

Falmouth Conservation Commission  
**MEETING MINUTES - WEDNESDAY, MARCH 04, 2020**  
Selectmen's Meeting Room, Falmouth Town Hall, 7:00 p.m.

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

Absent: Mark Gurnee, Maurie Harlow-Hawkes, Peter Walsh, Alternate

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

**VOTE MINUTES**

2/19/2020

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

**REQUESTS FOR A CONTINUANCE UNDER A NOTICE OF INTENT**

Scott Tynell, 163 Bay Road, North Falmouth, MA- For permission to conduct shellfish aquaculture within Rand's Canal and Megansett Harbor.

Ms. Lincoln: The applicant has requested a continuance until April 22, 2020.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until April 22, 2020.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

John Mullen, 410 Surf Drive, Falmouth, MA- For permission to raze existing pilings and horizontal structural members and construct a cabana with associated utilities and to install a sewage tight tank.

Ms. Lincoln: The applicant has requested a continuance until March 25, 2020.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until March 25, 2020.

Mr. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

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 18, 2020.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until March 18, 2020.

Mr. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

Anastasios Parafestas, Trustee, 160 Penzance Road, Woods Hole, Falmouth, MA- For permission to install a 12' x 20' pool, stone pool terrace, stone retaining walls, stone steps, pool utilities, lighting, fencing, drainage, and all associated clearing, excavation, grading, irrigations, landscaping, and mitigation plantings.

Ms. Lincoln: The applicant has requested a continuance until April 8, 2020.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until April 8, 2020.

Mr. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

## **REQUESTS FOR DETERMINATION OF APPLICABILITY**

Michael Andrews, 233 Nobska Road, Woods Hole, Falmouth, MA- For permission to remediate soil impacted with lead from historic use of lead-based paint at the property.

Mr. Newton: Jurisdiction: within 100 foot resource area buffer zone of coastal bank and land under ocean. The RDA is to excavate shallow soil that has been impacted with lead from historic use of lead-based paint at the property. Excavation will be at a depth of about 6' below grade, and all excavated areas will be backfilled and restored once the contaminated soil has been effectively removed. Buildings and other permanent site features will not be disturbed. Excavation sites not within flood zone. Staff recommends a negative 2 (under the Bylaw) and negative 3 (under the State). Resource area boundaries are not confirmed by this RDA.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Denisa and Sheldon Wagner, 46 Gosnold Road, Falmouth, MA- For permission to construct a small bay and deck addition and install mitigation plantings.

Mr. Newton: Jurisdiction: within 100 foot buffer to a coastal bank, coastal beach, land under ocean, and within flood zone VE 16. The RDA is to construct small bay and deck additions. Mitigation plantings of about 250 SF, comprised of 10 inkberry, 2 wild raisin, 1 American holly, and 2 red cedars. Staff recommends a negative 2 (under the Bylaw) and a negative 3 (under the State). Resource area boundaries are not confirmed by this RDA.

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

Ms. Gladfelter: Second.

Mr. Mathews: What is a bay?

Mr. Newton: It's a window.

Mr. Mathews: Unanimous, so moved.

Wlwa Jurczyk Holdings, 55 Whitman Road, Falmouth, MA- For permission to upgrade an existing septic system to Title V regulations.

Mr. Newton: Jurisdiction: The RDA is to upgrade the septic system to a Title V. It is just outside the 100 foot buffer to a vernal pool. No trees or vegetation to be removed. No other resource areas are located within 100 feet of project. Staff recommends a negative 1 (under the State) and a negative 6 (under the Bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Salt Pond Areas Bird Sanctuaries Inc., 0 Surf Drive, Parcel # 50 07 031 069, Falmouth, MA- For permission to smooth and regrade the existing gravel parking lot with a bobcat machine to remove potholes.

