

Eastham Conservation Commission

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Eastham, MA 02642



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**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
July 28, 2015
Public Hearing
MINUTES**

Commissioners Present: Chair Michael Harnett, James Baughman, Alexander Cestaro and Shelia Filipowski.

Commissioners Not Present: Steven Kleinberg and Steven LaBranche.

Staff Present: Shana Brogan.

Also Present: Matt Farrell of J.M. O'Reilly & Associates, Jeffrey Havlick, Michael Moniz and Peter Kavanaugh.

6:00 PM
Chair Smith opened the hearing.

Notice of Intent filed by the Estate of Marie L. Kavanaugh. Applicant proposes installation of a new septic system at property located at 50 Ellis Road, Map 22, Parcel 016.

Matt Farrell of J.M. O'Reilly & Associates represented the project. He noted the ground water may need to be dewatered to set the tank and if they need to dewater they would place eight full size hay bales outside the one hundred foot buffer zone. Mr. Farrell noted the Mircofast blower vent does not go in the ground, but is placed in a three-inch pipe in the area to be trenched. There is one autumn olive, the rest of the area is grass, and would be put back after the installation of the septic system. Mr. Farrell said no trees would be damaged in the process.

James Baughman **MOVED** to approve the installation of a new septic system, Alexander Cestaro **SECONDED**.

ALL IN FAVOR.

Continuation of Request for Amended Order of Conditions for DEP SE 19-1235. Applicant proposes after the fact installation of a planting plan at property located at 550 State Highway, Map 21, Parcel 076.

The applicant requested a continuance to August 11, 2015.

James Baughman **MOVED** to continue to August 11, 2015, Alexander Cestaro **SECONDED**.

ALL IN FAVOR.

Continuation of Notice of Intent filed by Katherine A. Mouchantat Trust. Applicant proposes 15' linear foot extension of rock revetment constructed up to elevation 16' at property located at 405 Shurtleff Road, Map 07, Parcel 145.

The applicant requested a continuance to August 11, 2015.
James Baughman **MOVED** to continue to August 11, 2015, Shelia Filipowski **SECONDED**.
ALL IN FAVOR.

Continuation of Notice of Intent Filed by Pat Thomas and Judith Thomas Spang. Applicants propose to repair existing dock with eight support posts, replace cross members, and stringers on the underside of pier located at 1200 Herring Brook Road Map 13, Parcel 79-A.

The applicant requested a continuance to August 11, 2015.
James Baughman **MOVED** to continue to August 11, 2015, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Continuation of Notice of Intent filed by Thomas and 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 August 25, 2015.
James Baughman **MOVED** to continue until August 25, 2015, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Continuation of Notice of Intent filed by Gary and 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.

The applicant requested a continuance to August 25, 2015.
Shelia Filipowski **MOVED** to continue to August 25, 2015, James Baughman **SECONDED**.
ALL IN FAVOR.

Request for Certificate of Compliance filed by Deborah Bright and Linda Dittmar. DEP SE 19-1310 for the addition of a small deck onto an existing cottage located at 3298 State Highway, Map 11, Parcel 049.

Shana Brogan said the project is in compliance and the applicant used azeck and cedar for the deck. There were no questions by the commission.
James Baughman **MOVED** to approve the Certificate of Compliance, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Request for Certificate of Compliance filed by David Watson. DEP SE 19- 1245 for construction of a new foundation and additions to an existing single-family dwelling, the construction of a detached garage with shed, and removal of existing shed; the alteration of an existing septic system; and relocation of utility pedestal for property located at 1315 Samoset Road Map 13, Parcel 116.

Shana Brogan noted the commission did an on-site visit and the area is sufficiently vegetated.
James Baughman **MOVED** to approve the Certificate of Compliance, Shelia Kilipowski **SECONDED**.
ALL IN FAVOR.

Continuation of Request for Certificate of Compliance filed by Gary and Coleen Wolf for DEP SE 19-1398 for proposed relocation of an existing dwelling at property located at 500R Ocean View Drive, Map 24, Parcel 007.

The applicant requested a continuance to August 11, 2015.
James Baughman **MOVED** to continue to August 11, 2015, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Continuation of Request for Certificate of Compliance filed by John and Eileen Oslund for DEP SE 19-1469 for proposed construction of an addition and vegetation management at property located at 80 Lawton Road, Map 14, Parcel 045.

The applicants request a continuance until August 25, 2015.

James Baughman **MOVED** to continue to August 25, 2015, Alexander Cestaro **SECONDED**.

ALL IN FAVOR.

Request for Extension Permit filed by Peter Maglathlin for beach access stairway DEP SE 19-1025 and stone revetment DEP SE 19-635 located at 20 Marion's Way Map 07, Parcel 556B.

Shana Brogan recommended keeping the permits open.

Alexander Cestaro **MOVED** to approve the extension permit, James Baughman **SECONDED**.

ALL IN FAVOR.

Other Discussion

Review discussion and adoption of revised Filing Requirements Policy, last adopted in May of 2011, for required documents pertaining to a Notice of Intent filing prior to the scheduling of a public hearing, including items such as, but not limited to, specific narratives relating to the proposed work, restoration details and plans, narratives regarding adherence to applicable regulations, and alternatives analysis, and applicable calculations, specific construction plan details and information, resource area delineations and work and other applicable protocols.

Alexander Cestaro noted it would be best to have all the commissioners present when discussing this policy. The commission deferred this discussion to the August 11, 2015 meeting.

Liaison Reports

Shana Brogan noted she applied for a grant to replace the signs in Wiley Park and if it is approved it will be on the Conservation Commission Agenda, as well as the Open Space Committee and Board of Selectmen Agendas.

Administrative Reviews

690 & 700 State Highway -- Cut or mow a pathway through high grass for beach access located at Map 21, Parcel 65 & 64.

The commission approved this for a one time only cutting and requested all work be completed by hand. The applicant must keep the path as it is now.

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

ALL IN FAVOR.

40 Kittiwake Lane – Removal of dead tree located next to driveway within 100' of a vernal pool. Located at Map 21, Parcel 51B.

Shana Brogan noted the tree is dead.

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

ALL IN FAVOR.

40 Smith Heights Way – Removal of Norway maple invasive tree with attached invasive vines located on a coastal bank and replace with Northern Bayberry located at Map 18, Parcel 54.

The commission requested a more detailed plan. James Baughman said they should speak with someone, who can give a systematic detail plan on tree removal.

James Baughman **MOVED** to continue until August 25, 2015, Shelia Filipowski **SECONDED**.

ALL IN FAVOR.

130 Windjammer Lane – Remove dying oak tree and prune limbs away from right side of garage located at Map 19, Parcel 69.

The commission deferred this until the August 11, 2015 meeting.

15 Lee Court – Remove dead black oak tree located at Map 11, Parcel 179.

There was discussion about mitigation and Shana Brogan will contact the owner about replacing the tree. The commission deferred this until the August 11, 2015 meeting.

Minutes

June 30, 2015

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

July 14, 2015

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

245 Harmes Way Emergency Order

Jeffrey Havlick was representing the property owner Stephen Greller. He noted there is a leak in the pipe that supplies water to the house. The well is located in the salt marsh and the water travels one-thousand feet in a pipe along the roadside to the house. Mr. Havlick noted Shawn Harrington of All Cape Well Drilling worked on a leak in the past in which he hand dug and put a patch on the leaking pipe. Mr. Havlick noted that Harmes Way Road is flooded due to the leak. The house is occupied and the well pump is running. The digging would be in the road and not in the marsh. Chairman Harnett asked what is going to keep it from leaking again. James Baughman noted he has a hard time seeing this as an emergency and would like the owner to look for a long-term solution to the problem. Alexander Cestaro said the well pump is going to die out from constantly running and that will require work to in the salt marsh to replace it. Mr. Cestaro noted it would be better to allow the patch to avoid the extra work in the salt marsh area. Mr. Havlick noted the well company might have to drain the well in order to find the leak. The commission does not want to keep issuing emergency orders and discussed long-term solution, which include having a well put on the property. Shana Brogan suggested issuing an enforcement order. Mr. Havlick had no idea of the age of the pump or how long it was located in the marsh.

Alexander Cestaro **MOVED** to issue an enforcement order, James Baughman **SECONDED**.
ALL IN FAVOR.

Adjournment 7:04PM

Shelia Filipowski **MOVED** to adjourn, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Respectfully Submitted as prepared by,


Teena Tilton


Michael Harnett, Chairman
Conservation Commission