

# Eastham Conservation Commission

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**Eastham Conservation Commission  
2500 State Highway  
Earle Mountain Room  
October 27, 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:** Tim Brady of East Coast Engineering, David Lyttle of Ryder & Wilcox, Robert Manning, Michael Smith, Martin Ridge, Christopher Kelly, Michael & Mary Moniz.

6:00 PM

Chairman Harnett opened the hearing.

**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.**

Robert Manning represented the project. Chairman Harnett noted they have not heard from Natural Heritage Endangered Species Program. Mr. Manning noted he would plant four bayberry and four beach plum bushes. He noted the fence at top of retaining wall would be removed and the vertical wooden posts would be taken out. Mr. Manning noted four feet would be dug out on either side of the wall required for installation of new wall. Chairman Harnett said the plan needs to show where the plants will go. Mr. Manning noted that four would go by the stairway.

Steven Kleinberg **MOVED** to continue to November 10, 2015 Alexander Cestaro **SECONDED.**

**ALL IN FAVOR.**

**Continuation of 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 was present to speak to the project and noted he would prefer the two construction accesses. Chairman Harnett requested a materials list and asked where the dumpster will go. Chairman Harnett asked where the fill would go and Mr. Brady replied the fill would go right next to the building. Mr. Brady said no mitigation would be necessary. Chairman Harnett noted the area is not really a pine forest and requested before and after pictures. He noted the access should be one way. Mr. Brady said the access would be restored to one way and the limit of work would be marked with straw wattles. Shana Brogan noted they could have wattles and fence on the south side. Mr. Brady noted the dumpster would be placed in the driveway. He plans to remove three trees and plant six trees.

James Baughman **MOVED** to approve the construction of the workshop, Sheila Filipowski **SECONDED**.

**ALL IN FAVOR.**

**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 was present to speak to the project. He proposed to withdraw the shed and address it at a later date. He noted the retaining wall would stay in place. Mr. Brady noted on the southerly portion of the house there would be some reframing of the roof. He noted in the remodel and a reconstruction of the house there would be outdoor showers built. On a previous plan an isolated inland wetland was shown. Mr. Brady asked Theresa Sprague her opinion of the area. Mr. Brady said Ms. Sprague told him there is no vegetation that would indicate it is a wetland.

Mr. Brady noted there is a new wood deck on the west side of the house. He explained the project and noted there would be no drains for the outdoor showers. He said some trees would be removed under an approved Administrative Review. Mr. Brady said no foundation would have to be dug and no excavation would be anticipated. He will label the trees to remain and native vegetation to be replaced. James Baughman noted the commission would expect some mitigation for additional coverage.

Chairman Harnett noted he has an issue with a wood deck and the fact that a structure would be constructed closer to the bank. Mr. Brady plans to revise the plan and remove the shed, and indicate which trees would remain. He noted he would look into the Administrative Review and have Theresa Sprague of Blue Flax Design write a letter of her opinion of the inland wetland.

Alexander Cestaro **MOVED** to continue to November 10, 2015, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

**Continuation of 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 was present to speak to the project. He noted the dwelling is outside the fifty foot buffer zone and a silt fence would be installed prior to

construction. Mr. Lyttle noted the septic was located as far away as possible. All disturbed areas to be revegetated with Cape Cod lawn and native species. Wilkinson Ecological Design reviewed the project and noted it was predominantly cedar trees. They suggests thinning unhealthy cedar trees to allow more sunlight. Mr. Lyttle noted there was a nice ground cover that would come back once cedar trees were thinned. He noted the plan includes hand removal of the cedars that are not doing well and moving them to an upland area to allow them to grow into a healthy cedar tree. Mr. Lyttle noted any plantings would be native. He said they would use a small machine for the installation of the well. Mr. Lyttle noted the driveway would be a continuation of what is exiting and would be stone. Shana Brogan noted there needs to be more detail on what trees would need to be removed. Chairman Harnett asked for the number, type and location of the trees to be removed. He requested the limit of work be changed to orange construction fence.

Steven Kleinberg **MOVED** to continue to November 24, 2015, James Baughman **SECONDED.**

**ALL IN FAVOR.**

**Continuation of 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.**

Shana Brogan noted the owner placed the additional six trees and ten shrubs in various site on the planting plan.

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

**ALL IN FAVOR.**

**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 until November 10, 2015.

Shelia Filipowski **MOVED** to continue to November 10, 2015, James Baughman **SECONDED.**

**ALL IN FAVOR.**

**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 until November 10, 2015.

Shelia Filipowski **MOVED** to continue to November 10, 2015, James Baughman **SECONDED.**

**ALL IN FAVOR.**

**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 until November 24, 2015.

James Baughman **MOVED** to continue to November 10, 2015, Shelia Filipowski **SECONDED.**

**ALL IN FAVOR.**

**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.**

Steven Kleinberg **MOVED** to continue to November 10, 2015, Shelia Filipowski **SECONDED.**

**ALL IN FAVOR.**

**Request for Revised Construction Protocol filed by Tom O'Brien for property located at 125 Bay Road, Map 7, Parcel 521.**

Alexander Cestaro **MOVED** to approve the revised construction protocol, Steven Kleinberg **SECONDED.**

**ALL IN FAVOR.**

**Request for Modified Landscape Plan filed by Robert & Edie LeKites for property located at 20 Boat Meadow Way, Map 19, Parcel 013.**

The commission noted the driveway with cobblestone apron would be set in coarse sand. Shelia Filipowski **MOVED** to approve the modified landscaping plan, James Baughman **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 was not discussed at the meeting.

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

This was not discussed at the meeting.

#### **Other Discussion**

**Unauthorized landscaping update for property located at 145 Cole Road, Map 13, Parcel 070.**

Shana Brogan noted the plantings were removed and she will continue to review the property.

**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.**

Shana Brogan noted she would issue an Enforcement Order to the permit holder and copy the owner.

Alexander Cestaro **MOVED** to issue the Enforcement Order, Shelia Filipowski **SECONDED.**

**ALL IN FAVOR.**

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

Chairman Harnett noted he added a lot of information from Nantucket to the drop box file for everyone to view.

**Scheduling of future work session.**

The commission scheduled a work session for Tuesday at 9:00AM on November 3, 2015.

**Depot Pond**

James Baughman noted cormorants are not really being seen at Depot Pond. He suggested writing a letter to Eversource and request if they mitigate for Cedar Pond to offset effects to other ponds. Mr. Baughman noted the importance of treating all ponds the same. He suggested talking with Selectman William O'Shea as a liaison to bring the concern to the Selectmen.

**Administrative Reviews**

**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.**

The commission asked how the trees would be removed and who would do the work. No vote was taken.

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

The commission deferred this vote.

**325 Turnip Road- Rebuild existing sun deck with an additional four inches added onto the south side, located at Map 07, Parcel 502.**

Alexander Cestaro **MOVED** to approve rebuilding the existing deck, James Baughman **SECONDED**.

**ALL IN FAVOR.**

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

The commission asked if there was an abutter to this property and requested a site visit before making a decision. No vote was taken.

**Approval of Minutes**

**September 8, 2015**

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

**ALL IN FAVOR.**

**Adjournment 8:02PM**

James Baughman **MOVED** to adjourn, Alexander Cestaro **SECONDED**.

**ALL IN FAVOR.**

Respectfully Submitted as prepared by,

*Teena Tilton*

Teena Tilton

  
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Michael Harnett, Chairman  
Conservation Commission