Mr. Newton: Jurisdiction: within 100 foot resource area buffer of land under ocean, salt ponds, coastal beach, barrier beach, coastal dune, and salt marsh and within flood zone VE 15. The RDA is to smooth and re-grade the parking area to remove potholes. The work will be done with a bobcat machine. Staff recommends a negative 2 (under the Bylaw) and Negative 3 (under the State). Resource area boundaries are not confirmed by this RDA.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

John R. Darack, 32 Hooppole Road, East Falmouth, MA- For permission to upgrade an existing subsurface sewage disposal system to Title V regulations.

Mr. Newton: Jurisdiction: within 100 foot buffer to land under water bodies and inland bank. The RDA is to upgrade a subsurface sewage disposal system to Title V regulations. No other resource areas are located within 100ft of work. The entire lot is not in the flood zone. Staff spoke with the engineer – no retaining wall is to be constructed. Staff recommends a negative 2 (under the Bylaw) and negative 3 (under the State). Resource area boundaries are not confirmed by this RDA.

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

Mr. Patton: Second.

Ms. Gladfelter: Where is Hooppole Road?

Mr. Newton: It's near the Mashpee line.

Mr. Mathews: Unanimous, so moved.

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

Richard & Patricia Torre, 57 Cape Codder Road, West Falmouth, MA- For after the fact permission to install a water service to the dwelling and rebuild a section of stone wall.

Mr. Newton: The applicant has asked for a continuance until April 8, 2020.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until April 8, 2020.

Mr. Bird: 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.

Mr. Newton: Jurisdiction: within 100 foot resource area buffer zone to a coastal bank, coastal beach, bank of salt pond, salt marsh, land under ocean, land containing shellfish, and within flood zone AE.

13. The RDA is for the construction and maintenance of a front porch for the existing single family house; the porch was approved in a 2016 RDA but never constructed. All work is taking place within developed areas of the lot. No trees will be removed or impacted. A 2-2.5 inch caliper Tupelo tree will be planted in the rear yard as mitigation for the proposed work (as previously approved in the 2016 RDA) since there is insufficient space for further mitigation planting. Mitigation is required in a 3:1 ratio for the proposed deck. The existing driveway was not constructed per approved RDA from 2016. Staff recommends a positive 3 (under the State ) and a positive 5 (under the bylaw). Resource area boundaries are not confirmed by the RDA.

Ms. Lincoln: Staff met on site with a Holmes & McGrath representative who requested a continuance until the next available hearing.

Michael McGrath (Holmes & McGrath) I request a continuance until March 18, 2020.

Mr. Bird: At the request of the applicant's representative I move to withdraw the RDA and continue the hearing until March 18, 2020.

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

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

Falmouth Holdings Corporation, 278 Scranton Avenue, Falmouth, MA- For permission to reconfigure existing timber piers, ramps, floats and tie off pilings, replace and repair the existing travel lift piers, install a boat wash pad and tight tank, relocate the ticket office, construct a boardwalk, and replace the existing timber bulkhead, including all associated excavation, drainage improvements, utility installation and landscaping.

Ms. Lincoln: No comment at this time.

Michael McGrath (Holmes & McGrath) presented abutter's cards and colored plans. This is the extensive project of rebuilding a waterfront. This is also known as the Falmouth Marine and Yachting Center. Existing conditions: there is a long building, stairs, large doors, a paved driveway, and a shell parking lot. Along the waterfront there is a float system with dinghies, a ticket office, large crane and ferry service going to Martha's Vineyard. There are fixed piers and floats. The piles underneath the structure are in bad shape. There is an old timber bulkhead that needs work. Proposed work: move the float extensions back so that they all line up. This is a request from the Harbormaster because they were coming closer to the Corps of Engineers established channel line. They do not want a tied up boat within 30-ft of the travel line. The floats will be reconfigured. We will be decreasing the amount of floats and structures in the water. The bulkhead is in bad shape and we will repair it by driving vinyl sheeting behind it. We will take the existing tie rods out and re-insert them. There will be a timber walkway from the top of the bulkhead back about 4-ft. Landward of that will be a trench drain. The existing travel lift is in pretty bad shape. We will install new steel piles with a steel frame on top that is covered in concrete. We have to publish a stormwater management plan. DEP standards require that when you have a travel lift you have to install a drainage system. There will be a gravel trench with fine sand in it for drainage. There will be a collection layer with a 4" pipe going out. The runoff from the concrete pad will go into the trench that is connected to a shallow 3,000 gallon tank. When the water reaches a certain level they will pump it. The walkway goes all the way along the water. The ticket office will be moved. They are rebuilding the waterfront. There are 353 piles that support the existing piles. There will be 6080-sq.ft of impervious surface and there is 5443sq.ft on

