

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, APRIL 22, 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 2020 novel Coronavirus outbreak emergency, **the April 22, 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 Conservation 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. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/1092/Conservation-Commission>
 - ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
3. Additionally public comments may be sent in advance of the meeting to concom@falmouthma.gov at **least 5 hours prior** to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.
4. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation 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 concom@falmouthma.gov so 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
 Kevin Newton, Agent

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

VOTE MINUTES

4/15/2020

Mr. Bird: Move to adopt the minutes as written.

Mr. Robbins: Second.

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

REQUESTS FOR A CONTINUANCE 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 29, 2020.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until April 29, 2020.

Mr. Bird: Second.

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

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 May 5, 2020.

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

Ms. Gladfelter: Second.

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Clancy Construction, Inc., 32 Owls Nest Road, East Falmouth MA- For permission to remove 6 trees within the buffer zone to Jenkins Pond.

Mr. Newton: The applicant has requested a continuance until April 29, 2020.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until April 29, 2020.

Ms. Gladfelter: Second.

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

Thomas McCarthy, 122 Allen Avenue, Falmouth, MA- For permission to add an addition over an existing garage and to connect the garage to the existing house within the flood zone.

Mr. Newton: Jurisdiction: within flood zone AE/13. This RDA is to add an addition over an existing garage and to connect the garage to an existing house. New foundation is to be installed to connect the garage to the house. No other resource areas are located within 100 feet of the proposed work.

Staff recommends a negative 2 (under the State and the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Ms. Harlow-Hawkes: Second.

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

Eugene Clerkin, 67 Cliffwood Avenue, Falmouth MA- For permission to remove and prune dead or diseased trees within the buffer zone to a wetland.

Mr. Newton: Jurisdiction: within 100-ft bufferzone to BVW / vernal pool and within flood zone AE/13. This RDA is for permission to conduct tree work around an existing dwelling. The applicant has been working with SavATree and has prepared a work proposal documenting the health of the trees proposed to be worked on. 9 diseased trees overhanging the home are proposed to be removed. 2 additional trees are proposed to be pruned. The lot is heavily wooded and staff feels comfortable with the proposal given proximity of many of the trees to the home. Staff recommends a negative 2 (under the State) and a 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: Gurnee, aye; Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Walsh, aye; Patton, aye; Robbins, aye; O'Brien, aye; Bird, aye. Unanimous, so moved.

Terence and Mary Hunt, 16 Clinton Avenue, Falmouth MA- For permission to construct an addition, deck, enclosed porch, and install a new Title 5 sewage disposal system within the flood zone.

Mr. Newton: Jurisdiction: within flood zone AE/12. This RDA is for permission to construct an addition and deck and to install a new Title 5 sewage disposal system in the flood zone. A new foundation is to be poured for the addition. No increase in design flow. No other resource areas are located within 100-ft of the proposed work. All work is proposed within previously legally altered areas. 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. Mathews: Gurnee, aye; Mathews, aye; Gladfelter, aye; Harlow-Hawkes, aye; Walsh, aye; Patton, aye; Robbins, aye; O'Brien, aye; Bird, aye. Unanimous, so moved.

REQUESTS FOR A NOTICE OF INTENT

The Christine M. Moynihan Trust, 335 Shore Street, Falmouth MA- For permission to raze an existing single family dwelling and to construct and maintain a new single family dwelling with attached deck and stairs, rinse station, dry wells, new driveway, and all associated grading, utilities, and landscaping.

Ms. Lincoln: Please promote Raul Lizardi up to participant.

Raul Lizardi (Cape & Islands Engineering) The property is in a Velocity zone at elevation 15 and the house will be built on piles. The first floor elevation will be at 18 ½ ft. Resource areas include: coastal beach, coastal dune (at edge of property), coastal bank, land containing shellfish, land under ocean and land subject to coastal storm flowage. There will be no net increase in impervious surface in the A zone or in the buffer B zone. There will be dry wells for roof runoff. The limit of

work is along the south side of the property. There is no proposed removal of natural vegetation. The property is served by Town sewer and water.

