

The Falmouth Conservation Commission
MEETING MINUTES - WEDNESDAY, JUNE 10, 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 June 10, 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
Kevin O'Brien, Alternate
Peter Walsh, Alternate

Pat Harris, Alternate
Jennifer Lincoln, Administrator
Kevin Newton, Agent

Absent: Mark Gurnee

Mr. Mathews opened the meeting at 7:00 p.m. and promoted Pat Harris to the quorum.
Mr. Mathews instructed the public on how to use the Chat function for questions or comments on any of the hearings.

VOTE MINUTES

6/3/2020

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

Ms. Gladfelter: Second.

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

REQUESTS FOR A CONTINUANCE UNDER A NOTICE OF INTENT

Les Chernauskas, 69 Paola Drive, East Falmouth, MA- For permission to raze an existing single family dwelling and to construct a new single family dwelling; to upgrade to a Title V septic system; to install drywells, a retaining wall, a rinse station, a wall and steps, and an elevated a/c unit.

Ms. Lincoln: The applicant has requested a continuance until June 24, 2020.

Ms. Harlow-Hawkes: At the request of the applicant I move to continue the hearing until June 24, 2020.

Ms. Gladfelter: Second.

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

REQUEST FOR A CONTINUANCE UNDER A CONTINUED REQUEST FOR DETERMINATION OF APPLICABILITY

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

Mr. Newton: The applicant has requested a continuance until June 24, 2020. There are minor changes on the plan that have to be addressed.

Mr. Mathews: There have been multiple requests for continuance.

Ms. Lincoln: The changes were requested by me.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until June 24, 2020.

Mr. Bird: Second.

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

John Corbett, 139 Allen Avenue, Falmouth, MA – For permission to construct and maintain an in-ground pool, pool equipment, fencing with gates, a retaining wall, stone pavers, patios, stone stoops and a free-standing fenced rinse station within the flood zone.

Mr. Newton: Jurisdiction: within flood zone AE/13. This RDA is to construct and maintain an in-ground pool with associated pool equipment, pool fence, and landscaping. Proposed landscaping to include a retaining wall, stone pavers, patios, stone stoops, and free standing rinse station. Project is located in flood zone only. No mitigation required. 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: Mathews, aye; Gladfelter, aye; Bird, aye; Maurie Harlow-Hawkes, aye; Walsh, aye; Robbins, aye; Patton, aye; O'Brien, aye, Harris, aye. Unanimous, so moved.

Gordon Thomson, 18 Millfield Street, Woods Hole, Falmouth, MA – For permission to reconstruct existing decks within the existing approved footprint.

Mr. Newton: Jurisdiction: within 100 ft resource area buffer to a coastal bank, land under the ocean, land containing shellfish and within flood zone AE 13/14. This RDA is to reconstruct the existing decks within the same footprint. No increase in impervious surfaces. Staff visited the site and noticed the health of many of the mitigation plantings are in decline. Spoke with Jeff Johnson of Holmes and McGrath who inventoried the plantings.

Any dying or dead mitigation plantings required under previous OOC will be replanted under this RDA. 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: Mathews, aye; Gladfelter, aye; Bird, aye; Maurie Harlow-Hawkes, aye; Walsh, aye; Robbins, aye; Patton, aye; O'Brien, aye, Harris, aye. Unanimous, so moved.

John and Patricia Perry, 55 Madeline Road, East Falmouth, MA – For permission to repair a failed septic system.

Mr. Newton: Jurisdiction: within 100 ft resource area buffer to a coastal bank, land under the ocean, land containing shellfish and within flood zone AE 12. This RDA is to repair a failed septic system. No increase in design flow. System components are located within the front yard, furthest away from resource areas. All disturbed areas are to be repaved or reseeded to prior condition. A 40 mil. vinyl liner is proposed at the edge of the S.A.S between the S.A.S and the resource areas. No other work proposed under this RDA. Staff recommends a negative 2 (under the State) and negative 3 (under the bylaw). Resource area boundaries are not confirmed by this RDA.

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

Mr. Bird: Second.

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

CONTINUED REQUEST FOR DETERMINATION OF APPLICABILITY

Richard & Patricia Torre, 57 Cape Codder Road, West Falmouth, MA- For after the fact permission to install a water service to the dwelling and rebuild a section of stone wall. The hearing is continued until June 24, 2020.