Falmouth Harbor now. We did file a stormwater management plan that meets State standards.

Ms. Lincoln: What are the differences between the 2008 project and this one?

Mr. McGrath: The 2008 OOC has long expired. As long as we reduce the footprint and reduce the piles we feel it is suitable. The old piles have creosote on them. The fewer pilings constitute 239-sq.ft less area and the piles are non-leaching. The public benefit in 2008 was to allow the public to walk on the walkway. The public benefit now is the stormwater management plan and the new tank.

Ms. Lincoln: Will you be doing any dredging?

Mr. McGrath: No.

Ms. Lincoln: You're just reconfiguring the pier?

Mr. McGrath: And reinforcing the area. There will be no masonry work and nothing done behind the bulkhead.

Mr. Newton: No questions or comments.

Mr. Bird: The existing tie rods are connected. Where are they?

Mr. McGrath indicated where they are on the plan.

Mr. Bird: Are you sure the tie rods are in good condition?

Mr. McGrath: If the contractor tells us they are not we will have to replace them.

Mr. O'Brien: There are restrictions protecting Scranton Avenue as well as the Harbor.

Ms. Lincoln: There is a time of year restriction on the Harbor.

Mr. O'Brien: There should be some drainage control on Scranton Ave. We don't want the construction affecting drainage there.

Mr. McGrath: There will be a construction limit fence. Do you want something on the catch basins?

Mr. O'Brien: I think you'll get some comments on that.

Ms. Gladfelter: You have drains along the way that direct discharge. Do you need a special permit for that?

Mr. McGrath: I don't think so. We will have to talk to the Selectmen about it. If we need one, we'll file for it.

Ms. Gladfelter: Are the piles to be driven?

Mr. McGrath: Yes.

Ms. Gladfelter: You are talking about steel piles – could there be a problem with electrolysis?

Mr. McGrath: They have a coating and have been designed by a structural engineer. Steel piles are stronger.

Mr. Robbins: How long will the project take?

Mr. McGrath: A few months from start to finish. It may be done in phases.

Ms. Lincoln: How will they phase it in?

Mr. McGrath: There will be certain times you can't do work and they do want to keep it open.

Ms. Lincoln: Could we have a phasing methodology?

Mr. McGrath: They haven't hired a contractor yet, but there will be one when they do.

Mr. Robbins: There are a lot of variables here. We will need something before the work starts.

Mr. Patton: You are going to drive the sheeting behind the bulkhead so the existing bulkhead will remain although deteriorating?

Mr. McGrath: Yes.

Mr. Patton: To cut through the soil and go down into the ground – do you need a trench?

Mr. McGrath: There is a channel there.

Mr. Patton: Will you cut through the dead men?

Mr. McGrath: We'll take them out.

Mr. Patton: By pulling them out of the water?

Mr. McGrath: I'm not sure.

Mr. Mathews: There will be a time of year restriction. Will the work be done from the upland?

Mr. McGrath: They will probably do it with a barge.

Ms. Gladfelter read a letter from Scott Schluter (Engineering Department) re conditions.

Ms. Lincoln: Have you submitted the construction plan to the Engineering Department?

Mr. McGrath: It sounds like I should do that.

Ms. Lincoln: Which entrance will you use for construction vehicles?

Mr. McGrath: We will use both – come in one and go out the other.

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

Ms. Gladfelter: Second.

Mr. Mathews: Unanimous, so moved.

