

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, APRIL 01, 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 April 01, 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:

The meeting will be televised via Falmouth Community Television.

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.

Zoom Login instructions:

Browse to the following web address: <https://zoom.us/j/949421385>

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.

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

3/18/2020

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

Mr. Bird: Second.

Mr. Mathews: Gladfelter, aye; Bird, aye; Mathews, aye; O'Brien, aye; Gurnee, aye; Harlow-Hawkes, aye; Walsh, aye; Robbins, aye; Patton, abstain. The motion is passed.

3/25/2020

Ms. Gladfelter: Move to adopt the minutes as corrected.

Mr. Bird: Second.

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Colonial Gas Company, 55 Whitman Road, Woods Hole, Falmouth, MA- For permission to extend the existing underground gas main within Gardiner Road and to install a new underground gas service line to the residence at 55 Whitman Road.

Mr. Newton: Jurisdiction: within 100 foot buffer zone to a vernal pool. The proposed work is located within the existing paved road layout, existing driveway, and residential yard. A two foot wide trench will be excavated to install the new gas line. Erosion control measures will be installed down gradient of the work to protect the resource area. No trees or vegetation is to be removed. No other resource areas are located within 100 feet of the project. Staff recommends a negative 1 (under the State) and Negative 2 (under the Bylaw). Resource area boundaries are not confirmed by this RDA.

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

Ms. Harlow-Hawkes: Second.

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

Clive Gummow, 196 Crystal Springs Avenue, North Falmouth, MA- For permission to receive after the fact approval for an 8' x 8' bathroom bump-out.

Mr. Newton: Jurisdiction: within flood zone AE 15. The RDA is for after-the-fact approval of an 8' x 8' bathroom addition in the flood zone. No trees or vegetation are to be removed. No other resource areas are located within 100 feet of the project. No other work is proposed under this RDA. 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.

Ms. Harlow-Hawkes: Second.

Mr. Robbins: How long has the unpermitted work been there?

Ms. Lincoln: I don't know but for a while. It was built without a permit.

Mr. Robbins: I know they needed a building permit to clean up a zoning problem.

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

Dikran Betzig, 31 Charles Lane, West Falmouth, MA- For permission to construct a porch over an existing concrete structure.

Mr. Newton: Jurisdiction: within 100 foot buffer zone to a BVW and within flood zone AE16 & 18.

The proposed work is to construct a porch on an existing concrete patio. No excavation is proposed. There is no increase of impervious surface. No mitigation is required. The home owner has removed some existing bramble and grape vines encroaching on trees within the yard. Staff has instructed the homeowner to contact us before he does this again in the future. Staff recommends a negative 2 (under the State) and Negative 3 (under the Bylaw). Resource area boundaries are not

confirmed by this RDA.

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

Ms. Harlow-Hawkes: Second.

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

James Kerrigan, 1055 East Falmouth Highway, East Falmouth, MA- For permission to construct a single family residence with driveway, curb cut, Title V system, utilities, grading, and landscaping in the flood zone.

Mr. Newton: Jurisdiction: within flood zone AE 12. This RDA is to construct a single family home on an undeveloped, wooded lot within the flood zone. No other resource areas are located within 100 feet of the property. No mitigation is required. 2 drywells are proposed to control roof runoff. Staff recommends a negative 2 (under the State) and Negative 3 (under the Bylaw).

Resource area boundaries are not confirmed by this RDA.

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

Ms. Harlow-Hawkes: Second.

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

CONTINUED REQUESTS FOR DETERMINATION OF APPLICABILITY

Blake Hunter, 9 Gardiner Road, Woods Hole, Falmouth, MA- For permission to replace two existing decks and stairs with a small increase in footprint and to install mitigation plantings.

Mr. Newton: Jurisdiction: within 100 foot buffer to land under water bodies and within flood zone AE 13. The RDA is to replace two decks and stairs with a 132 SF increase in footprint. 396 SF of mitigation plants are required, comprised of bayberry, sweet fern, Staff recommends a negative 2 (under the State and bylaw). Resource area boundaries are not confirmed by this RDA.

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

Ms. Harlow-Hawkes: Second.

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

Edward MacNeil, 36 Drift Road, West Falmouth, MA- For permission to permit an existing 4' x 8' concrete pad and fuel tank.

Mr. Newton: Jurisdiction: within 100-ft resource area buffer to land under ocean, coastal beach, coastal dune, coastal bank, flood zone VE21 and in the DCPC. The proposed is to permit an existing fuel tank located next to an existing deck within a coastal dune. This RDA is being filed as an after-the-fact project. The scope of work has already been completed. 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.

Ms. Harlow-Hawkes: Second.

Ms. Harlow-Hawkes: I don't see any mitigation for what they did.

Ms. Lincoln: This was flagged to us by the Fire Department when they went there to see about the placement of a propane tank. There is a retaining wall holding the dune back and they went into the dune a little. There is no other place to put it.

Mr. Mathews: Gladfelter, aye; Bird, aye; Mathews, aye; O'Brien, aye; Gurnee, aye; Harlow-

Hawkes, aye; Walsh, aye; Robbins, aye; Patton, aye. Unanimous, so moved.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

James McLoughlin (TOF), Ashumet Road and Katharine Lee Bates Road, Falmouth, MA- For permission to install structural storm water treatment Best Management Practices along Ashumet Road and Katharine Lee Bates Road, and to resurface portions of Ashumet Road and the entire length of Katharine Lee Bates Road.

Ms. Lincoln: Please promote Jim McLoughlin, Nick Shaw and Ben Lusted up to participants.

James McLoughlin (Town Engineer) There are two NOI's. Nick Shaw and Ben Lusted of CEI prepared the plans. There are 6 roads to be repaved: Ashument and Katherine Lee Bates Roads, Chester Street, Elm and Old Main Roads and Garnett Avenue. They will be resurfacing Katherine Lee Bates Road and adding a sidewalk from Shivericks Pond to the Lawrence School.

Ben Lusted (CEI) I'd like to give a little background first. All work is within the buffer areas but there will be no impact on the resource areas. The work generally involves re-paving and drainage system enhancement. We will provide storm water treatment if we can and minimize ponding and sediment gathering. We will attempt to do infiltration where it is feasible and tie into catch basins. Otherwise we have tried to keep everything to drainage pathways. Ashumet Road is within Grassy Pond's buffer zone. There will be 9300-sq.ft of buffer impact. There will be the installation of curbing and two catch basins. There is historic ponding and sediment gathering in two low spots. In two locations there is shoulder erosion. Curbing will be added and the water will drain to catch basins that will capture and store the sediment which can be cleaned out if needed. A swale is proposed where a hill comes down from the southwest and the water sheets off toward Grassy Pond.

Ms. Harlow-Hawkes: It appears that the water is pitched toward a vernal pool on your plan. Could you send it to the other side? What is your opinion Jen?

Ms. Lincoln: Having it go toward Grassy Pond is better. What about the Hooppole side?

Mr. Lusted: It drains down toward the vernal pool now. We could send it to the other side. The re-surfacing ends before the intersection.

Ms. Lincoln: We do not have a DEP number yet so the hearing will have to be continued.

Mr. Lusted: We will install a plunge pool, dig a shallow hole, put in a sump and make a spillway at the end. It will be 6 inches lower than the top of the invert pipe. The area is located in an estimated priority habitat. There is a letter from Natural Heritage in the filing.

Ms. Lincoln: I have to look at the letter more closely.

Ms. Harlow-Hawkes: Protecting the vernal pool is paramount.

Mr. Lusted: The swale side drains to a low point. We can send it toward Grassy Pond and eliminate the grading to that side. Maybe we need a second catch basin to the Pond.

Katherine Lee Bates Road is next.

Mr. Walsh: There is a Shivericks Pond Trail coming up soon. Will any of this affect that?

Ms. Lincoln: This is part of that project.

Mr. Lusted: Katherine Lee Bates Road is within the buffer of Shiverick's Pond, including 75-sq.ft in the inland bank buffer and 100-sq.ft in the BVW buffer. There will be paving and the installation of a sidewalk that goes to Post Office Road. There is a guard rail that runs through there. The guard rail will stay. There is also a narrowed travel lane through there. There is one low point where there is ponding and sediment settling. There is a proposed catch basin and piping along the shoulder of the pond.

Ms. Lincoln: Will it be directly discharging into Shiverick's Pond?

Mr. Lusted: Currently there is an existing shoulder and the drainage is sheeting off into the Pond. The curbing will help.

Ms. Lincoln: You will be installing a catch basin with a 12" outflow pipe.

Mr. Lusted: I think that is an existing pipe. There is no catch basin now.

Mr. Newton: No questions or comments.

Ms. Gladfelter: There are two catch basins on Katherine Lee Bates Road. How long will this take and in what time of year will it be done?

Mr. Lunsted: In the springtime – it's a higher priority.

Mr. McLoughlin: These are top priorities. It will be scheduled with the paving of the Queen's Byway. There is a hiatus for paving contractors right now. We would like it done as soon as possible – right after the permits are in place.

Ms. Gladfelter: How long will it take?

Mr. McLoughlin: Two weeks for the paving and then the sidewalk will take a little longer. This is part of the Planning Department's proposal for Shiverick's Pond.

Ms. Gladfelter: Will Katherine Lee Bates Road be closed?

Mr. McLoughlin: At worst it will be one-way traffic or a detour.

Mr. Bird: It looks like the travel lanes are being reduced a little. The path around the Pond will have competing uses. Narrowing the travel lanes could be a problem.

Mr. McLoughlin: They are still going to be an acceptable width – a standard travel lane width.

Mr. Bird: That's fine.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: I'm delighted to see the sidewalk.

Ms. Harlow-Hawkes: Will you keep the fishing platform?

Mr. McLoughlin: The plans are not finalized for Shiverick's Pond and the pathway around the Pond. The last plan was to have access off the triangular piece that goes up to Lawrence School.

Ms. Harlow-Hawkes: I strongly urge and hope that the fishing platform is kept because it's used all the time.

Mr. Walsh: I agree with Maurie.

Mr. Robbins: No questions or comments.

Mr. Patton: Several projects are being proposed. The sidewalk is essential for them.

Ms. Lincoln: Should we move to continue the hearing until April 29th?

Ms. Harlow-Hawkes: We are just waiting for a DEP number.

Ms. Lincoln: We also have to look at the vernal pool problem. We could meet on April 15th?

All agreed to meeting on the 15th.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until April 15, 2020.

Mr. Bird: Second.

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

James McLoughlin (TOF), Chester Street, Elm Road, Old Main Road, and Garnet Avenue, Falmouth, MA- For permission to install structural storm water treatment Best Management Practices and the resurface the entire lengths of Chester Street, Elm Road, Old Main Road, and Garnet Avenue and to resurface the entire length of Chester Street, Elm Road, Old Main Road, and Garnet Avenue.

Ms. Lincoln: No comment at this time.

James McLoughlin (Town Engineer) These are again re-surfacing and drainage improvement projects. No new sidewalks.

Nick Shaw (CEI) Chester Street (like Ben's projects) is dealing with drainage. It involves 26,000-sq.ft. The project will impact several buffers. We will be re-surfacing, adding some curbing to direct some storm water into a spillway and discharging into the wetlands. There is a 100-ft BVW buffer to Cedar Lake. We will install a swale, curbing and catch basins where the shoulder is eroding.

Mr. Newton: We are also waiting for a DEP number for these projects.

Ms. Lincoln: Mark Kasprzyk did the wetland line for the Chester Street project. Why the swale on Derry Lane? Could you shift it north where the buffer is wider? Is that possible?

Mr. Shaw: We could consider that.

Mr. Lunsted: We can discuss that. We didn't want to do a lot of excavation, but we can consider that.

Ms. Harlow-Hawkes: The culverts on sheet I-2 – any work on them?

Mr. Shaw: Not on the culvert itself. There will be some curbing next to the culvert and a swale before it.

Ms. Harlow-Hawkes: Chester Street has ground water problems all along. The more swales and recharge there the better.

Mr. Shaw: Elm Road – sheet I-4: 100-ft BVW buffer. We will be paving and curbing. There are no other proposed catch basins – perhaps further down the road away from the resource areas.

Ms. Lincoln: Could there be a berm here or a swale to catch some water? Is that possible?

Mr. Shaw: We can look into it. The right-of-way is narrow there.

Ms. Lincoln: Please look at it.

Mr. Shaw: Old Main Road – sheet I-6: There are vernal pools. There will be 4800-sq.ft of paving, curbing and 1 catch basin installed. There will be an underground pipe to another catch basin.

Ms. Lincoln: No other questions or comments.

Mr. Mathews: Does the paving end at the orange slash mark?

Mr. Shaw: No it continues on.

Mr. Mathews: Will there be a change under the railroad overpass?

Mr. Shaw: We will be repaving it. You'll have to ask Jim about changes?

Mr. McLoughlin: There will be no change under the existing railroad overpass. When the bikeway is extended toward Bourne there will be a bridge structure parallel to this one.

Ms. Harlow-Hawkes: The area is the low spot on Old Main Road. Are you planning to try to prevent more water getting there? There is always a puddle. I am looking at a vernal pool and everything is directed at it. Why no swale?

Mr. Shaw: We can add a swale. Coming from the railroad we can put something there to go into the existing catch basin.

Ms. Harlow-Hawkes: You need to pitch it away from the vernal pool, not toward it.

Mr. Shaw: We can pitch it to the other side of the road.

Mr. Lunsted: Because it's a low spot, it's a challenge on where to send it. We'll try to drive the water to another location. A swale on the opposite side perhaps. We'll have to review this with the Highway Department. We can look at it.

Mr. Shaw: It's just before we have the swale with the riprap spillway.

Ms. Harlow-Hawkes: Where does it discharge to?

Mr. Shaw: No specific resource area.

Mr. Shaw: Garnet Avenue – sheet I-5: A 15,000-sq.ft impact to the coastal bank buffer. There will be a swale with a riprap spillway and curbing to direct water into the swale. We will add under-drains to the existing swale and curbing along the whole street (Cape Cod berm).

Ms. Harlow-Hawkes: It appears that the berm is to direct water into the salt marsh.

Mr. Lunsted: It's a low swale between stations 23 and 24 – it's a shallow swale with a series of filter materials under it with p-stone and crushed stone for more filtration.

Mr. Newton: No questions or comments.

Ms. Lincoln: No questions or comments.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until April 15, 2020.

Ms. Harlow-Hawkes: Second.

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

Ellen Ruland & Sarah Buckwalter, 2 Coatuit Road, North Falmouth, MA- For permission to raze an existing single family dwelling and construct a new single family dwelling with associated clearing, grading, and landscaping and to install mitigation plantings.

Ms. Lincoln: Please move James McLoughlin, Ben Lunsted and Nick Shaw from participants to attendees and promote Michael Borselli from attendee to participant.

Michael Borselli (Falmouth Engineering) On the existing conditions plan please note that to the south and east of the property there is a small coastal pond (Potters Hole Pond). Other resource areas include: salt marsh, land subject to tidal action, no disturbance zone A, 100-ft zone A from the salt marsh. The garage is closer to the wetlands than the house. The garage has a walkout at the lower level and is used for storage. There is a lump of fill there. The rest of the lot has a more consistent slope and meets the definition of a coastal bank that goes around the house and up to the road. There are lawn areas and a detached rinse station. I met on-site with staff re the removal of trees. On the proposed plan the detached garage and existing house are outlined in red. According to FWR 10.18 redevelopment projects require that we provide mitigation for an increase in impervious surface. The proposed house is no closer to the resources and the existing septic system is north of the house. There is no as-built of the septic system but it is north and adjacent to the house. There is no increase in bedrooms (4). In the notes you will see that there is an increase of 941-sq.ft in the A zone and a decrease of 102-sq.ft in the B zone. 2900-sq.ft of mitigation is required. There is no buffer to the salt marsh at this time and the proposal will provide a significantly better buffer to the salt marsh (25-30-ft). We went over the inventory of trees with Hamilton Tree and walked the site with staff and agree with the health of the trees. 8 will be removed and 14 are to be planted (eastern red cedars). I reviewed the staff report re the questions of cedar trees. We are moving some away from the pine trees. Others can be moved also. The healthy shrubs will remain and we will work this out with staff. We need a variance for the septic system. There dry wells are on the plan and the limit of work is along the property line. The applicant owns the abutting property. The proposed house is bigger. The mitigation planting is a bonus.

Ms. Lincoln: We can work with Mike on the location of the trees. The healthy shrubs should be on the edge of the lawn by the path. Are the stepping stones accounted for in your mitigation calculations?

Mr. Borselli: Yes.

Mr. Mathews: Your narrative shows a new detached garage.

Mr. Borselli: It should have said new attached garage.

Mr. Mathews: Are you combining the lots?

Mr. Borselli: We have combined them for more land area to expand along the property line. We did it two or three weeks ago.

Ms. Gladfelter: Is the rinse station staying?

Mr. Borselli: That and the concrete pad are to be removed.

Ms. Gladfelter: Will you remove the garage and contour the land?

Mr. Borselli: Yes and we will match as best we can the predominant slope of the land.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: I'd like to see the cedars on the southwest line.

Mr. Borselli: We can adjust them accordingly.

Ms. Harlow-Hawkes: Only if Cotuit Road is private can you remove the trees in the road layout.

Oak #3 (15") is not in great shape but has habitat capability. If the cedars are not put there leave the oak.

Mr. Borselli: The health is not good, but it is the least close to the proposed house so it could stay. It is a private road and the applicant has ownership to the center line of the road. So there is no real requirement to get permission to remove the trees. The Board of Health allows a septic upgrade

when there is no increase in bedrooms. I will make a note that the edge of the existing house is closer to resources. If we can't get variances, we'll have to re-group.

Ms. Harlow-Hawkes: From now on put private road on the plan and we won't have to ask.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: The screened porch and house are close to the edge. Is the limit of work beyond the stepping stones?

Mr. Borselli: It's on the opposite side of the existing garage.

Mr. Patton: The markers seem to be leaning. Could it be because of the steepness of the hill?

Mr. Borselli: It's just the way the land form goes. Under the sun deck is a walkout.

Ms. Harlow-Hawkes: Altering the coastal bank isn't a big issue?

Mr. Borselli: We are re-grading it to be more like it was in the natural form.

Ms. Lincoln: The land form was created to give them the garage. The land form would have naturally sloped down.

Ms. Harlow-Hawkes: It was a man-made coastal bank.

Ms. Lincoln: Absolutely. Oak #3, according to Hamilton Tree, has internal decay and is hollow inside.

Ms. Harlow-Hawkes: Thank you.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until April 15, 2020.

Ms. Harlow-Hawkes: Second.

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

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

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 22, 2020.

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

Ms. Gladfelter: Second.

Mr. O'Brien: Will the applicant have it flagged?

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

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: Please promote Theresa Sprague from an attendee to a participant.

Michael Borselli (Falmouth Engineering) At the last hearing there was a reference to the invasive plants to be removed along the western border. Theresa Sprague has a plan for the removal of the invasive plants and the restoration management of the area. She has filed the plan and I will turn it over to her.

Theresa Sprague (Blueflax Design) We are focusing on the west side. We have a full invasive removal plan and a management plan for the removal on the west side and the top of the bank. It is a narrow strip of about 4,000-sq.ft. We had originally proposed switchgrass, but are proposing a mix of native shrubs over the leaching field, native grasses and an eastern red cedar and a white

oak.

Ms. Lincoln: You're replacing the switchgrass?

Ms. Sprague: Yes, closest to the septic system will be vibernum.

Ms. Lincoln: That won't interfere with the septic system?

Ms. Sprague: No, I checked with Mike (?) and he said it was okay.

Ms. Lincoln: This plan does not reflect the changes.

Ms. Sprague: I emailed the revision to you tonight.

Ms. Gladfelter: No questions or comments.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Mathews to Ms. Lincoln: Do you have any issue with the revised plan?

Ms. Lincoln: No.

Mr. Mathews: Do they have a DEP number?

Ms. Lincoln: Yes.

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

Mr. Bird: Second.

Mr. Mathews: Gladfelter, aye; Bird, aye; Mathews, aye; O'Brien, aye; Robbins, aye; Unanimous, so moved.

Robert J. & Natalie Culgin, 133 Fay Road, Falmouth, MA- For permission to raze the existing structures and construct a new single-family dwelling and driveway, install fill, install mitigation plantings, and all associated clearing, grading, and landscaping.

Ms. Lincoln: Please move Theresa Sprague and Michael Borselli from participants to attendees and promote Tom Bunker from attendee to participant.

Tom Bunker (BSS Design) presented a GIS aerial view of the site. There are two structures – a main house and a cottage with a driveway in between. They were built in the 20's. Resource areas include: coastal beach, land under the ocean, Vineyard Sound, coastal bank, V zone in front and a flood zone in the back at AE elevation 13. Existing conditions show a dune landward of the beach in a Velocity flood zone that is steep enough to be a coastal bank. There is a 25-ft Falmouth Velocity zone, a 50-ft coastal dune zone A, 50-ft coastal bank zone A and a coastal dune zone B and a coastal bank zone B. The flood zone sneaks around the back of the property. The coastal bank has its own zone A and there is a 100-ft zone B of the coastal bank. There are stone steps and 2 septic systems. On the lot there is a vegetated wetland and there is a lot of lawn area around the house. There are trees adjacent to the house. There are oak trees within the limit of work and a crushed stone driveway. The existing house is seaward of the coastal bank zone A. The proposed house is landward. The new patio is landward of the bank and everything is more than 50-ft from the coastal dune zone A but still within the coastal bank zone A. The existing house is also within the inland bank zone A. Nothing comes closer to the resource area. The patio is 17-ft further landward than the existing patio. The impervious surface includes the driveway and the structures. 3083-sq.ft in zone B and 261-sq.ft in zone A – requiring 627-sq.ft of mitigation. There is no mitigation required in zone B. 783-sq.ft of mitigation will be planted along the top of the coastal bank. The steps are made from concrete stone risers and the roof drains connect to the dry wells. The generator and AC unit are in the B zone.

Ms. Lincoln: Staff had concerns with the mitigation but we're all set. They are re-purposing the existing cottage septic system for drainage. It should be rebuilt to handle storm water.

Mr. Newton: No questions or comments.

Mr. Bunker: I did discuss it and if it is the wish of the Board we will remove it entirely and put in a new storm water drainage system.

Mr. Mathews: The number of bedrooms is down to 8. Do the existing house and cottage have 13?

Mr. Bunker: The existing septic system was designed for 10 bedrooms.
Ms. Gladfelter: 9 trees are being removed – how many are being added?
Mr. Bunker: I have to get back to the applicant, but I believe we will add 9 cedar trees.
Ms. Gladfelter: You can work with staff to and see where the trees will go.
Mr. Bunker: We will be glad to work with staff.
Mr. Bird: No questions or comments.
Mr. O'Brien: This will improve Fay Road. It's a nice project.
Mr. Bunker: We show some re-grading.
Mr. Gurnee: Not planning to do anything with the bank?
Mr. Bunker: No, we're not doing anything with the bank.
Mr. Gurnee: Are you sure the AC pad is big enough? Will one unit be enough for this house?
Mr. Bunker: We may need more and will add mitigation if we do. The applicant has talked with me and a neighbor about mitigation measures for a second generator and AC unit.
Ms. Harlow-Hawkes: They are no longer asking for a revetment and armoring?
Mr. Bunker: No.
Mr. Walsh: No questions and comments.
Mr. Robbins: No questions and comments.
Mr. Patton: No questions or comments.
Ms. Lincoln: I am okay with re-purposing the septic system for storm water management. We will have to have a re-design.
Mr. Bunker: We will put in a 6-ft diameter pit.
Ms. Lincoln: That means a plan change.
Ms. Gladfelter: Put the trees on the plan also.

Ms. Harlow-Hawkes: At the request of the applicant's representative I move to continue the hearing until April 15, 2020.

Mr. Bird: Second.

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

Terrance J. & Margaret N. Forster, 37 Beccles Road, Falmouth, MA- For permission to construct a timber stairway and landings with hand rails on a coastal bank.

Ms. Lincoln: Please move Jeff Ryther up from attendee to participant.

Jeff Ryther (BSS Design) This is to build a 4x4-ft coastal bank stairway along a vegetated bank. Resource areas include: land under ocean, Buzzard's Bay, coastal beach (cobble), coastal bank, land subject to coastal storm flowage. The stairway starts at the top of the coastal bank and ends on the coastal beach. It's 10-ft from the lot line. The hardware will be stainless steel. It's actually 38" in width. The construction access will be from the existing driveway down and across the lawn. Photos were shown. In the photos looking north there are at least 4 coastal bank stairways to the beach. Another photo shows the location of the proposed stairway.

Ms. Lincoln: When we met I suggested you make a portion of the stairway removable because it's in a velocity zone.

Mr. Ryther: I can make that edit in the lower 4-ft section.

Mr. Mathews: We'll consider that.

Mr. Newton: The lawn goes to the coastal bank. Should you consider some mitigation?

Ms. Gladfelter: That's not an issue for me. If you pull back up out of the water the 4-ft section that would be hurt by storms, you will prolong the life of the stairway.

Mr. Bird: You could hinge that section. Use a block and tackle, flip it back and you're done. You don't have to drag it up the hill.

Mr. O'Brien: If the drawing is accurate – looking down you may need a ladder instead of a stairway.

Mr. Gurnee: I went to the bottom. You may need to put concrete footings into those stones.

Ms. Harlow-Hawkes: It will be a tough challenge to get the posts in. You should cut the vegetation by hand and let it grow back. The wood should be dense or it's more likely it will be blown away.

Jeff Ryther: We have anchored into rocks before.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: I like Courtney's idea about the last section.

Mr. Mathews: Kevin mentioned mitigation for the mowing to the top of the bank.

Ms. Lincoln: You could require a single rail fence and/or mitigation.

Mr. Ryther: They do have a landscape architect and I'd like to pass it by my client. They are not mowing to the top of the coastal bank. There is a 10-ft gap.

Ms. Gladfelter: It has daffodils.

Mr. Ryther: We could add plants.

Ms. Gladfelter: We like woody vegetation along the top of the coastal bank.

Ms. Lincoln: Talk to Dan Solien (landscaper) and we'll continue the hearing until the 15th.

Ms. Harlow-Hawkes: At the request of the applicant's representative I move to continue the hearing until April 15, 2020..

Ms. Gladfelter: Second.

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

Brian & Doris Cameron, 92 Indian Ridge Road, Falmouth, MA- For permission to raze an existing single-family dwelling and to construct a new single-family dwelling, upgrade to a Title 5 septic system, install mitigation trees, and all associated clearing, grading, and landscaping.

Ms. Lincoln: Please move Tom Bunker and Jeff Ryther back to attendees and promote Mr. Borselli to a participant.

Michael Borselli (Falmouth Engineering) On the existing conditions plan there is a retaining wall, a brick walkway and lawn. Resource areas include: beach, coastal dune that transitions to a coastal bank (formed by man), small retaining wall with a coastal bank following along it. The coastal bank cuts across the lawn and driveway and follows along another wall. Photos shown: dune, stone wall with coastal bank along it that goes onto the lawn, across the driveway and follows another wall and is out of the flood zone. The no disturbance zone A and outer buffer zone B are on the plan. The existing house is creating a coastal bank on the side. The new house will be shifted back from the coastal bank. Walls will be removed and a new wall will be put in the same location. The new wall veers off landward and eliminates a walk out. A lawn is proposed. There will be a brick patio and walkways on the south side. The new driveway will come off the new house to the attached garage. The septic system, leaching pit and tank will be removed and a new Title 5 system will be installed. There is no increase in the number of bedrooms (4). There is a decrease in the A zone of about 1400-sq.ft. There is a small increase in the B zone (1,125-ft overall). Trees will be removed. There is a lawn area and landscaped island with a cherry tree and double oak to be removed. A cherry tree on the side of the house and another double oak are to be removed. Five trees are to be removed and eight trees are to be planted (eastern red cedars). Their location varies – edge of lawn, interface with existing landscape and vegetated area. A photo of a footbridge to the neighboring property was shown. There is a note in the staff report that this shouldn't be counted as mitigation. This is the preferred location. We could shift the septic system and move the cedar trees to the open. We could also come back with an invasive management plan and plant trees there with woody shrubs. We will work with staff on that. There are dry wells for roof runoff. The limit of work is at the edge of the vegetation. Stonework is to be removed. This is a redevelopment project per FWR 10.18.

Ms. Lincoln: You knew our concerns about the V zone vegetation. More and more invasives are

being removed, but the area does have habitat value. To Mr. Borselli – go back and look at invasive management and moving the septic system. The concrete pad is not calculated in the mitigation calculations.

Mr. Borselli: It's on the existing conditions plan.

Ms. Lincoln: We're looking for guidance on the invasives.

Mr. Borselli: I measured the invasive area – 1000-sq.ft +

Ms. Lincoln: The coastal dune to coastal bank delineation is correct.

Mr. Newton: No questions or comments.

Ms. Gladfelter: Leave the vegetation – it's under control. Put a cluster of trees on either side of the driveway. That would improve the habitat value.

Mr. Bird: I agree with Betsy.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

Ms. Harlow-Hawkes: I agree with Betsy also. Is this in DCPC?

Ms. Lincoln: No, it's right outside of it.

Ms. Harlow-Hawkes: If it's a private road, put it on the plan.

Mr. Borselli: Will do.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Ms. Lincoln: Can you shift the septic system?

Mr. Borselli: Yes.

Ms. Harlow-Hawkes: At the request of the applicant's representative I move to continue the hearing until April 15, 2020.

Ms. Gladfelter: Second.