CONTINUED HEARINGS UNDER A NOTICE OF INTENT

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

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

Ms. Lincoln: Please promote Michael McGrath to a participant.

Michael McGrath (Holmes & McGrath) The hearing was continued for proposed work on 160 Penzance Road – to construct a pool with a retaining wall and hard terrace around it. The Board requested more information on the permitting history. There is an outstanding Order of Conditions (OOC) 25-4116 that was filed pursuant to an enforcement action and the conditions agreed to. Across the site there was to be 13, 980-sq.ft and 9, 250-sq.ft of mitigation. The work has been done, except for a small amount in one area. When that amount of mitigation was required it was for a much bigger pool that was denied. The mitigation could have been reduced, but wasn't. On the existing plan I admitted there was an error in the calculations on the finger-like projection where ornamentals were counted as mitigation. This plan shows the correct calculations - areas 3 and 4 are short on mitigation. The plants have been ordered and will be planted under an enforcement order and an OOC. There is the right amount of buffer by the pool because this pool is smaller. You allowed the retaining wall to be the nearest structure because it is attached to the house. The retaining wall is not a natural edge and we have overcome the presumption that it is a natural edge. At another point the Board approved an application to expand a deck on a different property that went right to a retaining wall that was considered part of the main structure. The mitigation requirement should be satisfied. I hope the Board will consider all that and allow the pool to be constructed. We have added a crushed stone layer all around the leaching pit that will be used to drain the pool and catch any runoff. The project does not have any impact on Great Harbor. The wall is part of the main structure and is not going any closer.

Ms. Lincoln: Staff is still concerned about the buffer plantings particularly in the gap between the electricity shed and the road. LEC proposed planting in that area. If you add up the numbers on the graphic, it doesn't quite add up to the numbers on Exhibit 1. The Board did allow the deck on Ridge Road to bump out 2-ft.

Mr. McGrath: So this project would not set a precedent.

Ms. Lincoln: I stand by my comments.

Mr. Newton: No questions or comments.

Mr. Mathews: Can the mitigation be worked out between staff and Mr. McGrath?

Ms. Lincoln: Yes.

Mr. Mathews: Is the retaining wall to go closer to the resource area built yet?

Ms. Lincoln: They were using the stairs first (not built) and now the wall. The original filing used the staircase for the wall as an integral part of the house. That has not been built so they are now using the outside wall.

Ms. Harlow-Hawkes: What is the seawall in relation to the project – the furthest structure?

Mr. McGrath: It's an impervious structure. You can walk on it. There is no impact from nitrogen as there are no green plumes or algae in the water.

Ms. Harlow-Hawkes: Okay.

Ms. Gladfelter: They say it is not a coastal bank, but it is.

Mr. McGrath: It keeps water from the surface and has no impact on the wetland. It's not your run of the mill bank. It's not harmful to put in an impervious structure.

Mr. Walsh: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Patton: No questions or comments.

Ms. Gladfelter: How old is the wall?

Mr. McGrath: It was built in the 90's.

Ms. Gladfelter: Are they still working on the retaining wall at 152. Is the OOC still open?

Mr. McGrath: I think the OOC is still open. I will check it out.

Ms. Gladfelter: Is the de-watering connection to the septic system on 152 done?

Mr. McGrath: No.

Mr. Bird: How is the pool different than the one we denied? Smaller?

Mr. McGrath: It is smaller. The wall is part of the main structure. How can you deny it saying it's too close to the structure? The bottom line is that the wall is part of the main structure.

Ms. Lincoln: The existing retaining wall is a landscape feature on the lot and is not part of the existing structure of the house. (Ms. Lincoln read the special finding from the OOC).

Ms. Gladfelter: If we had found that it was attached we would not have denied the pool.

Mr. O'Brien: No questions or comments.

Ms. Lincoln: Explain the additional mitigation for the pool.

Mr. McGrath: The OOC related to the enforcement order (13,890-sq.ft of mitigation) includes the larger pool and terrace that was denied. But the number of plantings required were not subtracted. All but a small number have been planted. I refer you to the plan of 2015.

Ms. Lincoln: Are you referring to the removal of the invasive species?

Mr. McGrath: We will file a new notice for that. We don't want the wetland restoration included in this NOI.

Ms. Lincoln: Right – you will need an ecological NOI. Are you willing to file one for the invasive species management? I would like all the old records put into this file.