Anastasios Parafestas, Trustee, 160 Penzance Road, Woods Hole, Falmouth, MA- For permission to install a 12' x 20' pool, stone pool terrace, stone retaining walls, stone steps, pool utilities, lighting, fencing, drainage, and all associated clearing, excavation, grading, irrigations, landscaping, and mitigation plantings.

The hearing is continued until April 8, 2020.

Timothy Leedham, Trustee, R & G Realty Trust, 1209 East Falmouth Highway, East Falmouth, MA- For permission to raze all existing buildings and appurtenances, including bulkheads, piers and boat ramps and to construct a new commercial building together with a complete redevelopment of the new piers, floats, bulkheads, piles, fuel dock, travel lift, parking lot and stormwater management system.

Ms. Lincoln: No comment at this time.

Matt Costa (Cape & Islands Engineering) presented abutter's cards. The marina is located on Child's River. Parts of it are not classified as a river. The north side is classified as a river. The current site has all appropriate permits. Existing conditions: resource areas include land under the ocean, land containing shellfish (it is closed to shellfishing) salt marsh area (2 little salt marsh shelves) appropriate buffer zones to them, coastal bank along the highway. The property is within land subject to coastal storm flowage. The area of buildings range from 28,146-sq. ft down to 6,000-sq.ft. with 48 slips and 2.moorings. We will bring it down to 49 slips and no moorings. The project includes a commercial building surrounded by a parking area. There will be a complete reconfiguration of all the docks. The upland site work will include a new building and parking area. There will be a wash pad with a recycling system. The entire parking lot will be rebuilt and re-graded for runoff. We will utilize leaching pits. The shoreline work: rebuild all the bulkheads. There will be all new ones along the shoreline. Fixed and floating piers will be installed afterward. We will be dredging and filling. You can see some filling in the brown areas on the map. We will realign the bulkhead. The purple area on the map is upland but will become land under the ocean. The green area on the map shows where the dredging will be. A bathometric survey was done and it is color coded. There is a site utility layout showing the septic tank. We will capture roof runoff and pavement runoff. The drainage swale will contain overflow and discharge into Childs River. We get a large amount of stormwater that comes off Rte 28. We are trying to work with MA Highway about improvements. Catch basins get overrun quickly and it runs into Childs River. We will stabilize the slope with native grass plantings. The drainage swale will capture water and treat it before discharge. Leaching through drainage swale will be treated. When the work is completed landscaping will be done. Native grasses and a couple of trees will be planted along the highway. Grasses, native shrubs, etc. will be planted along the parking area as a stabilizer for the slope. That will discourage people from cutting through. I believe it meets all performance standards as articulated in the narrative.

Ms. Lincoln: Are you redoing the bulkheads?

Mr. Costa: They are all coming out.

Ms. Lincoln: When was it last dredged?

Mr. Costa: That should be listed in the project history.

Ms. Lincoln: Since you are relocating a salt marsh Staff might go to an outside consultant for a review of the project. There are a lot of parts to it. Where is the construction entrance?

Mr. Costa: On to a Town road, not Route 28.

Timothy Leedham (Applicant) When I purchased the property we were concerned about traffic on Rte 28 and we tied in with a White's Landing project. We worked with the Town and did an exchange – we gave an easement on the corner of my property. We made a commitment to the Town that we would cut off the side entrance on Rte 28. We are now accessing our property from White's Landing Road.

Mr. Costa showed the entrance on the map. Trucks will come in on the wash pad.

Ms. Lincoln: Will the area be protected?

Mr. Costa: Yes, by the limit of work. We hope the buildings will come down right away. This will open up the site.

Ms. Lincoln: How do you propose to replicate the salt marsh?

Mr. Costa: We will build the primary bulkhead first and then have a contractor rebuild the salt marsh. If you require a monitoring program we will do that.

Ms. Lincoln: We will need to see a replication plan. There are a lot of elements and I just want to be assured about this. That is why I would like to send it to an outside consultant. It shouldn't take long. I will send it out next week and get the proposals back.