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

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

Ms. Lincoln: Please move Michael Borselli from participant to attendee and promote Don Monroe, Erica Norman, Jim O'Connell, Attorney Jamy Madeja, Adam Finkle, and Nick Crawford as participants.

Don Monroe (Coastal Engineering) The project is to install a coastal engineering structure on a coastal bank in front of two homes. The timely damage from the southwest is evident. At high tide the toe of the bank is constantly being affected by wave action. The file includes a letter from Woods Hole Group relating to a substantial wind event. (A video was shown) There is a suggestion from Woods Hole Group to consider moving the revetment closer to the coastal bank and reducing the height. There is room for mitigation planting on the top and at the base of the coastal bank. We brought the toe in tighter to the coastal bank. We did do a number of things. We submitted Jim O'Connell's report and added the performance standards. Resource areas include: land under the ocean, salt marsh, and land containing shellfish. There is beach monitoring and a nourishment protocol. There is also a response to the staff's report. We are looking for your approval for your third party report and all other reports.

Jim O'Connell (Coastal Geologist, Coastal Advisory Services – for the applicant) I was asked to do an analysis of the coastal resources and to give an opinion on the alternatives that would be compliant with DEP and the Falmouth WPA. The coastal bank is eroding and highly unstable. There was a coastal dune on the site at one time. The beach has lowered and even moderate waves

reach the toe of the bank. On the north side of the property the beach elevation is lowered. There is an increase and frequency of the storms out of the southern coordinates. On the north side there is a significant slump on the bank in front of #217. There is imminent danger of slumping because of sea level rise. Importantly aerial photos show 5 groins to the north and 34 groins and 20 revetments to the south of this property. There is also a substantial bulkhead to the north. The existence of all these projects is a serious issue along with the southern winds damaging the entire shoreline. They are losing mature trees, etc. Mr. O'Connell showed pictures of the property. The coastal bank on the seaward side is rapidly eroding and the wall will collapse. I analyzed the alternatives and the FWR regulations and arrived at the opinion that the request for a coastal engineered structure is reasonable to protect the pre-1978 buildings.

Adam Finkle (Woods Hole Group – for the Commission) I am a coastal scientist and a wetland scientist. My task was to focus on the alternatives to a coastal engineered structure, review and evaluate the NOI and engineering plans and give an independent analysis of the site. We met in mid-February and considered the site, i.e. the coastal beach, coastal bank and sediment transport in respect to the efficacy of the various alternatives. At high tide it was breezy and the waves broke over the high water mark and covered the beach. I noticed that the property does have a coastal bank with a salt marsh. I compared it to an abutting coastal bank and there was a dramatic difference to the extreme south and north end directly abutting Waquoit Bay. There is a lot of erosion and hazardous conditions along the coastal bank where a large section is fractured. Following the site visit I considered the alternatives: (1) no action; (2) bank stabilizing blanket on the coastal bank; (3) nourishing beach; (4) coir envelopes along the coastal bank; (5) fiber roll array. No action – the areas to the north and south are heavily armored and limited sediment is received because of it – eliminated. Blanket stabilization – some stabilization has already occurred but without any stabilization along the toe and no sediment transport – eliminated. Lots of nourishment – eliminated. Coir envelopes and fiber roll array can be remarkably effective in low energy areas, but this is a high energy area and a highly dynamic shoreline so they would have a short design life – eliminated both. The sloping rock is vertical and any significant amount of sand nourishment on the beach would erode. Management of the site is needed. The sloping rock revetment is the preferred alternative. I made general recommendations to the design and many were taken into consideration by the applicant's team.

Mr. Monroe: The first alternative we presented is the most viable for the site and we still rely on that.

Ms. Lincoln: You have all the information. Your peer review consultant was hired to go through the alternatives. Thank you for mentioning a monitoring program

Mr. Monroe: No CZM transects were available. We do have survey information: reasonable erosion rate – 225 yards of sediment per year. We propose allowing us to do transects along the beach to see if that amount is overdone. It will be monitored for too much sediment.

Ms. Lincoln to Mr. Finkle: What about erosion control blankets at the base?

Mr. Finkle: Above the sloping revetment.

Ms. Lincoln to Mr. Monroe: How will you protect the salt marsh while installing the toe stone?

Mr. Monroe: We hope to do it during the winter months. We will use marsh mats and once installed it will be covered over. We have had success in the past doing that in other Towns. It dissipates the load over the marsh.

Ms. Lincoln: If it's not done in winter how will you protect the marsh?

Mr. Monroe: We would still use marsh mats to dissipate the load. There will be some traffic, but the salt marsh does recover. We won't disturb the peat. We will be using smaller rocks and a mid-size excavator.

Ms. Lincoln: The base of the wall is a little over 10-ft away.

Mr. Monroe: The contractor can build the wall from the side. He excavates enough of the bank and builds the wall from north to south.

Mr. Newton: No questions or comments.

Mr. Bird: I have nothing to add.

Mr. O'Brien: You did a good job of demonstrating that it may be the only thing to do. I have enough information.

Mr. Gurnee: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Mathews: Thank you to all parties.

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

Mr. Bird: **Second.**

Attorney Jamy Madeja: I have a comment and a question. Everyone did a good job and we were more prepared. What do you do if you close and take it under advisement?

Ms. Lincoln: At a subsequent meeting we vote on the Order of Conditions.

Attorney Madeja: Why not tonight? I've heard it done – if the Board is ready they vote and then prepare a draft Order.

Ms. Lincoln: That is not our policy. We always absorb the information and discuss it and deliberate at another meeting.

Mr. Mathews: Have we answered all your questions?

Attorney Madeja: Yes. Your regulations specify at 10.303 – “shall be permitted”. Thank you for your courtesy.

Mr. Mathews called for the vote.

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

REQUESTS TO AMEND THE EXISTING ORDER OF CONDITIONS

Quissett Harbor Preservation Trust, Woods Hole, Falmouth, MA- For permission to amend DEP # SE 25-4430 to revise the proposed method for temporary access during construction and to revise the extent of bank stabilization work proposed as a result of recent coastal storm damage.

Ms. Lincoln: Please move Don Monroe, Adam Finkle, Jamy Madeja, Erica Norman and Jim O'Connell from participants to attendees and move Jeramy Packard and Dana Rodin from attendees to participants.

Jeramy Packard (Foth) In December of 2018 we requested an OOC that was issued in February of 2019 re maintenance of a stone revetment. After the OOC was issued we approached DEP, the Army Corps of Engineers, CZM and MEPA. Now that we have contractors that we feel are the right fit for the job we are requesting an amendment for a revised access plan. The original access plan started in the parking lot. The equipment was to be taken down the cleared path to the top of the coastal bank right before the wooden revetment. Temporary stone would be placed on the beach along the front of the revetment. This would allow for the construction equipment and for a platform to work from. The eel grass survey was added to the plan. We have come up with a landward approach that will minimize our time out there. The new proposed plan follows the same route but keeps going along the walking path which will be widened to 15-ft (maybe 12-ft if we can) and continues to the right before the causeway. We will be able to work from the top of the bank up to the northwest wedge. We will dismantle part of the machine to get it across. It will reach up and down to set the stones, restoring the revetment and work their way back out of there. There will be the removal of vegetation and plantings. There are 7 cherry trees to be removed that are not in good condition and minor trimming otherwise.

Nick Crawford (CLM) I have two documents: restoration protocol for the access road and the revegetation of the access road. The access area is staked out. Anything down slope we would fix. The roadway will be removed. There are 7 trees to be removed and some cedars limbed up for clearance. Once the access road layout is refined we will remove the upper soil for safety reasons

and it will be stowed on site. The staging area will be in the parking lot. The materials and equipment will be brought out. When the revetment construction is done we will de-compact the soil. The soil will be re-distributed to the existing grade and wood chips will be placed on top. There will be 4-ft tall hardwood stakes with manila rope between on either side of the path. There will be reseeded and plants installed including 400 native shrubs and 4600-sq.ft of beach grass.

Ms. Lincoln: No questions or comments.

Ms. Gladfelter: Why are you putting wood chips on the walkway? It will turn to mud.

Mr. Crawford: It will be composed over time but it's better than walking on fresh material. It's just to keep the mud down momentarily.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: Will you irrigate the re-planting area?

Mr. Crawford: We will time it to reduce the amount of temporary irrigation by planting late in the fall. In the spring you need temporary irrigation.

Mr. Gurnee: So there will be no temporary irrigation.

Mr. Crawford: At least not now.

Ms. Harlow-Hawkes: When are you hoping to start?

Mr. Packard: December. It may take 6 months, but maybe we can be out by May.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

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

Mr. Bird: Second.

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

VOTE ORDER OF CONDITIONS

William J. & Ellen C. Wedge, 78 Associates Road, West Falmouth, MA (04/08/20)

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

Ms. Lincoln: They are going to raise the house to redo the foundation. They are restoring around the dune and re-locating a spa and shed. We don't know how long the shed has been there and if there was mitigation for it. As for the fences in the Velocity zone the areas for mitigation are appropriate. Should the fencing be taken down?

Ms. Harlow-Hawkes: I like the mitigation but the fencing needs to go. Otherwise it would be inconsistent with our standards for years.

Ms. Gladfelter: The trees should be moved to the former fire pit area.

Mr. Mathews: Can you work with them? Are they repairing the foundation for a future project?

Ms. Lincoln: I don't know. The original request came under an RDA, but we saw other violations. I don't know if they will eventually raze the house.

Mr. Mathews: They will have to come back.

Ms. Harlow-Hawkes: Move to adopt the Order of Conditions as discussed.

Mr. Bird: Second.

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

Michael & Carla Follick, 12 Uncatena North, West Falmouth, MA (04/08/20)

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

Ms. Lincoln: This was the repair of the dock and stone pier that is being replaced in the same location.

Ms. Harlow-Hawkes: Stainless steel fasteners were to be used and they were to remove the debris from the shoreline.

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

Mr. Bird: Second.

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

Ms. Harlow-Hawkes: Move to adjourn.

Ms. Gladfelter: Second.

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

The meeting ended at 11:30 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary

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