

# Eastham Conservation Commission

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Eastham, MA 02642



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**Eastham Conservation Commission  
2500 State Highway  
Earle Mountain Room  
November 10, 2015  
Public Hearing  
MINUTES**

**Commissioners Present:** Chairman Michael Harnett, James Baughman, Alexander Cestaro, Shelia Filipowski & Thomas Durkin.

**Commissioners Not Present:** Steven LaBranche.

**Staff Present:** Shana Brogan.

**Also Present:** Nathan Nickerson, Susan Buckley, Roger Michniewicz, John Milliken, Linda Pinto, Joanna Buffington, Gail Bedoukian, John Kaletski, Henry Lind & Mark Robinson.

6:00 PM

Chairman Harnett opened the hearing.

**Request for Amended Order of Conditions filed by the Town of Eastham for DEP SE 19-1496. Applicant proposes shellfish aquaculture grant N-39 expansion to two acres at property located in Nauset Marsh.**

John Milliken was present to speak to the request. James Baughman asked what he would be growing on the site. Mr. Milliken replied he would be growing blood clams and razor clams. Mr. Milliken noted they will be removing nitrogen and acidification of the water. Mr. Baughman asked about materials used. Mr. Milliken noted use of a native pine along with a plastic net and rebar. The clams are from a place to ensure they are disease free. Mr. Milliken confirmed he would be using a boat and noted it does not have the dissolved lubricants.

James Baughman **MOVED** to approve the expansion of the aquaculture grant, Sheila Filipowski **SECONDED**.

**ALL IN FAVOR.**

**Notice of Intent filed by Warren and Erica Thaler. Applicant proposes beach sand nourishment at property located at 35 West Road, Map 04, Parcel 533.**

Roger Michniewicz represented the project. Shana Brogan noted they would need a Chapter 91 license to place sand on the rock revetment. Mr. Michniewicz noted access is proposed from Cooks Brook Beach and would take about one day. Chairman Harnett suggested the formula for annual nourishment be checked. Mr. Michniewicz noted it could take a year to get the Chapter 91 permit and the sand will make it to the beaches. Chairman Harnett noted the annual nourishment amount would need to be changed.

James Baughman **MOVED** to continue to November 24, 2015, Sheila Filipowski **SECONDED**.

**ALL IN FAVOR.**

**Request for Determination of Applicability filed by Elizabeth Pratt. Applicant proposes installation of a septic system at property located at 180 Mill Road, Map 15, Parcel 020.**

Linda Pinto represented the project. She noted after filing the request she filed new plans with the office. They decided to upgrade the septic system and noted it is now 110 feet from the wetland. Ms. Pinto noted the system will be elevated and there will be a two to three feet mound on all sides.

Chairman Harnett asked who delineated the wetland. Sheila Filipowski asked why the limit of work was so large. Ms. Pinto noted she could tighten the limit of work. James Baughman noted the soil seemed to be soft, spongy and wet in the septic area. Ms. Pinto said it is too close to groundwater. Chairman Harnett noted that they need to review the new plans. Mr. Baughman said his concern was the jurisdictional question. He said someone credentialed should look at the groundwater and provide a report.

Shelia Filipowski **MOVED** to continue to revise the plans, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**Continuation of Request for Determination of Applicability filed by the Eastham Conservation Foundation. Applicant proposes removal of up to six dead pitch pine trees at property located at 750 North Sunken Meadow Road and Ben's Way, Map 01, Parcel 074 and 015A.**

Henry Lind represented the project and noted the story goes back a number of years. He went into the history of the salt marsh restoration project. He said the upland vegetation is now dying. Eastham Conservation Foundation will be paying for the removal of the trees. He noted they tagged dead poplars that need to be taken out. Chairman Harnett said there are two trees that are alive. Shana Brogan suggested having the trees chipped and flush cut and removed from the site.

James Baughman **MOVED** to approve removal of dead trees, Sheila Filipowski **SECONDED**.

**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Robert & Yasmina Manning. Applicant proposes replacement of concrete retaining wall and stairway at property located at 20 Cartway South, Map 16, Parcel 014B.**

The applicant requested a continuance to November 24, 2015.

**NO VOTE TAKEN.**

**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.**

The applicant requested a continuance to November 24, 2015.

**NO VOTE TAKEN.**

**Continuation of 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.**

The applicant requested a continuance to November 24, 2015.

**NO VOTE TAKEN.**

**Continuation of 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.**

The applicant requested a continuance to November 24, 2015.

**NO VOTE TAKEN.**

**Request for Certificate of Compliance filed by John D. & Gwynne E. Kaletski for construction of a screened porch and deck (on sonotubes footings) and a covered entry and cantilevered addition on an existing single- family dwelling located at 190 Wind Jammer Lane, Map 19, Parcel 073.**

Shana Brogan noted the home owner will have large rocks brought in by this weekend and owner will submit pictures for the files.

Shelia Filipowski **MOVED** to continue to November 24, 2015, James Baughman **SECONDED**.

**ALL IN FAVOR.**

**Request for Certificate of Compliance filed by Gerald & Ruth Colman for DEP SE 19-673 for an addition to an existing dwelling located at 230 Salt Works Road, Map 4, Parcel 010.**

It was noted concrete and wood under the house and vegetation cuttings to be removed by next meeting.

James Baughman **MOVED** to continue to November 24, 2015 Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

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

Mark Robinson and Henry Lind were present to speak to the draft restriction. It was noted they attached a town meeting vote as an exhibit. Mr. Lind wanted to add things to the prohibited items: The added items include roads, septic systems, wind turbines & racks. He also suggest commercial use be deleted from the restriction. He noted changing B6 to say "without herbicides unless a licensed applicator". Mr. Robinson would like to reduce the parking area to ten cars and remove bridges.

James Baughman asked if they have completed a study. Mr. Lind noted that was not the job of the Eastham Conservation Foundation. Mr. Lind noted the area is designated as a barrier beach.

**Request for change of plans filed by Gail Bedoukian for DEP SE 19-1564 for a revised front yard planting plan located at 18 Horton's Way Map 7, Parcel 493.**

Chairman Harnett noted he does not remember where the one hundred foot buffer was located. He noted some of the plants are not on the native plant list. Mrs. Bedoukian noted she used the county list. Chairman Harnett asked about the prairie drop seed. He noted they try to stick to the list and they need to be consistent with all the other applicants and asked them to revise the list. James Baughman is concerned certain plants are not native to Cape Cod. Chairman Harnett mentioned coral honeysuckle and waxy hair grass. Mr. Baughman suggested they look at the planting list and asked if there was a stockade fence on the property. It was determined that there was a stockade fence.

Shelia Filipowski **MOVED** to continue to November 24, 2015 Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**Ratification of Enforcement Order for violation of DEP SE 19-1385 for the excavating of five 6' by 3' trenches in a barrier beach – coastal dune and salt marsh at property located at Harmes Way.**

Sheila Filipowski **MOVED** to issue an enforcement order, James Baughman **SECONDED**.

**ALL IN FAVOR.**

#### **Other Discussion**

**Shurtleff Road Violation – Unauthorized work without a permit using an excavator in the buffer zone to a coastal bank.**

James Baughman **MOVED** to issue an enforcement order for the restoration of the Bayberry Beach Association path including steps to protect the trenched path & report back on by November 24, 2015, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

**625 Kingsbury Beach Road – Unauthorized clearing without a permit next to a wetland.**

The commission requested they delineate the buffer within a week and then come back to the commission.

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

The commission agreed to set up a work session for December 1, 2015 to review the regulations.

**Approve Eastham Conservation Commission Meeting Dates & Deadlines Calendar for 2016.**

The commission approved the dates and deadlines.

#### **Depot Pond**

Shana Brogan will put the letter on the November 24, 2015 Agenda.

James Baughman **MOVED** to approve the letter, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

#### **Administrative Reviews**

**100 Log Cabin Road – Removal of small trees encroaching on road. The neighbors have requested town snow plowing on this road located at Map21, Parcel 006.**

James Baughman **MOVED** to approve the tree removal, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

**1700 State Highway - Remove three dead Cottonwood trees located behind Chamber of Commerce information booth. Trees are in danger of falling on the information booth located at Map 18, Parcel 107.**

Shana Brogan noted the Department of Public Works will hire a private company with a bucket truck to remove the trees.

James Baughman **MOVED** to approve the tree removal, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

**60 John Thomas Way - Removal of a dead oak tree within the 100' buffer zone, located at Map 20, Parcel 037.**

Shana Brogan noted the tree is dead and is located about forty feet from the salt marsh. She said the area is well vegetated between the tree and the salt marsh.

James Baughman **MOVED** to approve the tree removal, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**500 State Highway – Remove three dead oaks in the buffer zone and replace them with 6 foot white oaks located at Map 21, Parcel 077.**

James Baughman **MOVED** to approve the tree removal, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**60 Briggs Field Road - Place a small garden shed within 100' of a wetland located at Map 8, Parcel 308.**

Nate Nickerson noted the area where he would like to place the shed is the only place on his property it could go. Mr. Nickerson noted gutters could be installed to prevent run off. James Baughman noted

it was a pretty substantial structure and asked Mr. Nickerson to file a Notice of Intent for the filing. Mr. Nickerson agreed to file a Notice of Intent for the shed.

**725 N. Sunken Meadow Road - Remove one holly and two evergreen shrubs from front of house and replant hydrangea and all native plants located at Map 1, Parcel 044.**

The commission requested a sketch of the plantings.

**625 Kingsbury Beach Road - Removal of two locust trees in the buffer zone located at Map 11, Parcel 220.**

The commission deferred this until after the hearing about the unauthorized clearing.

**Approval of Minutes**

October 13, 2015

James Baughman **MOVED** to approve the minutes, Thomas Durkin **SECONDED**.

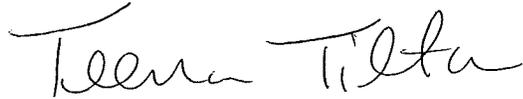
**ALL IN FAVOR.**

**Adjournment 8:03PM**

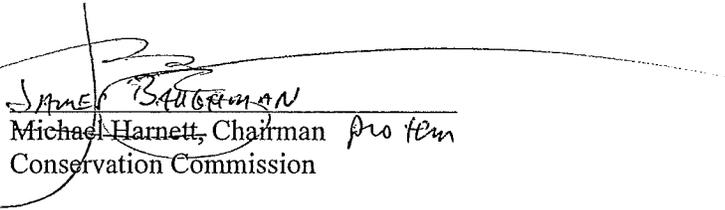
James Baughman **MOVED** to adjourn, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

Respectfully Submitted as prepared by,



Teena Tilton



~~James Baughman~~  
Michael Harnett, Chairman *pro tem*  
Conservation Commission