

Eastham Conservation Commission

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**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
October 13, 2015
Public Hearing
MINUTES**

Commissioners Present: Chair Michael Harnett, James Baughman, Steven Kleinberg, Alexander Cestaro & Shelia Filipowski.

Commissioners Not Present: Steven LaBranche.

Staff Present: Shana Brogan.

Also Present: Mark Robinson & Joanna Buffington of the Compact of Cape Cod Conservation Trust, David Lyttle of Ryder & Wilcox, Tim Brady of East Cape Engineering, Shawn Shea of Misty Hill Landscaping, Ray Schuster, Bill Crosby, Christine Hughes Prince, Michael & Mary Moniz, Douglas & Betty Wood.

6:00 PM

Chairman Harnett opened the hearing.

Continuation of Notice of Intent filed by Michael & Mary Moniz. Applicant proposes three outdoor showers, construction of three wooden decks a screen porch, reconstruction of an existing wooden deck, demolishing and construction of an addition, removal of old shed and construction of a 6' x 13' shed on a coastal stairway at property located at 40 Smith Heights Way, Map 18, Parcel 054.

Tim Brady of East Cape Engineering represented the application. Chairman Harnett noted the application is missing a number of items and the hearing should be continued or the commission can vote on the project as it stands. Chairman Harnett went over the missing items. Mr. Brady noted he submitted an alternatives analysis and it is a matter of opinion as to whether or not the filing is complete. Chairman Harnett said the alternatives analysis needs to be a detailed analysis on how the project location would impact the resource areas. Mr. Brady noted the filing was filed more than a month ago and has come to the board for decades. Chairman Harnett noted they need the basic information for the filing to make a decision. Mr. Brady asked if all the commissioners thought the same as well. Sheila Filipowski said the application does not have everything and requested the missing items. Shana Brogan noted she would meet with the applicant regarding the missing information for the filing.

Steven Kleinberg **MOVED** to continue until October 27, 2015, James Baughman **SECONDED.**

ALL IN FAVOR.

Notice of Intent filed by Pamela Nickerson. Applicant proposes to construct a 4-bedroom dwelling on a vacant parcel. The dwelling is proposed to be constructed outside of the 50 foot buffer zone at property located at 52A Dyer Prince Road, Map 20, Parcel 001B.

David Lyttle of Ryder & Wilcox represented the application. Chairman Harnett began the hearing by stating the application is missing a number of items Mr. Lyttle disagreed that the information is missing. Shana Brogan provided details on meetings and going over a project sequencing. Mr. Lyttle noted he agreed with the previous speaker, but will meet to go over what is missing with Shana Brogan.

Sheila Filipowski **MOVED** to continue to October 27, 2015, Alexander Cestaro **SECONDED.**

ALL IN FAVOR.

Notice of Intent filed by Ellen & Martin Ridge. Applicant proposes construction of a detached barn/workshop within the buffer zone to a coastal bank at property located at 5 Ben's Way, Map 01, Parcel 078.

Tim Brady of East Cape Engineering represented the application. Chairman Harnett noted there was no material list included with his proposal. Mr. Brady said all of the information is not ready and it is not pertinent to the commission's decision. James Baughman noted the close proximity to the coastal bank and the proposal. Mr. Baughman noted with the garage location an alternatives analysis would be very helpful. Mr. Brady noted the slab would be on grade and the garage could go other places.

Steven Kleinberg **MOVED** to continue to October 27, 2015 James Baughman **SECONDED.**

ALL IN FAVOR.

Notice of Intent filed by Christopher & Elizabeth Kelly. Applicant proposes to construct a detached garage within the 100 foot buffer zone at property located at 20 Salt Marsh Way, Map 20, Parcel 095A.

Tim Brady of East Cape Engineering represented the application and noted the project is not affected by the National Heritage Endangered Species Program. Chairman Harnett noted the construction protocol was missing along with a number of items including a mitigation plan. Mr. Brady noted applicants used to be able to talk about the filings with the commission. Mr. Brady noted the lot is large and the majority is entirely natural. He said the purpose of the garage is to store a boat and the owner takes care of the property.

Alexander Cestaro requested a material list for the proposal. Steven Kleinberg noted the commission and Shana Brogan need to do a site visit for consistency sake.

Steven Kleinberg **MOVED** to continue until October 27, 2015, Sheila Filipowski **SECONDED.**

ALL IN FAVOR.

Notice of Intent filed by Ruth Colman. Applicant proposes extension of an existing deck, construction of a patio, and floor insulation beneath a section of the existing building supported by pilings at property located at 230 Salt Works Road, Map 04, Parcel 010.

Tim Brady of East Cape Engineering represented the application. Chairman Harnett noted the filing is missing seven items and listed them. Mr. Brady said the letters submitted with the notice attempted to address the concerns. He noted the construction protocol states all work will be done by hand. Mr. Brady noted he has filed for an extension for the same property later in the agenda and this filing would be clear if they could look at the extension.

Shelia Filipowski **MOVED** to table the discussion, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Request for Extension of Order of Conditions filed by Ruth Colman for DEP SE 19-1481. This project includes repair of a poured concrete foundation and the replacement of fill and plantings adjacent to the foundation. The property is located at 230 Salt Works Road, Map 4, Parcel 010.

Tim Brady of East Cape Engineering represented the project. He noted the foundation repair was made and there were going to be re-planting in that area. At this time a lot of sand has blown away and needs to be replaced before the planting can take place. Mr. Brady noted the new owner would be responsible for the extension and the remainder of the work on the foundation. Mr. Brady said the commission could grant an extension permit for a year

James Baughman **MOVED** to approve the extension for one year, Alexander Cestaro **SECONDED**.

ALL IN FAVOR.

James Baughman **MOVED** to go back to the tabled hearing, Alexander Cestaro **SECONDED**.

ALL IN FAVOR.

230 Salt Works Road tabled hearing

James Baughman noted there is a coastal dune mapped by the Department of Environmental Protection. Mr. Brady said the site is a coastal dune and the same line is used. He explained the landward part of the coastal dune toe. Chairman Harnett asked about the ten foot limit of work for the decking. Mr. Brady noted there will be a small amount of debris and he anticipates a roll off container. Chairman Harnett said they would need to detail how they will cut the PVC pipe. Chairman Harnett said the boards are too tight and Mr. Brady agreed to half inch spacing on the boards.

Sheila Filipowski **MOVED** to continue October 27, 2015, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Notice of Intent filed by the Town of Eastham. Applicant proposes to remove invasive plants, fallen trees and clearing adjacent to Minister's Pond. The project includes clearing a 5000 square foot area for outside classrooms and clearing approximately 1200 liner feet of trails at property located at 200 School House Road Map, 12, Parcel 070.

Bill Crosby and Christine Hughes Prince represented the project. Chairman Harnett noted the commission would need a site plan. Chairman Harnett noted the applicant would need someone to monitor the work and also would need to see qualifications of who would do the work. James Baughman noted there were invasives, but questioned what they are, where they are, and who is going to identify them. Mr. Crosby noted the project has not been maintained over the years and the purpose was to restore the resource area. Sheila

Filipowski asked about the five downed dead trees and information on how they are going to do the work.

Steven Kleinberg **MOVED** to continue to October 27, 2015, James Baughman **SECONDED**.

ALL IN FAVOR.

Notice of Intent filed by Diane Saunders. Applicant proposes pruning pitch pine trees, remove seedling oak trees, flush cut autumn olive trees and manage other native and non-native plants at property located at 25 Bowline Lane, Map 13, Parcel 055.

Shawn Shea of Misty Hill Landscaping represented the project which includes trimming hanging dead limbs and doing some invasives control. Mr. Shea noted they proposed to remove the invasive species out of the area. There is no control other than physical removal. They can control it by pulling out invasives and encouraging seedling oaks to grow.

Steven Kleinberg **MOVED** to approve the management of invasives, Alexander Cestaro **SECONDED**.

ALL IN FAVOR.

Continuation of Notice of Intent filed by Gary & Marc Bluestein. Applicant proposes repairing and heightening 140 linear feet of rock revetment at property located at 5 and 6 Nan's Way, Map 07, Parcel 517 and 514A.

Tim Brady of East Cape Engineering and Gary Bluestein were present to speak to the project. James Baughman asks that once you have a revetment and you increase the height are there any adverse effects to the upland. Mr. Brady noted the fiber rolls don't work and coir envelopes might work short term. He noted nourishment is the key performance standard and the owner is doing this already. Steven Kleinberg wondered if there would be an impact to the abutters on either side. Mr. Brady said in his opinion it would not impacted abutters. The commission agreed to the project, but said no chink stone, and requested the nourishment be changed to eighty-eight cubic yards. They also require the applicant to taper the revetment at the property line.

James Baughman **MOVED** to approve the repair and heightening of the revetment wall, Sheila Filipowski **SECONDED**.

ALL IN FAVOR.

7:49PM

Commissioner Alexander Cestaro left the meeting.

Continuation of Notice of Intent filed by Thomas & Linda Cimillo. Applicant proposes demolition of a dwelling and construction of a new dwelling, installation of a new septic system and construction of a stone revetment at property located at 445 Turnip Road, Map 07, Parcel 491.

The applicant requested a continuance to November 24, 2015.

Steven Kleinberg **MOVED** to continue until November 24, 2015, Sheila Filipowski **SECONDED**.

ALL IN FAVOR.

Request for Extension of Order of Conditions filed by James & Barbara Pagos for DEP SE 19-1476. The applicant ask for an extension due to the fact construction

currently underway will not be completed by the expiration date. Property is located at 2080 Route 6 Map15, Parcel 117.

James Baughman **MOVED** to approve the extension, Shelia Filipowski **SECONDED**.
ALL IN FAVOR.

Request for Extension of Order of Conditions DEP SE 19-986 filed by George Civita for property maintenance and repairs as needed on revetment and bank located at 760 Campground Road, Map 7A, Parcel 001.

James Baughman **MOVED** to approve the extension, Steven Kleinberg **SECONDED**.
Shelia Filipowski **ABSTAINED**.
MOTION CARRIED.

Request for change of plans filed by Daniel McCormick for additional vegetative work in the managed landscape planting areas located at 30 Richard Lane, Map 21, Parcel 062D.

Tim Brady represented the project and noted Lindsay Strode filed the request for change in plans, but is out of town this week. Mr. Brady noted they propose a lot of non – native plants. James Baughman noted concern over the Japanese stewartia, cityline hydrangea, and doublefile viburnum plants. The commission would like these plants removed due to the amount of daily watering and the fact some could become invasive. Chairman Harnett noted all plantings are around the house, but are still in the one hundred foot buffer zone. Steven Kleinberg **MOVED** to approve the change in plans, Sheila Filipowski **SECONDED**.
ALL IN FAVOR.

Request for change of plans filed by Edward Holleran for DEP SE 19-1600. Applicant proposes a revised plan showing a smaller patio further away from the resource area with a fire pit located at 210 Sunset Drive, Map19, Parcel 041.

James Baughman **MOVED** to approve the change in plans, Steven Kleinberg **SECONDED**.
ALL IN FAVOR.

Request for change of plans filed by Douglas Wood to install a stone faced ten-inch thick reinforced wall on three sides of the new leaching field located at 400 Crosby Village Road, Map 14, Parcel 196.

Douglas Wood noted his leaching field is in the front yard and asked to put in a stone wall. James Baughman clarified that the timber retaining wall would have a concrete footing. Mr. Baughman was not sure he fully understood the project and received clarification from the owner. Mr. Wood noted he would not change the plantings. The area would still be natural conservation grass and would include top soil. He said the fourth side would be tapered.

Sheila Filipowski **MOVED** to approve the change in plans, Steven Kleinberg **SECONDED**.
ALL IN FAVOR.

Request for re-issuance of Order of Conditions for Leonard & Margot Wohadlo for DEP SE 19-1480 for property located at 26 Longstreet Lane, Map 10, Parcel 364.

Steven Kleinberg **MOVED** to approve, Shelia Filipowski **SECONDED**.
ALL IN FAVOR.

Review and Approval of Conservation Restriction for Terrapin Cove located at Blue Bill Lane Map 17, Parcel 522 and Widgeon Lane, Map 17, Parcel 525.

This restriction was deferred until next meeting.

Review and Approval of Conservation Restriction for 700 Dyer Prince Road Map 19, Parcel 043L.

James Baughman said he was disappointed that it was sent to the conservation commission with signatures without speaking to the commission about it first. Mr. Baughman noted in the restriction paperwork where it talked about reserved rights signs in bold letters that it had question marks all over it and yet it was signed. Mr. Baughman also requested that when speaking of the commercial uses, the use of the word “or” rather than “and” would be better defined. Mr. Baughman noted number six on page four which calls for the removal of non-native or invasive is not defined. He would like it to include “as state listed species” so it would be better defined. Shana Brogan noted she would pass the comments along to town council and town administrator. Joanna Buffington noted she had not seen the conservation restriction either and would like to review it. Shana Brogan said she would email it over to her. .

Review and Approval of Conservation Restriction located at 600 & 630 Bridge Road, Map 20, Parcel 075 & 081.

Mark Robinson of the Compact of Cape Cod Conservation Trusts was present to speak to the restriction. He explained the conservation restriction and the approval of endorsement. James Baughman said they would want to become familiar with the property. He asked if there was funding for the removal of invasive vegetation and who would take care of the land. Joanna Buffington said that they could apply for grants and can use AmeriCorps volunteers.

Steven Kleinberg **MOVED** to approve the Conservation Restriction, Sheila Filipowski **SECONDED.**

ALL IN FAVOR.

Administrative Review

45 Mallard Lane –Remove large pitch pine trees that are close to the house located at Map 13, Parcel 099.

Steven Kleinberg **MOVED** to approve tree removal, Shelia Filipowski **SECONDED.**

ALL IN FAVOR.

555 South Sunken Meadow – Removal of three large and two very small black locust trees. Vista prune cherry trees and possibly vista prune some scrub pine and oak trees located at Map1, Parcel 093.

The commission noted the photographs were from a vantage point and a site visit was in order.

James Baughman **MOVED** to approve the pruning of the cherry trees, Steven Kleinberg **SECONDED.**

ALL IN FAVOR.

175 Herringbrook -Trim or possibly remove trees over hanging house located at Map 8, Parcel 494.

James Baughman **MOVED** to approve the removal of the tree limbs, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

80 Lawton Road – Remove sprouting black locust from buffer zone located at Map 14, Parcel 045.

James Baughman **MOVED** to approve the black locust tree, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

3280 State Highway- Replace two permanent pilings on anchoring dock located at Map 11, Parcel 49J.

James Baughman **MOVED** to approve, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

610 Samoset Road – Removal of one dead pine tree, one locust tree and two pine trees in backyard, located at Map 14, Parcel 088.

Steven Kleinberg **MOVED** to approve removal of trees and replanting trees at least four feet high, Shelia Filipowski **SECONDED**.

ALL IN FAVOR.

15 Hatch Way- Removal of tree cluster on north side of house and regrade west corner of house and reseed Map14, Parcel 101.

Steven Kleinberg **MOVED** to approve removal of tree and planting of no less than four to six feet high from the list of approved plants, Shelia Filipowski **SECONDED**.

ALL IN FAVOR.

Other Discussion

Preliminary discussion on beach nourishment and First Encounter Beach requested by Gerald Trantina.

Sheila Filipowski needs more information to understand what this project is about and noted concern about First Encounter marsh. James Baughman noted there is harm to the marsh at Bee's River. Steven Kleinberg noted he could not make a decision based on the information provided. Mr. Baughman said they would need experts to look at it and give their opinion. The commission recommended consulting with a coastal geologist.

Depot Pond Power lines

It was noted that both James Baughman and Shana Brogan sent documents and there is some easement language. Chairman Harnett noted the cost of one million dollars to bury the powerlines should be itemized.

Preliminary discussion regarding process and content of new potential regulations under the Eastham Wetlands Bylaw.

The commission will schedule a work session to review the regulations.

Natural Resources

Shana Brogan noted the Natural Resource Department is in the process of placing new signs from a grant they received at Wily Park. She noted they are attempting to block of trails to cut

down on some of the social paths. Ms. Brogan noted that the loop trail at Sandy Meadow is complete and encouraged the commission to take a look at the property.

Ms. Brogan noted that the Natural Resource Department has removed engine blocks, tire rims, unclaimed moorings and all sorts of metals from the Cape Cod tidal flats. Shelia Filipowski asked if these were all items there without a permit. Shana Brogan confirmed the items were not permitted.

Adjournment 9:07PM

James Baughman **MOVED** to adjourn, Steven Kleinberg **SECONDED**.
ALL IN FAVOR.

Respectfully Submitted as prepared by,

Teena Tilton

Michael Harnett, Chairman
Conservation Commission