Mr. Costa: I met with Jen and I just hope this can happen quickly.

Ms. Lincoln: I will send the request out next week and get some answers back. The property owner is concerned about the main building and would like to know if something has to be done to either take building down or secure it during the ongoing review. There is also time of year restrictions?

Mr. Costa: Demolition is the first phase. There is mold in the building and we can't work in it.

Ms. Lincoln: We have to have a proper review of the project. We will expedite it. You are creating a resource area, dredging, etc.

Mr. Patton: I'm looking forward to this happening as soon as possible. I am surprised at the water depth. I'm interested in the dredging and bringing it to 4-ft. The bulkhead reconstruction is behind the existing?

Mr. Costa: It varies.

Mr. Leedham: Matt and his team have done a great job. We have been involved in the project for a long time. We are trying to, within the scope of what's reasonable, make things work effectively and give it the right bones rather than being pieced together over decades.

Mr. Robbins: It will be a huge improvement.

Mr. Mathews: The Harbormaster requested that 4 moorings be removed and you're leaving one.

Mr. Costa: Yes, it's basically a channel marker. The Harbormaster agrees.

Mr. Mathews: In the narrative you state in your calculations you've included an overcharge.

Raul Lizardi (Cape & Islands Engineering) Overcharge continues to happen and has pre-treatment before it is discharged. Direct discharge does not.

Ms. Gladfelter: Couldn't the demolition be done through an RDA?

Ms. Lincoln: It's a big building.

Kevin Klauer (Ament & Klauer) The buildings are very non-conforming and we will apply to the Selectmen for permits.

Ms. Lincoln: You have to apply for all attainable permits before applying to the Selectmen. An RDA would be prudent. Staff does not recommend undertaking these reviews lightly.

Mr. Costa: We would like to get the buildings down quicker. We just need help to get us through these reviews. DMF said there is a time of year restriction from January to June. It's a tight site and a tight timeline. I'd like to go ahead with the bulkhead work with a silt curtain pulled up close. I hope they will exclude the bulkhead from a time of year restriction.

Ms. Lincoln: You should have a discussion with Eileen Feeney about that. They have given some breaks on that. Do you need a Chapter 91 license?

Mr. Costa: You are the regulatory board.

Ms. Lincoln: I have worked with an applicant that was doing a bulkhead and was allowed to start work by a certain time. You don't want to modify their time of year restriction without input from them. I know they have worked with applicants in Falmouth on modification of time of year restrictions. DMF has to make that recommendation.

Ms. Gladfelter: It's going to be a great project. What will you do with the excess water?

Mr. Costa: We will dewater and take it off site.

Ms. Gladfelter: Is the current salt marsh on former salt marsh peat?

Mr. Costa: I don't know.

Ms. Lincoln: We could go out and core it for you. This is a very large project and I want to make sure that the Town is protected. This project is too much for the Town Engineering Department.

Mr. O'Brien: It's a very beneficial project. I'd like to see it get started.

Mr. Costa: I hope you can get the consultant job done and get it reviewed and back in front of you before too long.

Mr. O'Brien: The Board thinks it's a great project. We have to get through the initial steps.

Mr. Bird: You have your marching orders.

Ms. Lincoln: You need to speak out to LEC and have them look at the salt marsh. And speak to Eileen Feeney for waivers.

Ms. Gladfelter: Move to invoke the consultant's fee

Mr. O'Brien: Second.

Mr. Mathews: 3 yes (Gladfelter,O'Brien,Bird) 3 opposed (Patton, Robbins, Mathews) The motion did not pass.

Mr. Costa: What is the timeline?

Ms. Lincoln: I can reach out to them on Monday afternoon.

Mr. Mathews: How long will they take?

Ms. Lincoln: We can make it a date certain of the 25<sup>th</sup> of March.

Ms. Gladfelter: Can you ask them for a 2 week review?

Ms. Lincoln: You should continue the hearing to 3/25 for a status update. If we're not ready at that point we can continue it again. This keeps it moving forward.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until March 25, 2020.