Mr. McGrath: If you agree to the pool he'll file an ecological NOI if you require it.

Mr. Mathews: Can you and Mr. McGrath work this out?

Mr. McGrath: I'm happy to meet with staff.

Ms. Lincoln: I have kept all the old notes.

Mr. McGrath: I would like a continuance.

Ms. Lincoln: I don't feel that we need one, but it's up to Mr. McGrath.

Mr. McGrath: If you approve it we will need the specificity of the area.

Ms. Harris: Referring to the 13890-sq.ft – on page 8 of the OOC, finding #2 – how many square feet are required – the figure is larger than the 13, 890-sq.ft. It's more like 14,690-sq.ft.

Mr. Mathews: They can continue to work that out.

Ms. Harris: Is the enforcement order complied with and certified?

Ms. Lincoln: They have done the wetland restoration. It was recorded in 2018 when the Order was still valid. The wetland was installed by LEC.

Mr. Mathews: Any public comment?

Ms. Lincoln: No.

Ms. Gladfelter: At the request of the applicant I move to continue the hearing until June 24, 2020.

Ms. Harlow-Hawkes: Second.

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

Les Chernauskas, 69 Paola Drive, East Falmouth, MA- For permission to raze an existing single family dwelling and to construct a new single family dwelling; to upgrade to a Title V septic system; to install drywells, a retaining wall, a rinse station, a wall and steps, and an elevated a/c unit.

The hearing is continued until June 24, 2020.

Lucie Greer, 77 Bar Neck Road, Woods Hole, Falmouth, MA – For permission to reconstruct an existing deck, replace an existing post and rail fence, and to conduct invasive species management on a coastal dune.

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

Ms. Lincoln: Please promote Catrin Higgins to a participant with Michael McGrath.

Michael McGrath (Holmes & McGrath) The last hearing was continued because of a question about why some of the invasives will be cut to one foot.

Catrin Higgins (Wilkinson Ecological) I heard your concerns and my team met with Ms. Lincoln on site. There are a couple of changes. Number 1 – we will cut the rosa ragosa to one foot during the first season and then let it grow. Number 2 – on the other side of the property we are increasing the number of shrubs and planting them in clusters. There will be basic maintenance to enhance the warm water function and provide for more habitat.

Ms. Lincoln: The work on the Harbor side – you state that you will leave the rosa ragosa to a 3-ft height or less. What is it going to be?

Ms. Higgins: 3-ft.

Ms. Lincoln: The bayberry clusters in the grass area should be in a more uniformed concept and not just shoved off to the side. The existing bayberry will stay. You will maintain the dune restoration to a certain height. What is it?

Ms. Higgins: I don't know exactly. They are pretty large.

Ms. Lincoln: This is a huge restoration project. Is the dune able to provide storm water protection?

Ms. Higgins: The plants are mature and not small.

Mr. Newton: No questions or comments.

Mr. Robbins: No questions or comments.

Mr. Walsh: No questions or comments.

Ms. Harlow-Hawkes: There are statements on the plan re going down to less than 3-ft. We need a revised plan with those words removed. View corridors are wonderful and there is not one

presented on the plan. It would be fair if they had a view corridor. You will have to manage the entire area and it was not intended to have it managed. We need a new plan removing the sticky points.

Mr. O'Brien: No questions or comments.

Mr. Bird: I second what Maurie said.

Ms. Gladfelter: No questions or comments.

Mr. Mathews: Do we need a continuance for the revised plan?

Ms. Lincoln: Just to remove # 7? No, we can condition it.

Mr. Bird: A view corridor has to be refined.

Ms. Harlow-Hawkes: If they don't want one leave it as is.

Ms. Gladfelter: We don't need to do it now.

Mr. Mathews to Ms. Higgins: Are you good with this?

Ms. Higgins: Yes.

Mr. McGrath: I would like a continuance until June 24th to make my client aware of the changes.

Ms. Gladfelter: At the request of the applicant's representative I move to continue the hearing until June 24, 2020.

Ms. Harlow-Hawkes: Second.

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

Arthur and Pamela Chaves, 400 Edgewater Drive East, East Falmouth, MA – For permission to remove an existing pool, patio area, and surrounding fence; and to construct a new 26' x 33' timber deck.

Ms. Lincoln: Please move Mr. McGrath and Ms. Higgins to attendees and promote Michael Borselli to a participant.

Michael Borselli (Falmouth Engineering) Resource areas include: frontage on Eel Pond, land under ocean, land containing shellfish, a narrow beach, small dune, salt marsh, sheet pile wall, coastal bank meandering through the property, no disturbance zone A and B zone, no disturbance 100-ft A zone, outer buffer zone B, land subject to coastal storm flowage, AE 14 and flood zone AE 12. There is a licensed pier. They will remove a pool that will be backfilled with earth and a patio to be replaced with a grassy area. The new deck will be connected to the house. A continuance was requested after a staff report stated that the original deck was in excess of 200-sq.ft. It is now 192-sq.ft. There was also a question about the existing stone wall around the pool and patio. Mr. Borselli showed a photo of it. The wall and shed will remain. The limit of work is shown to be around the activities. This was discussed with Ms. Lincoln. The green dashed line on the plan is the outer boundary of the no disturbance zone A of the salt marsh. We cannot move closer to the present primary structure and technically the deck is closer. There should be a finding that this 4-sq.ft is diminimus and wouldn't have an effect on the resource areas.

Ms. Lincoln: It is a small area but we must stay consistent with our regulations. We should stay true to the regulations. We did make an engineer move a stairway 4-ft to keep to the regulations. This doesn't meet the current regulations. Mr. Borselli did reduce the size of the deck. It's the buffer zone regulation here.

Mr. Newton: No questions or comments.

Mr. O'Brien: No questions or comments.

Ms. Harlow-Hawkes: It may be diminimus on paper but we have to stick to our regulations.

Ms. Harris: If the applicant were willing to do some significant mitigation down by the water and including the improvement of removing the pool and patio – would that have any bearing?

Ms. Lincoln: It's hard to get over the hardship. I thought of that too. But you just heard that the project on 160 Penzance Road is now being used against us.

Ms. Harris: Will the staircase and pine tree remain?

Mr. Borselli: Yes, the granite steps and pine tree are remaining. The patio will be returned to grass.

Mr. Walsh: Looking at the project as a whole, if it goes through it will be a significant advantage to have the pool and patio out. It's a major improvement in the A zone. We should do something to work this out re the proposed deck.

Mr. Robbins: No questions or comments.

Mr. Patton: I agree with Mr. Walsh that this is a significant improvement.

Mr. Bird: I agree with both Mr. Patton and Mr. Walsh that we should look at the project as a whole. It is a substantial improvement but I'm not happy that they're keeping the retaining wall. I'm also concerned about setting a precedent and going down a slippery slope. This is a unique situation. Maybe we could make a finding.

Ms. Gladfelter: I'm going to save my comments until deliberation.

Mr. Mathews: I agree with Mr. Patton, Mr. Walsh and Mr. Bird. Is there a middle ground? Is there any public interest on the Chat function?

Ms. Lincoln: No, but I can see that the Board is tending to lean one way. Give the staff time to talk with Mr. Borselli about additional mitigation.

Mr. Borselli: I would continue it if we could work something out about more mitigation between the patio and wall, but I prefer to close the hearing. No portion of the deck is in the A zone. I hope you can make a finding. I would ask for a continuance because I can't commit to more plantings without speaking to my clients.

Ms. Lincoln promoted Arthur Chaves (applicant) to a participant.

Mr. Chaves: This is getting complicated. Maybe we should take the deck out completely.

Mr. Borselli: We could remove the deck or reduce it in size, but we might have sufficient votes to keep it as it is. I would like to close the hearing.

Mr. Bird: I don't want us conditioning things.

Ms. Lincoln: He doesn't want us to.

Mr. Mathews: How will you remove the pool?

Mr. Borselli: It will be pumped out and the patio and top section of the pool will be gone. Then it will be filled in and the area seeded.

Ms. Lincoln: The pool was built in the 70's.

Ms. Gladfelter: You're taking the top part and the area around it out but leaving impervious surface in the ground?

Mr. Borselli: We can take it all out.

Ms. Gladfelter: If the impervious surface is left it doesn't help the environment much.

Mr. Borselli: The entire pool can be excavated and removed.

Ms. Lincoln: If this 192-sq.ft deck is approved it will be part of the house. It's in a velocity zone and they could put a room there. We could approve the deck but not as part of the house.

Mr. Borselli: We could accept that.

Ms. Gladfelter: I'm concerned about getting a lot more structure.

Ms. Lincoln: We can make a condition re that, but another Board could change it in the next five years.

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

Mr. Bird: Second.

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

CONTINUED REQUEST TO AMEND THE EXISTING ORDER OF CONDITIONS

College Light Opera Company, Inc., 54 Chapoquoit Road, West Falmouth, MA – For permission to amend DEP #25-4467 to widen and improve the existing gravel driveway for fire and emergency vehicle access, to relocate the existing porch for student housing cottage #2, and to additionally clear the understory as well as install restoration plantings and trees.

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

Ms. Lincoln: Please move Mr. Borselli and Mr. Chaves to attendees and promote Tim Santos and Kim Mercurio to participants.

Tim Santos (Holmes & McGrath) At the last hearing the Board requested some modifications. The initial mitigation for the driveway access is increased from 704-sq.ft to 3,104-sq.ft for the 800-sq.ft of gravel. We modified the access and the driveway pitches away from the wetland with a leaching trench (200 linear feet) along the driveway. The landscape plans have been modified to show an increase in the mitigation and spreading the trees away from the cottages.

Ms. Lincoln: No questions. Alissa did a good job of what was proposed and breaking down the mitigation.

Ms. Gladfelter: Thank you for the drainage on the driveway especially.

Mr. Bird: What about the electric utilities trench?

Ms. Gladfelter: It is already in and has been compensated for.

Mr. O'Brien: No questions or comments.

Ms. Harlow-Hawkes: Thank you.

Mr. Walsh: No questions or comments.

Mr. Robbins: The original driveway access was reviewed by the Fire Department. What changed re the size of it?

Mr. Santos: The original access was to the rear – 12-ft with a 10-ft clearance was okay. Because the access point changed it requires a 14-ft driveway with an 18'ft clearance.

Mr. Patton: No questions or comments.

Mr. Mathews: Any public interest?

Ms. Lincoln: No.

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

Mr. Patton: Second.

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

REQUESTS TO EXTEND THE EXISTING ORDER OF CONDITIONS

Seascape Association, Inc., 0 Waterside Drive ("A" Beach), North Falmouth, MA- (DEP# 25-

4279)- Request a three-year extension.

Ms. Lincoln: The applicant is requesting a 3-year extension. This is the beach maintenance project. It's a new Order. I'm okay with a 3-year extension.

Ms. Harlow-Hawkes: Move to grant a 3-year extension.

Ms. Gladfelter: Second.

Mr. Mathews: No comments on Chat?

Ms. Lincoln: No.

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

Roderic & Marylyn Komar, 164 Acapesket Rd, East Falmouth, MA – (DEP# 25-4256)- Request a three-year extension.

Ms. Lincoln: The applicant is requesting a 3-year extension. Staff recommends a 1-year extension. They have a dock and planting plan. I see no reason for a 3-year extension.

Mr. Newton: They were putting in the plants a couple of months ago when I was there.

Ms. Harlow-Hawkes: Move to grant a 1-year extension.

Mr. Bird: Second.

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

Mr. Mathews: Any public comments?

Ms. Lincoln: No.

VOTE ORDER OF CONDITIONS

Rosemarie E. Murphy, 23 Green Pond Road, East Falmouth, MA

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

Ms. Lincoln: The only special condition is removing the dock and float. All other concerns were taken care of. We do recommend that the plants go in prior to doing the work. This is a significant alteration to the site and the water source out there. I recommend you read the staff report.

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

Ms. Harlow-Hawkes: Second.

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

Mr. Mathews: We have a request for a letter of support from the Town of Mashpee.

Ms. Lincoln: Mashpee is looking to designate the upper Quashnet River as a priority river and would like a letter of support from us.

Ms. Gladfelter: This is another Falmouth/Mashpee project. It is wonderful for coastal resiliency and important for the diaphones fish run.

Mr. Bird: Move to send a letter of support for the Town of Mashpee Quashnet River project.

Ms. Harlow-Hawkes: Second.

Mr. Mathews: Mathews, aye; Gladfelter, aye; Bird, aye; Maurie Harlow-Hawkes, aye; Walsh,

aye; Robbins, aye; Patton, aye; O'Brien, aye, Harris, aye. Unanimous, so moved.

Ms. Harlow-Hawkes: Move to adjourn.

Mr. Bird: Second.

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

The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Susan Cronin, Recording Secretary