Ms. Lincoln: Thank you for sending the architectural plans so we could see the size of the enclosure.

Mr. Newton: I agree with Jen.

Ms. Gladfelter: No questions or comments.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

Ms. Harlow-Hawkes: I'm glad you kept the enclosed area under 200-ft.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Mathews: Where is the rinse station?

Mr. Lizardi: On the garage level.

Mr. Mathews: Is it on the plan?

Mr. Lizardi: No.

Mr. Mathews: Is it enclosed?

Mr. Lizardi: Partly with fencing.

Mr. Mathews: Where are the generator and compressor?

Mr. Lizardi: They are elevated.

Ms. Lincoln: A couple of houses down – built by Longfellow – the generator and compressor were supposed to be incorporated into the footprint on a platform, but they ended up on platforms extended from the house. Don't let that happen here.

Mr. Lizardi: I will come back if that happens.

Mr. Mathews: Are there any chat comments from the public?

Ms. Lincoln: No.

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

Mr. Bird: **Second.**

Ms. Gladfelter (to Jen) There has to be findings re what you just mentioned.

Mr. Gurnee: If the AC platform is extended outside the footprint do they have to come back to us?

Ms. Lincoln: Yes, they will have to come back for an amendment and it would have to be mitigated for.

Ms. Harlow-Hawkes: Is there nowhere to put them?

Mr. Mathews: If they were cantilevered it wouldn't count as outside the footprint?

Ms. Lincoln: Yes, it would.

Mr. Bird: I think we should continue the hearing.

Ms. Gladfelter: Mr. Lizardi has testified that he will come back if necessary.

Mr. Gurnee: I believe we should approve the plan as shown.

Mr. Mathews called for the vote.

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

Mr. Mathews reminded the public to use the Chat button if they would like to ask questions or make comments.

Michael and Carla Follick, 12 Uncatena North, West Falmouth, MA- For permission to construct an addition, a new landing and stairs, new living space over an existing covered deck, and to install mitigation plantings.

Ms. Lincoln: Please move Raul Lizardi back to an attendee and move Michael Borselli up to a participant.

Michael Borselli (Falmouth Engineering) You will remember this property as you permitted the repair of a dock recently. This is the request for a small addition to the house. Resource areas include: Buzzards Bay, land under ocean, land subject to tidal action, coastal beach, sloping land form that becomes a coastal bank, top of coastal bank. There is a 50-ft zone A and a 50-ft outer buffer zone B. The addition will be 5-ft x 14-ft. There will be a new landing and stairs. Nothing is closer to the wetland resources than the existing structure. There is no disturbance zone A. There is a 27-ft increase in zone A and a 55-ft increase in zone B. We will be planting 200-sq.ft of mitigation. There is an enormous Cryptomeria that will be removed. We will plant 2 eastern red cedars that will enhance the existing cedar groves. In the staff report there was a comment re the re-configuration of the mitigation – we are not providing all buffer plants adjacent to the coastal bank. The applicant wants to keep the view. We are proposing changing the mitigation plantings to be wider and break it into two 100-ft clusters on either side of the property to keep the view. I can submit a revised plan tomorrow or we can ask for a continuance.

Ms. Lincoln: To be consistent with our buffer regulations the mitigation needs to be close to the resource area. Whether it is in one or two areas is up to the Board. We need a revised plan and could continue until next week.

Mr. Mathews (to Jen) Are you willing to work with Mike on the placement of the mitigation?

Ms. Lincoln: On whether it is together or broken up? Yes.

Mr. Newton: No questions or comments.

Ms. Gladfelter: I don't care which way it is done.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

Ms. Harlow-Hawkes: Cedar trees give a lot of shade. If you put 100-ft of the mitigation in that area it could be a problem. Please put land containing shellfish on the plan.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Mathews: Are there any questions or comments in Chat?

Ms. Lincoln: No.

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

Ms. Gladelter: Second.

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

CONTINUED REQUESTS 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.
The hearing is continued until May 5, 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: Please move Michael Borselli back to attendee and Matt Costa up to participant.

Quorum: Courtney, Kevin, Betsy, Jamie, Russ, Steve

Ms. Lincoln: Matt reached out to DMF re a time of year restriction. There has to be a salt marsh restoration methodology in place. We have received a letter from LEC. There should be an

experienced contractor in salt marsh restoration and we have to approve whoever is hired for this job.

Mr. Mathews: We have to talk about the time of year restriction.

Matt Costa (Cape & Islands Engineering) Ms. Lincoln said it all. LEC will oversee the salt marsh restoration. We did reach out to DMF re the time of year restriction and they won't change it. I have one request – please be specific about the time of year restriction being for work within the water only. We will be able to work in the upland during that time.

Ms. Lincoln: DMF states that if there is any silt producing activities, they will pay the price.

Mr. Newton: No questions or comments.

Ms. Gladfelter: I still have concerns. There is a lot of bulkhead to be replaced. What will keep what's behind it stabilized?

Mr. Costa: We will drive sheet pilings in front and then take out the old bulkhead once the new one is in place. I did revise the plan to include a second silt curtain up against the bulkhead.

Ms. Gladfelter: That's my concern – a lot of sand going into the river.

Ms. Lincoln: Could you give us a plan with the salt marsh protocol?

Mr. Costa: I believe so.

Mr. Bird: No questions or comments.

Mr. O'Brien: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: Great improvement.

Mr. Mathews: Any Chat comments?

Ms. Lincoln: No.

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

Mr. Robbins: Second.

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

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.

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

Ms. Lincoln: Please move Matt Costa back to an attendee and move Tom Bunker and James Mangraviti up to participants.

Tom Bunker (BSS Design) At the last hearing there were a number of questions and comments re the plan. I revised the plan and filed it a week ago. We have moved some of the mitigation and moved the row of cedars to the edge of the lawn. We added two more dry wells and connected them to the other two by pipe. They are in the back yard. The garden has been moved away from the bank and the stepping stones and trellis have been removed. We will take out the honeysuckle in the northern corner of the property and replace it with 4 native shrubs. In the bottom corner of the property there is more honeysuckle that we will take out and replace it with more native shrubs. This is the plan of record. After I saw the staff report I made the suggested changes. We put the mitigation near the edge of the lawn and spread it out and moved the garden further away. We put the mitigation along the top of the coastal bank and added a single rail fence to protect the mitigation. The pavement close to the wetlands will be removed. I addressed your comments in the staff report on this plan.

Ms. Lincoln: Thank you for addressing the staff report. I like the new plan. Removing the pavement is a benefit. How wide is the strip of mitigation along the bank?

Mr. Bunker: 3-ft.

Ms. Lincoln: One row of plants?

Mr. Bunker: Yes.
Ms. Lincoln: Go over the honeysuckle again.
Mr. Bunker: We will take the honeysuckle out and put native shrubs in.
Ms. Lincoln: What is the date on your plan?
Mr. Bunker: Today's date.
Ms. Lincoln: It's the revised plan of April 22, 2020.
Mr. Mathews: We can support it?
Ms. Lincoln: Yes.
Mr. Newton: What is the species variety of the mitigation?
Mr. Bunker: Beach plum, bayberry. It may change.
Ms. Lincoln: Beach plum will be nice. Staff can work with you on where to put the different species.
Mr. Mathews (to applicant) Do you have any additional comments?
Mr. Mangraviti: Give us a list of species for the mitigation.
Ms. Gladfelter: The plan looks good.
Mr. Bird: It's a nice improvement.
Mr. O'Brien: You've done all we asked you to do. Can we accept a late plan?
Ms. Lincoln: The staff is comfortable with it.
Mr. Mathews: It represents what the staff was looking for.
Mr. Gurnee: No questions or comments.
Ms. Harlow-Hawkes: No questions or comments.
Mr. Walsh: They did well to adjust to the environment.
Mr. Robbins: No questions or comments.
Mr. Patton: No questions or comments.
Mr. Mathews: Anything further in Chat?
Ms. Lincoln: No.

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

Mr. Patton: Second.

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

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

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

Ms. Lincoln: Please move Tom Bunker and James Mangraviti back to attendees and promote Scott Goddard and Matt Watsky up to participants.

Ms. Lincoln: At the last hearing we asked for a few revisions on the plan, i.e. where the water and electricity lines are going, proposed mooring field.

Scott Goddard (GLM) We made the minor modifications – updated which piles are being replaced, the depth of the mooring field and decided against water and electricity lines.

Ms. Lincoln: No more questions or comments.

Mr. Newton: No questions or comments.

Mr. O'Brien: No questions or comments.

Ms. Harlow-Hawkes: No questions or comments.

Mr. Walsh: No questions or comments.

Mr. Robbins: Thank you for making the changes.

Mr. Patton: No questions or comments.

The need for a variance was mentioned.

Ms. Harlow-Hawkes: What variance?

Ms. Lincoln: I believe it was from shellfish density.

Mr. Goddard: Yes.

Ms. Harlow-Hawkes: Is there only one variance?

Ms. Lincoln: Yes.

Ms. Harlow-Hawkes: We all might want to look at Town Councils thoughts on variance requests.

Mr. Mathews: Everyone received a copy of Town Councils guidance re variances.

Ms. Lincoln: I emailed it to you again today. It was guidance from former Town Counsel Harris.

Ms. Harlow-Hawkes: We will have a lot to discuss.

Ms. Gladfelter put a question on Chat. I urge everyone to read Counsel's advice. We will have to answer the question if they have overcome a hardship.

Mr. Robbins: I have read it.

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

Mr. O'Brien: Second.

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

Mr. Goddard: I assume you will deliberate a week from today.

Ms. Lincoln: Yes.

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.

The hearing is continued until April 29, 2020.

Karen Olcott, Trustee, Small Cottage Realty Trust, 141 Fay Road, Woods Hole, Falmouth, MA-

For permission to raze an existing single family house and to construct a new single family house, porch, and deck; relocate the septic system components; reconfigure the driveway; and install mitigation plantings with associated clearing, excavation, utility installation, grading, and landscaping.

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

Ms. Lincoln: Please move Scott Goddard and Matt Watsky back to attendees and promote Wayne Tavares and Karen Olcott up to participants.

Wayne Tavares (Tavares Lanscaping) The previous plan was missing one tree for every 1000-sq.ft of mitigation. There will be 2 hollies and 2 cedars and we added 3 trees in the small area. We changed all the trees. Placed dry wells on the site – 3 with individual piping from each downspout. We moved the shed back into the B zone. The tables are all adjusted.

Ms. Lincoln: No questions or comments.

Mr. Newton: No questions or comments.

Mr. Mathews: Would Ms. Olcott like to add anything?

Ms. Olcott: Just that we addressed what we were asked to do.

Mr. Mathews polled the members and there were no further questions or comments.

Mr. Mathews: Any questions or comments on the Chat?

Ms. Lincoln: No.

Mr. Mathews: You should not remove the stakes until the hearing is closed.

Ms. Harlow-Hawkes: How will they know where things are going?

Mr. Tavares: Can I put them up again?

Ms. Lincoln: Not unless you're a registered surveyor.

Ms. Olcott: I'm sorry. I took them down because I had the lawn mowed. I will have a registered surveyor put them up again.

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

Ms. Harlow-Hawkes: Second.

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

REQUESTS TO EXTEND THE EXISTING ORDER OF CONDITIONS

5 North Chop Nominee Trust, 5 North Chop Lane, E. Falmouth, MA (DEP# 25-4253)- Request a one year extension.

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

Ms. Gladfelter: No questions or comments.

Mr. Bird: What is the reason for the extension?

Ms. Lincoln: They are working through the Army Corps now.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

Ms. Harlow-Hawkes: Wasn't there a problem with the AC that stopped the project?

Ms. Lincoln: Yes.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Ms. Harlow-Hawkes: Move to grant a one year extension.

Ms. Gladfelter: Second.

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

Edwin C. Gordon, 120 Racing Beach Ave, Sippewissett, Falmouth, MA (DEP# 25-3437)- Request a one year extension.

Ms. Lincoln: Please promote Michael McGrath (Holmes & McGrath) and Edwin Gordon up to participants. I asked Mike McGrath to join us to explain why a one year extension was needed. He contends that all exterior work and plantings will be completed within the one year time frame. Staff recommends the one year extension because if it is not granted work stops and he has to apply again. It's not fair to the people who live around him.

Michael McGrath: I filed an email to go along with my testimony. On the 15th of every month the applicant will send an email re the progress in the work. Plants will be in the A zone by the 15th of September. This project has a complicated history. A superseding Order agreed to the extension and he was granted additional time.

Ms. Lincoln: Are you confident that one year is enough time?

Edwin Gordon: I'm sorry that I haven't completed the project yet. At the point when I was ready to do all the plantings, I became conservative and started concentrating on the completion of the house – the foundation and hardscape appurtenances, steel work and pre-cast concrete. But everything will be done in a year.

Mr. Mathews: I am recusing myself from the discussion, but will act as moderator. To get a Certificate of Compliance you will need a building occupancy permit from ConCom.

Mr. McGrath: It will take awhile to build the house, but he can work inside after the expiration of the Order.

Ms. Lincoln: We will not sign off on an occupancy permit until all the work is finished or we seek a bond. You cannot get a Certificate of Compliance until we certify that all plantings and exterior work is complete.

Mr. Gordon: Everything exterior of the house?

Ms. Lincoln: Yes. And scaffolding, construction material, siding, etc provided that it is in our jurisdiction must be gone.

Mr. Gordon: Okay.

Ms. Gladfelter: How long do you think this will take?

Mr. Gordon: It all broke down about 16 months ago. I had always wanted to build a house and wanted to do it right. We are bringing in pros now and it should move more quickly.

Ms. Gladfelter: I'm not getting a good feeling that it will be done.

Mr. Gordon: I will make the best effort. There is a lack of availability of contractors. I'm ready to frame the house and do site work and plantings. I will finish the veneer on the wall this week. I will start the planting.

Ms. Gladfelter: I don't want to see you here next year at this time and the plantings aren't in, etc.

Mr. Gordon: All that will be done at the end of the summer. I have someone lined up.

Mr. Bird: Do you have a general contractor or are you doing it yourself.

Mr. Gordon: I did the steel and concrete foundation, but I am farming the framing out.

Mr. Bird: I'm uneasy with this. Do you live in Falmouth?

Mr. Gordon: Not full time.

Mr. Bird: A local contractor brings in his team and does the work. Having the shell up in a year is not unrealistic, but a sub-contractor may not jump when you want them to. To get the occupancy permit the interior must be finished too. I'm troubled with giving a one year extension. I'm concerned about it. This is not a reflection on you.

Mr. Gordon: I'm not confident I can do it, but the landscapers are on the job now and it will take until the end of the summer to do it. If I haven't made any more progress by then I can file another notice. I made a mistake and put more emphasis on the site. You're putting more weight on the house. I will get the site work done.

Mr. O'Brien: No questions or comments.

Mr. Gurnee: No questions or comments.

Ms. Harlow-Hawkes: This project was started in 2008. No questions or comments.

Mr. Gordon: I was also involved in land court for a time and couldn't go forward.

Ms. Harlow-Hawkes: You came back to us in 2013 and 6 years have passed and nothing has happened. Is the foundation poured?

Mr. Gordon: Yes, the foundation and the walls were poured in July and August 2019 with a terrace around it. I am doing the site work and drainage by myself.

Ms. Harlow-Hawkes: Our concerns are environmental, i.e. the stabilization of the site. The plantings will be a long time from now.

Mr. Gordon: I will get in touch with Jen every month. I'm focused on the landscape work and it will be finished by September 15th.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Mr. Mathews: Where did the September 15th date come from?

Mr. McGrath: I volunteered that the exterior site work would be done by then.

Ms. Lincoln: Monthly progress reports are required and the installation of the plants by September 15th.

Mr. Mathews: I'm not voting but the more work you can get done on the outside the better.

Ms. Gladfelter: Move to grant a one year extension with monthly progress reports and all mitigation planting complete by September 15, 2020.

Ms. Harlow-Hawkes: Second.

Mr. Bird: And if he doesn't have the exterior done by then?

Ms. Gladfelter: If the plantings are done, we will deal with the other things then.

Mr. Mathews: Gurnee, aye; Gladfelter, aye; Harlow-Hawkes, aye; Walsh, aye; Patton, aye; Robbins, no; O'Brien, aye; Bird, no. Mr. Mathews recused. 6 yes, 2 no. The motion is passed.

Susan Ladd, 28 Rivers Edge Rd, Falmouth, MA (DEP# 25-4259) – Request a one year extension.

Ms. Lincoln: Please move Michael McGrath and Edwin Gordon back to attendees. The applicant has requested a one year extension to complete the landscaping.

Ms. Harlow-Hawkes: Move to grant a one year extension.

Ms. Glaffelter: Second.

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

VOTE ORDER OF CONDITIONS

James McLoughlin (TOF), Ashumet Road and Katharine Lee Bates Road, Falmouth, MA (5/6/20)

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

Ms. Lincoln: This is the roadway project that the Town did in conjunction with CEI. The plan reflected our concerns and suggestions.

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

Mr. Bird: Second.

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

James McLoughlin (TOF), Chester Street, Elm Road, Old Main Road, and Garnet Avenue, Falmouth, MA (5/6/20)

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

Ms. Lincoln: This involved the same concerns and suggestions which were adopted.

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

Mr. Patton: Second.

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

Ellen Ruland & Sarah Buckwalter, 2 Coaituit Road, North Falmouth, MA (5/6/20)

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

Ms. Lincoln: This is a raze and construction. They are moving the garage and the land form. The plants have been modified and trees have been moved. They addressed all our concerns. There will be standard special conditions for the mitigation plantings.

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

Mr. O'Brien: Second.

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

Robert J. & Natalie Culgin, 133 Fay Road, Falmouth, MA (5/6/20)

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

Ms. Lincoln: Another raze and construction. They revised the plan re staff's concerns about using the leaching field for drainage.

Ms. Harlow-Hawkes: There is to be no further armoring.

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

Ms. Harlow-Hawkes: Second.

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

Terrance J. & Margaret N. Forster, 37 Beccles Road, Falmouth, MA (5/6/20)

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

Ms. Lincoln: This is the stairway down the bank. The applicant will plant along the top of the bank. There will be a single rail fence and they are hinging the bottom portion of the staircase to reduce weight in the area. The stairway is the only way to reach the area.

Mr. Gurnee: Make sure that they come back when they find they can't do the work they plan to do with poles.

Ms. Lincoln: I will make some findings about that.

Mr. Gurnee: They'll have to do something other than post holes.

Mr. Robbins: What about stainless steel connectors injected into the boulders?

Mr. Mathews: They could core them. If they change the methodology they have to come back to us.

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

Ms. Gladfelter: Second.

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

Brian & Doris Cameron, 92 Indian Ridge Road, Falmouth, MA (5/6/20)

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

Ms. Lincoln: Another raze and construction. They are removing invasive species in zone B and providing a planting plan to restore the area. There will be the regular Special Conditions.

Ms. Harlow-Hawkes: I have looked at a lot of restored areas and 3 to 5 years later there is not much there. Please make a note of that.

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

Ms. Harlow-Hawkes: Second.

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

Mr. Bird: Move to adjourn.

Ms. Harlow-Hawkes: Second.

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

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary