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

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

John Mullen, 410 Surf Drive, Falmouth, MA- For permission to raze existing pilings and horizontal structural members and construct a cabana with associated utilities and to install a sewage tight tank.

The hearing is continued until March 25, 2020.

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The hearing is continued until April 22, 2020.

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 18, 2020.

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.

Quorum: Courtney, Betsy, Jamie, Russ, Kevin

Ms. Lincoln: No comment at this time.

Michael Borselli (Falmouth Engineering) presented aerial photos. The hearing was continued for issues and concerns and we're here to address them. I met with staff and submitted a revised plan. One concern was the matter of the pool fence location. You wanted us to move it but we found that if we use a particular pool cover no fence is needed. We have eliminated the fence. We added a single rail fence along the edge of the mitigation plantings. We also added an area on the east side of the lot – the area of outer buffer zone B where we're removing vegetation. We had the area reviewed by Blueflax Design for wildlife habitat and invasive plants. There is a stone footpath through the area and lawn areas under the canopy of a large tree that is from the 2014 OOC. The overgrown vegetation is not connected to the wetland resource area. It's in a buffer zone.

Ms. Gladfelter: A buffer is considered a wetland resource.

Mr. Borselli: I meant that it is not connected to a buffer zone however. We have provided a more comprehensive construction methodology. We have outlined in a letter how materials can be delivered. There is a 10 or 11 foot area beside the building large enough to allow things to be delivered. I talked to George Botelho and he indicated it could be done. We have submitted a revised mitigation plan.

Theresa Sprague (Blueflax Design) I was asked to assess the area Mike has talked about. I have given recommendations for planting and just an analysis of the vegetation. The hope is to create a naturalized area. Non-native vegetation includes honeysuckle, Hydrangeas, etc. On the northern portion of the property there are landscaped beds with lawn between. The ground cover layer has perennials. It is of low habitat value – some cover habitat. There will be a management plan re removing invasives and treating the vines. I recommend eastern red cedars, vibernum etc. This is just an example, not a plan. Recommendations: improved diversity and wildlife habitat. Species recommendations are on page 11.

Ms. Lincoln: How much vegetation is coming out?

Mr. Borselli: 2700-sq.ft.

Ms. Lincoln: I'm confused about an "example plan"?

Ms. Sprague: I was asked to just provide an analysis.

Ms. Lincoln: Okay. We will have a condition re the pool autocover as long as specifications were presented to the Building Department and they approved that no fence was required. If not, you would have to come back. I like the split rail fence around the mitigation. You can remove the vegetation in zone B and not replicate it if zone A is completely full. You state that you have overcome the presumption that the area is significant to wildlife habitat.

Ms. Gladfelter: I prefer native vegetation or mixed vegetation. Hydrangea is not native. It does serve as a habitat for birds.

Ms. Sprague: It provides cover habitat but not a breeding habitat. They could provide better a habitat.

Ms. Gladfelter: I'm not faulting that. The southwest corner is filled with invasives. Why not fill that area?

Mr. Borselli: It's an A zone.

Ms. Gladfelter: You can do restoration in the A zone.

Mr. Borselli: You have specific labels – no disturbance zone A. We hear mixed signals on what to do in A zones.

Ms. Gladfelter: Basically you're eliminating 50% of the buffer and you are providing some mitigation. Whether it's in A or B zone you can add to it. Our buffers overlap. I prefer a 600-ft buffer, but it's not practical. The whole 100-ft under our jurisdiction should be planted but that's

not going to happen. A and B zones – even though it's further back it's still playing an important role in the environment.

Mr. Borselli: The report says it's a lower value – there will be invasive management in B zone and it will be improved with native plantings.

Ms. Gladfelter: Give us something back.

Mr. Borselli: We're happy to do that.

Ms. Gladfelter: Make that whole green area planted.

Mr. O'Brien: No questions or comments.

Mr. Bird: The dry well on the plan near the pool – is it for flushing or is it a salt water pool?

Mr. Borselli: It's available for that purpose.

Mr. Bird: Is it sized properly?

Mr. Borselli: It holds 1,000 gallons. Just in case we need to draw down.

Mr. Bird: Salt water pools don't need that.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Mathews: Should we continue the hearing for the southwest corner? Did Theresa's recommendation become part of your plan?

Mr. Borselli: We will make it more specific.

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

Mr. O'Brien: Second.

Mr. Mathews: Unanimous, so moved.

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

Racing Beach Association, Inc., 0 Racing Beach Avenue, Parcel 012 000, Falmouth, MA- For permission to amend DEP # SE 25-4514 to include the installation of a new pipe from the western side of Racing Beach Avenue to the EastNern side of Racing Beach avenue and to install a small stone headwall on the eastern side of Racing Beach Avenue to support to side slope of the roadway.

Ms. Lincoln: No comment at this time.

Michael Borselli (Falmouth Engineering) presented abutter's cards. When the OOC improvements to the piping from the western side of Racing Beach Avenue were requested we said we may come back for work easterly to the east side of Racing Beach Avenue. We met on site with a pipe supply company and found that we can insert a small 10" plastic pipe through the existing 12" pipe that is clean and has good joints. There is no need for excavation. When we excavate on the west side of the road we can feed a plastic pipe (flexible) and it can be pushed through the larger pipe to the other side. There is slumping and erosion along the existing pipe and we would like to install a stone headwall on the eastern side of Racing Beach Avenue to support the slope on the roadway.

Ms. Lincoln: Is this what did they did on the sewer main?

George Botelho. Yes. The pipe is strong but more flexible.

Mr. Newton: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Robbins: No questions or comments.

Ms. Gladfelter: No questions or comments.

Mr. O'Brien: It's worth a try.

Mr. Bird: No questions or comments.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

## **VOTE ORDER OF CONDITIONS**

Sharlene Cardoza, Trustee, Estate of Charles A. Cardoza 2012 Revocable Trust, 41 Mary Manuel Way, Falmouth, MA (3/4/20)

There will be a Special Meeting to discuss and vote the Order of Conditions on Tuesday the 9<sup>th</sup> of March due to a lack of a quorum.

Susan Choate Garland, 42 Chase Road, Falmouth, MA (3/4/20)

Quorum: Jamie, Russ, Steve, Kevin

Ms. Lincoln: This is the phragmites removal.

Mr. Mathews: They must use a licensed applicator and meet with staff on site before beginning.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

John and Deborah Gillespie, 39 Inkberry Lane, North Falmouth, MA (3/4/20)

Quorum: Jamie, Russ, Steve, Kevin

Ms. Lincoln: This is the raze and build. They overcame the presumption that the bank was needed for flood protection.

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

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

Robert Sullivan, Wings Pond LLC, 63 North Falmouth Highway, Falmouth, MA (3/4/20)

Quorum: Jamie, Russ, Steve, Kevin

Ms. Lincoln: This is the ANRAD. Mark reviewed this. He will write up the finding. It is a certified vernal pool and the applicant is not challenging that. They accept the wetland line.

Mr. Robbins: Move to accept the wetland line.

Mr. Patton: Second.

Mr. Mathews: Unanimous, so moved.

The Woods Hole, Martha's Vineyard, Nantucket Steamship Authority, Woods Hole Ferry Terminal (end of Railroad Ave), Woods Hole, Falmouth, MA (3/4/20)

Quorum: Jamie, Russ, Steve, Kevin

Ms. Lincoln: Because of scouring the sheet piling is moving. They want to stabilize the wall along the pier. They are proposing to put pilings inside the wall as an added measure.

Mr. Mathews: Is this inclusive of the previous OOC? Nothing to add?

Ms. Lincoln: No, there is nothing to add. They have to repair the wall.

Mr. Patton: Move to accept the amendment.

Mr. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

Mr. Patton: Move to adjourn.

Mr. Robbins: Second.

Mr. Mathews: Unanimous, so moved.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary