

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, MARCH 25, 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 2019 novel Coronavirus outbreak emergency, **the March 18, 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 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. Browse to the following web address: <https://zoom.us/j/949421385>
 - ii. For mobile devices (tablets and phones), please go to either 'Google Play' or the IoS 'App Store' [iPhones and iPads] and download the free program 'ZOOM'. Then click the 'join a meeting' link and type in '949 421 385'. If you have not registered with Zoom you will be asked for your name and an e-mail address.
3. Applicants, their representatives and individuals with enforcement matters before the Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the 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 the Conservation Department at concom@falmouthma.gov so that 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
 Mark Gurnee
 Kevin O'Brien, Alternate
 Peter Walsh, Alternate
 Jennifer Lincoln, Administrator

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

VOTE MINUTES

REQUEST FOR A CONTINUANCE UNDER A NOTICE OF INTENT

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

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

Ms. Gladfelter: Second.

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Carolyn and Anatol Eberhard, 230 Sippewissett Road, Falmouth, MA- For permission to upgrade to a Title 5 sewage disposal system.

Mr. Newton: Jurisdiction: within 100 foot buffer to land under water bodies and inland bank. The RDA is to upgrade from a cesspool to a Title V septic system. The house is currently served by a single cesspool located less than 60 feet from the pond; this will be pumped, filled and either abandoned or replaced with a 2,500 gallon dual compartment septic tank and pump chamber, force main, distribution box and soil absorption system consisting of two 500 gallon chamber with 4 feet of stone around. The proposed leaching component will be over 140 feet from the pond. Staff recommends the limit of work be established along Sippewissett Road. 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: Gladfelter, aye; Bird, aye; Mathews, aye; Harlow-Hawkes, aye; Walsh, aye, Robbins, aye, Patton, aye; Gurnee, aye. Unanimous, so moved.

REQUESTS FOR A NOTICE OF INTENT

William J. & Ellen C. Wedge, 78 Associates Road, West Falmouth, MA- For permission to renovate the existing house and repair the existing foundation; seek after the fact approval for an installed stone rinse station, parking area, and seasonal cedar walkway; relocate a spa and storage shed; remove an existing fire pit and picnic table; install mitigation plantings and restoration plantings; conduct hand removal of poison ivy and invasive bittersweet; and all associated excavation, grading, and landscaping.

Ms. Lincoln: Please promote Michael McGrath and William Wedge from attendees to participants.

Michael McGrath (Holmes & McGrath) The dwelling fronts on West Falmouth Harbor.

Resource areas include: coastal beach, landward is a dune up to the lawn. In between the dune and the house is lawn. There is an existing shed on the north side of the lot. There is an existing

wooden walkway that will be installed in season and removed for the off season. There is some unauthorized clearing with a picnic table which will be removed and dune grass will be planted. On the other side of the property there is a fire pit which will be removed and the area will be re-vegetated. The existing spa will be relocated to the lawn area. An existing shed will be rotated and moved and the area will be replanted. We will add 3 trees. The reason for the project is to repair the foundation by excavating under the posts and replacing the posts at the four corners. Stone tire tracks were installed without a permit. They had become ruts over time and the stones stopped the settlement. The cars have a special place to park. I believe this is an improvement. We have addressed all the issues and it is an approvable project. Mr. McGrath showed photos of the house and area around it.

Ms. Lincoln: Staff reviewed the project, looked at the areas proposed for the vegetation and I believe it is appropriate. I have one concern with the tree that is proposed to be planted behind the shed. It is too close to other trees. To Mr. McGrath: Did you say anything about the spa?

Mr. McGrath: Yes, we're moving it to the top of the lawn.

Ms. Lincoln: When did the shed go in?

Mr. McGrath: I don't know, but I will find out. We will move the tree. An abutter emailed his approval of the project to me today.

Ms. Lincoln: We received the same email today.

Mr. Newton: No questions or comments.

Ms. Gladfelter: My only concern is – where is the spa? There isn't much space.

Mr. McGrath: The spa is moving north and will be parallel with the structure on the lawn.

Mr. Bird: No questions or comments.

Mr. Gurnee: I would like to see right where the spa is going?

Mr. McGrath: It's moving about 6 or 7-ft to the north.

Mr. Gurnee: Mark where the tree will go on the plan – otherwise good.

Ms. Harlow-Hawkes: I like the mini-excavator and the work by hand. My concern is that you haven't spoken about the picket and single-rail fences that are in the Velocity zone. The cedar trees are being planted in the existing vegetation behind the old shed. Put one where the fire pit was or in the lawn. In the future when we get a pre-existing plan and a new one – I didn't get an existing one. Getting it in the packet might be better until we go back to normal.

Ms. Lincoln: You have to provide the exhibits to me in time to get them to the Commission. It would be helpful.

Mr. McGrath: Okay.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Mathews: When you remove the fire pit, will you also remove the large stones?

Mr. McGrath: Yes. The majority of the fences are on the landward side of the structure. We hope the rinse station and fences will be allowed to stay.

Mr. Mathews: Is mitigation required for the shed and rinse station?

Ms. Lincoln: That is up to the Commission.

Mr. McGrath: There are flag stones on the floor of the shower and the water drains so it's partially pervious.

Ms. Harlow-Hawkes: How large is the rinse station? They are usually 4x4.

Ms. Lincoln: It looks like it's 10x10.

Mr. Mathews: Are there any public comments?

Ms. Lincoln: The applicant has been moved up to a participant. You can ask for public comment or go to chat.

Mr. Mathews asked for public comment and there was no response.

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

Ms. Harlow-Haweks: Second.

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

Mr. O'Brien joined the meeting. Mr. Mathews moved him up to the quorum.

James J. Mangraviti Jr., 101 Madeline Road, East Falmouth, MA- For permission to demolish and remove an existing single-family dwelling and to construct a new single-family dwelling, decks, Title 5 sewage disposal system, install utilities and mitigation plantings, and all associated clearing, grading, and landscaping and to replace the existing electric and water services to an existing pier.

Ms. Lincoln asked that Tom Bunker and James and Nancy Mangraviti be promoted from attendees to participants.

Tom Bunker (BSS Design) The property fronts on Eel Pond. Resource areas include: tidal waterbody, salt marsh, coastal bank to elevation 7 and back to the house is a lawn and a 50-ft area with a garden and a patio. The driveway is 20-ft from the coastal bank and pier. There is a 50-ft zone A to the coastal bank and a 100-ft zone B to the coastal bank. Almost all of the lot is in zone B of the coastal bank. It is also a flood zone. The limit of work runs down encompassing the driveway down to the pier. The patio and four trees (Pitch pines and a maple) will be removed. The house will be taken down. It is in zone A to the coastal bank. The C line on the plan is a combination of the A line and how close the house is from the resource area. All of the house and deck (except a small part) are outside of zone A of the coastal bank and not closer than the existing house. The proposed house is larger and the total coverage is being decreased by a small amount. The increase in coverage is 111-sq.ft in zone A. There is no increase in zone B. 333-sq.ft of mitigation is required and it is broken into 3 areas, A, B and C. I have spoken to staff about combining them. The driveway has been removed and will be re-vegetated. There will be a trench to run the electricity and water. The AC and generator are near the front of the house in zone B. The septic system will be between the house and the road. The front yard is being filled but not up to the road. Any water will run toward the road and get caught in a valley and stay in the grass area. Roof runoff will be caught by two dry wells in the back where the soil is sandy. There is irrigation in the garden and stepping stones around the garden. I'd like to change the area of the mitigation planting and bring it all closer to the coastal bank and around the trellis. We will move the cedar trees a few feet away from the property line. There are wooden ties along the top of the bank to keep the English Ivy out of the garden.

Ms. Lincoln: Part of the bank has no vegetation. You should be putting some of the mitigation along the bank. You should be enhancing the resource area buffer values not putting all the mitigation in one spot. The stone pavers around the garden appeared without proper mitigation.

Mr. Bunker: Maybe the applicants can speak to it.

Mr. Newton: What do the pervious pavers consist of? The ones near the septic system.

Mr. Bunker: Any water flows into the sand beneath them.

Ms. Lincoln: You're not proposing mitigation for them?

Mr. Bunker: No.

Ms. Gladfelter: Mitigation is a major concern for me. I'd like to see it as a clump closer to the coastal bank. Nothing can be done about the Ivy and honeysuckle. They will overgrow the mitigation. I would like to see you rethink were the mitigation might go and not be destroyed by the invasives.

Mr. Bunker: They have been fighting them for 30 years and will keep at it.

Ms. Gladfelter: You should move the mitigation from the top left corner and then the cedar trees could move further to the northeast and closer to the resources.

Mr. Bird: I agree with Betsy. It's a good time to tackle the invasives. Do you think the two dry wells are adequate?

Mr. Bunker: I think so. It depends on what size storm comes along. They are 2 ½-ft in diameter and 2 ½-ft deep with stones. I can look into that.

Mr. Bird: Perhaps they should be a little bigger.

Mr. O'Brien: It's a good project.

Mr. Gurnee: I have no further comments except I would like the mitigation closer to the resource area and the trees moved.

Mr. Walsh: I agree with Mark.

Mr. Robbins: No questions or comments.

Mr. Patton: Is the driveway and parking area full width?

Mr. Bunker: It is 2 cars wide – almost 3 cars wide with a pervious gravel surface.

Ms. Harlow-Hawkes: The cedar trees are within 10-ft of the house. No mitigation is allowed to be that close. I agree with Betsy about the mitigation. The plan says 333-sq.ft in the A zone for the increase of 111-sq.ft. It also says 333-sq.ft in the B zone.

Ms. Gladfelter: It says 0 in the B zone.

Ms. Harlow-Hawkes: The mitigation should be brought toward the coastal bank. Its well done except for the mitigation.

Mr. Mathews: Where is the dogwood going?

Mr. Bunker: In the front yard by the septic system.

Ms. Harlow-Hawkes: The edge of the grass on the plan is shown as a hairline right? What's behind it?

Mr. Bunker: Honeysuckle and the bare area of the bank.

Ms. Lincoln: We will need a revised plan for the mitigation. Do you want a continuance until April 22nd?

Ms. Harlow-Hawkes: And the mitigation will move closer to the bank?

Ms. Lincoln: I believe so.

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

Mr. Bird: Second.

Ms. Gladfelter: Reminding Tom to delineate the mitigation from the lawn with a single rail fence.

Mr. Bunker: Yes.

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

Michael & Carla Follick, 12 Uncatena North, West Falmouth, MA- For permission to reconstruct a licensed timber dock and piles and to repair an existing concrete walkway on top of an existing

licensed groin.

Ms. Lincoln: Please promote Michael Borselli from an attendee to a participant.

Michael Borselli (Falmouth Engineering) Resource areas include Buzzard's Bay, land under the ocean, coastal bank, coastal beach. The bank goes from a stone revetment to a non-revetment. There is a VE 20 and an X on the landward side. We are asking permission to reconstruct the timber platform and pilings. After a storm in October the walkway and pilings did not remain although they had existed for decades prior. The fasteners that connected to the groin were lost and the walkway washed up on the beach. The groin is licensed and we would like to repair the existing concrete walkway. The pilings will be repaired from a barge. We would also like to repair the concrete cap on top of the groin because it is crumbling and broken and unsafe for walking. Shultz and Company will be doing the repairs. The repair will involve putting a new concrete mix that is resistant to salt water problems. They will run a small form along the perimeter, install a low slump concrete mix on the top and flatten the mix out. It will be done by a floating boom along the perimeter of the groin in calm seas. It will be done in sections. They will maintain the groin surface and reconstruct the pier as previously existing with the Chapter 91 license. Mr. Borselli showed photos at the time of the storm.

Ms. Lincoln: I don't have any questions. It was helpful for your client to take pictures during the storm.

Mr. Newton: No questions or comments.

Ms. Gladfelter: It was fun going down the walkway to the stone pier.

Mr. Bird: Will you be pulling out the old concrete cap or going over it?

Mr. Borselli: We'll repair the crumbling parts.

Mr. Bird: Will you be using stainless steel fasteners?

Mr. Borselli: Stainless or galvanized steel.

Mr. Bird: Stainless will last longer if you can afford it.

Mr. O'Brien: Will you be doing any work on the sides at the end of the groin? Will you need concrete work there?

Mr. Borselli: We'll just do it on the surface. There is no plan to do concrete work on the side.

Mr. Gurnee: No questions or comments.

Ms. Harlow-Hawkes: I only see 3 pilings and on the Chapter 91 license there were 4.

Mr. Borselli: I showed these as they exist on the Chapter 91 license.

Ms. Harlow-Hawkes: Just as long as 4 go back. You don't show any eel grass on the plan and there is eel grass there. There will be a time of year restriction. What about the boom? Where will it be? What will you do with the debris?

Mr. Borselli: The information is in the notes on the plan. The floating boom will only be used during low winds and calm seas. That will be the same for the pile driving. The debris from the groin will be removed sometime.

Ms. Harlow-Hawkes: Good.

Mr. Walsh: When was the last time the structure was maintained?

Mr. Borselli: I don't know the specific date, but it wasn't in the last 15 years or more. The fasteners corroded. Stainless steel is a good idea.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

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

Ms. Harlow-Hawkes: Second.

Ms. Harlow-Hawkes: Put the eel grass on the plan.
Mr. Borselli: I will add the notation and can email the plan tomorrow.
Ms. Harlow-Hawkes: We'll put it in the findings.
Ms. Gladfelter: Nothing is being added to the project.
Mr. Mathews to Jen: Can you put a note in the findings about eel grass?
Ms. Lincoln: I'm fine with that.
Mr. Mathews: Bird, aye; O'Brien, aye; Gladfelter, aye; Mathews, aye; Gurnee, aye; Harlow-Hawkes, aye; Walsh, aye; Robbins, aye; Patton, aye. Unanimous, so moved.

REQUESTS FOR A CONTINUANCE UNDER A NOTICE OF INTENT

Delcor Realty Trust (c/o Joanna Delapa), 418 Menauhant Road, Falmouth, MA- For permission to replace and extend the existing pier.

Ms. Lincoln: The applicant has requested a continuance until April 22, 2020. Their revised plan came in today and there was not time to get it to the Board members.

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

Mr. Bird: Second.

Mr. Mathews: Bird, aye; O'Brien, aye; Gladfelter, aye; Mathews, aye; Gurnee, aye; Harlow-Hawkes, aye; Walsh, aye; Robbins, aye; Patton, aye. 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 withdrawn the NOI.

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.

The hearing is continued until April 22, 2020.

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

Mr. Mathews: We were not meeting on April 15th. Should we reconsider that?

Ms. Lincoln: Right, that's when Town Meeting was scheduled. We have 6 new notices on April 1st. Maybe we could continue some of them.

Ms. Gladfelter: Maybe we should hold it and see if we need it.

Ms. Lincoln: Thanks to all of you for working with us in this format.

Mr. Mathews: I agree. Thank you to everyone.

Ms. Lincoln: We have a pretty full agenda next week.

Ms. Harlow-Hawkes: Move to adjourn.

Mr. Bird: Second.

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

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary