

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687

**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
June 09, 2015
Public Hearing
MINUTES**

Commissioners Present: Chair Stephen Smith, Michael Harnett, Steven LaBranche, Steven Kleinberg and James Baughman.

Commissioners Not Present: Mary Zdanowicz.

Staff Present: Shana Brogan.

Also Present: Shawn Shea of Misty Hill Landscape Design, Brad Malo of Coastal Engineering, Bill O'Shea, David Michniewigz, Steven Collea and Marnie Collea .

6:06 PM

Chair Smith opened the hearing.

Continuation of Notice of Intent filed by Amy Gussack and Kermit Moyer. Applicant proposes vista pruning and maintenance and removal of invasive vegetation at property located at 50 Van Dale Circle, Map 15, Parcel 080.

Shawn Shea of Misty Hill Landscape Design represented the application. He described that the view corridor A is outlined with pink ribbon and does include the existing plant materials. The plants to be removed are leaf linden, wisteria and bittersweet. The mitigation will be planted in the yellow area on the planting plan and cutting heights are to be staggered. The red maple in the center is proposed to have side branches pruned. A yearly maintenance review is proposed and a pruning plan to be reviewed annually with the conservation agent. Mr. Shea noted the view pruning maintenance will not occur during bird nesting season.

Chairman Smith said there does not need to be that much taken down to have a view and there is a good view from the sunroom already. Once the leaf linden and the autumn olive are removed it will open up a greater view. Chairman Smith noted there is no magic height when pruning and he is looking to keep the health of the plants. Michael Harnett clarified that corridor A is from a height from the sunroom. He noted when standing on the patio you are at elevation of twenty feet and that they are proposing to prune everything to three or four feet in height. He noted reading the plan it looks as if

everything will be prune to the three or four feet height and if this is not the case the plan should be revised. Mr. Harnett said to prune a little of the top of high blueberry bush, but there was no reason the prune the understory. Chairman Smith clarified that there will be no hedge trimming and that plants will be selectively pruned such as getting rid of old wood. He noted that the plan could be entered into the record and someone could see the three to four feet and misinterpret it. Chairman Smith said the work must be done by a certified arborist and the Order of Conditions will require before and after pictures. He also requested that the three to four feet note be removed from the plan so it will not be misinterpreted.

Steven Kleinberg **MOVED** to approve the vista pruning, maintenance and removal of invasive vegetation, Michael Harnett **SECONDED**.

ALL IN FAVOR.

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 until July 14, 2015.

Steven Kleinberg **MOVED** to continue to July 14, 2015, Michael Harnett **SECONDED**.

ALL IN FAVOR.

Request for change of plans filed by Brian and Brianna Seppala. Applicant proposes a gas service connection at 15 West Road Map 04, Parcel 481, DEP File SE 19-1513

Brad Malo of Coastal Engineering represented the request. He provided photos to show where the installation would occur. The work would be within the work limit line. The gas company would complete the installation. Shana Brogan said she had abutters notified about the work. It was agreed to contact the owner separately regarding site conditions observed that day.

James Baughman **MOVED** to approve the gas service connection, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Request for project modification filed by James and Barbara Pagos. Applicant proposes to remove an existing pitch pine tree on the water side of the dwelling in the limit of work area located at 2080 Route 6, Map 17, Parcel 117, DEP File SE 19-1476.

Shana Brogan noted the tree was impacting the construction in the limit of work and should be removed.

Steven Kleinberg **MOVED** to approve modification with replacement cedar tree to be planted, Michael Harnett **SECONDED**.

ALL IN FAVOR.

Continuation of Notice of Intent filed by Ken and Tara Mitchell. Applicant proposes construction of 103' long coir envelopes to a height of elevation 19' and reconstruction of beach access stairway at property located at 365 Shurtleff Road, Map 07, Parcel 764.

The applicant requested a continuance until July 14, 2015.

Steven Kleinberg **MOVED** to continue to July 14, 2015, Michael Harnett **SECONDED**.

ALL IN FAVOR.

Continuation of Notice of Intent filed by Larry R. and Jo Ann Jasper. Applicant proposes installing a paved driveway using porous asphalt and planting native and non-native plants at property located at 10 Ben's Way, Map 01, Parcel 074.

Shana Brogan noted the applicant has withdrawn the work on the driveway and will submit plans for plantings. The applicant requested a continuance until June 23, 2015.

Steven Kleinberg **MOVED** to continue to June 23, 2015, James Baughman **SECONDED.**

ALL IN FAVOR.

Continuation of Notice of Intent filed by Christina Lawson. Applicant proposes Construction of addition/garage, porch, walkway deck and relocation of driveway, installation of septic tank at property located at 145 Cole Road, Map 13, Parcel 070

The applicant requested a continuance until July 14, 2015.

Steven Kleinberg **MOVED** to continue to July 14, 2015, Michael Harnett **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 until June 23, 2015.

Steven Kleinberg **MOVED** to continue to June 23, 2015, James Baughman **SECONDED.**

ALL IN FAVOR.

Continuation of Request for Amended Order of Conditions filed by the Town of Eastham. Applicant proposes vehicular access over South Sunken Meadow Beach and tidal areas to shellfish aquaculture growing sites from October through May at property located at South Sunken Meadow Beach, Map 01, Parcel 097.

Shana Brogan noted the town requested to withdraw the application.

Steven Kleinberg **MOVED** to accept withdrawal of application, James Baughman **SECONDED.**

ALL IN FAVOR

Certificate of Compliance filed by Stephen and Marnie Collea. Applicant request a Certificate of Compliance for an Amended Order of Conditions for drainage control and stabilization by planting located at 1600 State Highway Route 6 Map 18, Parcel 101, DEP File 19-1502.

Steven and Marnie Collea were present to speak to the request. There was a question about drainage and Chairman Smith said that the shells in the driveway were actually helping to protect the wetlands by slowing water flow. It was determined that the parking area was not impacting the wetland.

Michael Harnett **MOVED** to approve the Certificate of Compliance, James Baughman **SECONDED.**

ALL IN FAVOR.

Conservation Area Regulation Revisions

Review, discussion and adoption of revised conservation lands regulations pursuant to Massachusetts General Law Chapter 40 § 8c for areas designated as conservation land including but not limited to: Wiley Park, at property located at 1400 Herring Brook Road, Map 10, Parcel 001. Cottontail Acres, at property located at 725 Samoset Road, Map 14, Parcel 082. Nickerson Property at property located at 1150 Herring Brook Road, Map 13, Parcel 080. Dyer Prince Road Property at property located at 700 Dyer Prince Road, Map 19, Parcel 043. Lamont-Smith Property at property located at 22 Smith Lane, Map 20, Parcel 020. Walters Property at property located at 3156 State Highway Route 6, Map 11, Parcel 059, and various others.

Shana Brogan went over the changes as discussed at the last meeting. She thought that town counsel should review and she has not heard back from them yet. The commission wanted to vote on the regulations pending any minor changes from town counsel. The Natural Resource Department also had no comments.

Steven Kleinberg **MOVED** to adopt the revisions, Michael Harnett **SECONDED**.
ALL IN FAVOR.

Other Discussion

35 Duck Marsh Lane Map 12, Parcel 214 DEP SE 19-1576 – Project update for removal of dock and access stairway and restoration planting.

The application was agreed to and the commission allowed above ground irrigation for plant survivability. Chairman Smith was concerned about the seed mix and increase in vegetation. He noted the project does need to be carried out until completion. Chairman Smith noted the planting does not need to be done all at once and they could do summer plantings as there is shade for the plants.

Liaison Reports

Steven LaBranche noted the 1651 Forestry Advisory Committee has not met since it was re-instated. Chairman Smith said he did not attend the last Open Space meeting. James Baughman noted that the Community Preservation Act Committee purchased mobi-mats. He noted that some work was anticipated to be completed at Sandy Meadow. Mr. Baughman said the Dyer Prince Conservation Restriction is moving forward. He noted that Terrapin Cove is moving forward and the Massachusetts Audubon Society is going to be contracted to manage the property.

Administrative Reviews

35 Bayberry Lane Map 13, Parcel 159 – Remove four limbs from trees.

The commission approved the pruning, but would like more information on mowing the leach field area.

James Baughman **MOVED** to approve the pruning of tree limbs, Michael Harnett **SECONDED**.

ALL IN FAVOR.

40 Nickerson Road Map 14, Parcel 124A– Remove three dead oaks, one pine and remove brush pile.

The commission noted that all brush would need to be removed by hand. They approved the cutting of the three oak trees, but did not approve cutting live pitchpine tree.

Steven LaBranche **MOVED** to approve the removal of the three oaks and the brush, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

19 Marion’s Way Map 07, Parcel 558 –Replace roadside portion of deck using untreated wood.

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

ALL IN FAVOR.

45 A & B Longstreet Lane Map 10, Parcel 341A – Pruning of invasive vegetation for access around house.

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

ALL IN FAVOR.

1050 Kingsbury Beach Road Map 10, Parcel 382 – Remove fallen pine tree.

The commission requested two blueberry plants be planted in place of the removed fallen pine tree.

Michael Harnett **MOVED** to approve, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Other Discussion

James Baughman noted he is putting together a program on invasive plants to take place sometime in the fall.

Approval of Minutes

May 12, 2015

James Baughman **MOVED** to approve, Michael Harnett **SECONDED**.

ALL IN FAVOR.

7:50PM

Adjournment

Steven Labranche **MOVED** to adjourn, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Respectfully Submitted as prepared by,



Teena Tilton



Stephen Smith, Chairman
Conservation Commission