends a negative 2 (under the State and 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: Unanimous, so moved.

Gerald M Arthur Jr., Lot 2 Brick Kiln Road, West Falmouth, MA- For permission to regrade the property to create a level building site above the flood zone elevation.

Ms. Lincoln: Jurisdiction: within flood zone AE 16. The RDA is to re-grade the property to a level building site above flood zone elevation. FEMA has issued a CLOMR-F (Conditional Letter of Map Revision based on Fill) for this site, determining that the proposed described portion of the property would not be located in the Special Flood Hazard Area. GIS depicts a wetland on this property. Mark Manganello of LEC Environmental Consultants conducted a site evaluation and determined the area is not a wetland. Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

Ms. Harlow-Hawkes: Move to accept staff's recommendation.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

The hearing was heard after the Meadowbrook Road hearing.

John and Deborah Gillespie, 39 Inkberry Lane, North Falmouth, MA- For permission to raze an existing single family dwelling and to construct and maintain a new single family dwelling with a garage, front porch and stairs, back patio and stairs, a new driveway, retaining wall, a new Title 5 sewage disposal system, mitigation plantings, with all associated grading, utilities, and landscaping.

Ms. Gladfelter: Move to table the hearing.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Unanimous, so moved.
Ms. Gladfelter: Move to untable the hearing.
Mr. Walsh: Second.
Mr. Mathews: Unanimous, so moved.

Ms. Lincoln: No comment at this time.
Matt Costa (Cape & Islands Engineering) presented abutter's cards. Resource areas include: land subject to coastal storm flowage, a fragmented coastal bank. The appropriate zone B is on the plan. The existing structure is within zone B. 1260-sq.ft. of mitigation is required and there will be plantings of 1300+. It is a previously legally disturbed area. The back of the lot is landscaped and has natural vegetation. We were asked by staff to provide the nitrogen calculations for the septic system and we did. I believe that the project meets all your performance standards.

Ms. Lincoln: Where is the closest water? The coastal bank is fairly inland but it meets the slope criteria. There is an increase in design flow to the new septic system.

Mr. Costa indicated on the plan where the water is.

Ms. Lincoln: Staff did not have too many concerns except for the nitrogen calculations.

Mr. Costa: I struggled with calling this a coastal bank.

Mr. O'Brien: No questions or comments.

Mr. Walsh: The footprint – is it closer or the same distance to the resource areas?

Mr. Costa: It's closer than the existing structure. There is a fire pit and stones up against the bank.

Mr. Walsh: The footprint of the house is closer to the resource area.

Mr. Costa: Yes.

Mr. Patton: Is the DEP number missing?

Mr. Costa: I thought maybe you had received it.

Ms. Lincoln: No. We can't close the hearing until the DEP number comes in. We can continue the hearing until next week just for the issuance of the number.

Mr. Robbins: No questions or comments.

Ms. Harlow-Hawkes: I had concerns about the design flow and calculations on the septic system and we have them. I would like to see the septic system in the back of the house, but that's okay.

Ms. Gladfelter: I'm glad people recognize coastal banks.

Mr. Mathews: What is the coastal bank situation?

Ms. Lincoln: The applicant has to overcome the presumption that the coastal bank is significant to storm control.

Mr. Robbins: At the request of the applicant's representative I move to continue the hearing until February 19, 2020.

Ms. Gladfelter: Second.

Irene Luby (abutter) Under our covenant the structure has to be 15-ft away from our 20-ft green way. Is the project meeting it? Show me on the plot plan where it abuts my land.

Mr. Costa indicated the place on the plan.

Ms. Lincoln: That is a question that your Association must decide.

Mr. Mathews: Unanimous, so moved.

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

Cape House 11 LLC, 207, 217, and 223 Meadow Neck Road, East Falmouth, MA- For permission to enhance and reconstruct an existing coastal engineered structure and to extend the structure along the shoreline.

The hearing is continued until March 4, 2020.

The following hearing was held before the Inkberry Lane hearing.

Mary and Joseph Noonan, 183 Surf Drive, Falmouth, MA- For permission to demolish the existing single-family dwelling and construct and maintain an elevated single-family dwelling with parking below, decks, access stairs, elevator, driveway reconfiguration, leaching trench for roof runoff, and all associated utility installation, excavation, grading, mitigation planting, and landscaping.

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

Ms. Lincoln: No comment at this time.

Tim Santos (Holmes & McGrath) We reduced the enclosure on the ground level for the elevator and stairwell. You asked us to look at the soils. Briggs Engineering did a test pit. The soils are suitable and the footings are capable of supporting the piers.

Ms. Lincoln: Did you step the wall back?

Mr. Santos: Yes.

Ms. Lincoln: Thank you for reducing the enclosure. (to the Board) From a building standard you must be comfortable with the soils and the footings.

Mr. Mathews: Can you clarify that a trench box will be used?

Mr. Santos: Yes.

Mr. Walsh: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Ms. Gladfelter: No questions or comments.

Mr. Patton: No questions or comments.

Mr. O'Brien: No questions or comments.

Ms. Harlow-Hawkes: **Move to close the hearing and take it under advisement.**

Ms. Gladfelter: **Second.**

Ms. Lincoln: There will be a Special Condition requiring the trench box. We need to know the name of the contractor because we will require a meeting with the contractor and staff on site.

Speaker: The house will be built on a small lot that will have a large impact on the neighborhood. It doesn't really have much of a view. It will be built on the river and in a storm the river will rise 2-ft at times. What will you do about the river? The river goes up and down and needs to be dredged.

Ms. Lincoln: Fresh River is under the comprehensive dredge permit and it will be dredged as needed.

Speaker: I understand that. After a storm the Town came over and cleaned it up. I have lived there my entire life. There is a serious problem with the river. The Town has an obligation to dredge to the pond out back. In my view it's in sad shape. Nobody really cares about the river. The sea grass is so bad. The winter time is the best time to preserve the habitat for the animals.

My neighbor's property has water on it right now. If the house is built on piers it will flood many of us.

Mr. Mathews (to Mr. Santos) Have you been to ZBA?

Mr. Santos: We have filed with them but had to come here first.

Ms. Lincoln: According to the WPA they have to at least file for appropriate permits. They have applied with ZBA and satisfied the requirements of the WPA.

Ms. Harlow-Hawkes: If they don't get the percentage they are asking for from ZBA, they will have to come back to us for an amendment.

Ms. Lincoln: Yes.

Mr. Santos: It's non-conforming so we'll have to get a special permit.

Mr. Mathews called for the vote.

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

OTHER BUSINESS

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

Ms. Lincoln: I went to a meeting today. The Town issued an RFP last fall for a 53G (invoking a consultant's fee). They received 9 proposals and today we met with 4 firms – Beals & Thomas, BSC, Tighe & Bond and Green Affiliates. For instance if a proposed 40B was within our jurisdiction we could work with one of the consultants to do a peer review. When the Board needs a consultant we can choose from one of them. They are pre-vetted. If it's a special project we can always go out and choose a consultant that we feel would be more appropriate.

Ms. Gladfelter: Can we do this with any project?

Ms. Lincoln: Yes. Three of the four have excellent credentials for our needs.

There is a potential 40 B that will have some serious impacts on a vernal pool. We will be doing a lot of reviews for these projects.

Ms. Gladfelter: The next phase of the Coonamessett River project will start next week and John Parker Road will be closed until April except for residents.

Ms. Gladfelter: Move to adjourn.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary