

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
August 25, 2015
Public Hearing
MINUTES**

Commissioners Present: Chairman Michael Harnett, James Baughman, Alexander Cestaro, Shelia Filipowski, Steven Kleinberg and Steven LaBranche.

Commissioners Not Present: All commissioners present.

Staff Present: Shana Brogan.

Also Present: Shawn Shea of Misty Hill Landscaping, Gordon Peabody of Safe Harbor Environmental, Doug Lebel, Stephen Wasby, Mary and Michael Moniz.

6:00 PM

Chairman Harnett opened the hearing.

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 September 22, 2015.

Shelia Filipowski **MOVED** to continue to September 22, 2015, James Baughman **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.

Shawn Shea of Misty Hill Design was present to speak to the project. He addressed concerns about mechanical devices being used and said all work will be completed by hand. He noted there would be follow up maintenance and reports. Mr. Shea noted the herbicide application would be under his review and he will supply the applicator's license before the work starts.

Shelia Filipowski noted concern about the amount of mulch used on the project. Mr. Shea said no more mulch would be applied and the irrigation would be removed. He noted a detailed plan for the fire pit was submitted and the stone placing would be four to six inches apart set in sand for drainage. The commission would like the native plants to be planted before October 1, 2015.

James Baughman **MOVED** to approve the Amended Order of Conditions, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Request to move up the 255 Mary Chase Road Project update- Chairman Harnett noted there were no objections.

Lindsay Strode of Cape Organics was present to speak to the project. Shana Brogan noted this was a property that first had a violation notice and then filed a Notice of Intent. The Order of Condition was issued and Shana Brogan informed the commission of a number of issues with the work. Mr. Strode noted he misunderstood the instructions and work was undertaken. He assumed the Order of Conditions was filed by the engineer. He noted the limit of work is up and a Department of Environmental Protection sign is posted at the site.

Mr. Strode noted the stairs were taken out and there was a ramp on the property. Chairman Harnett noted the ramp is in violation and was never on an approve plan. Mr. Strode said they were never told to take the ramp out. He noted they have stabilized the bank and put in the coir rolls. Chairman Harnett asked when he was going to rebuild the stairs. Mr. Strode said he wanted to wait until after the winter and may put in some kind of removable stairs. Chairman Harnett noted that any changes to the approved plan would have to be file as an Amended Order of Conditions. Shana Brogan noted the Order of Conditions states the stairs were to be installed in-kind and if the plans were changed they would need to be brought to the commission for approval.

Shana Brogan noted boats were still being stored on the marsh and the Order of Conditions states they should be removed. James Baughman suggested having Natural Resource Officers address the boats on the marsh.

James Baughman **MOVED** to allow the work to proceed with most current plan and to allow the steps to be built according to the 2010 plan, 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 until September 22, 2015.

Shelia Filipowski **MOVED** to continue to September 22, 2015, Steven Kleinberg **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.

Gordon Peabody of Safe Harbor Environmental represented the split rail fence.

Steven LaBranche **MOVED** to approve the Certificate of Compliance, Shelia Filipowski **SECONDED**.

ALL IN FAVOR.

Ratification and Review and Update of Enforcement Order for well line break issued to Stephen Greller, located at 245 Harmes Way Map 01, Parcel 106.

Steven LaBranche **MOVED** to ratify the Enforcement Order, Shelia Filipowski **SECONDED**.

ALL IN FAVOR.

Other Discussion

500 State Highway – violation of Order of Conditions for placement of kayak rack and storage of kayaks and other vessels on a salt marsh.

The kayak rack was removed and Shana Brogan will follow up with property owner.

Discussion regarding the Mullin Rule and MGL Ch. 39 §23D – voting and hearing attendance.

Stephen Wasby noted he is on the Zoning Board of Appeals and came to the commission to ask for the commission's support to adopt the Mullin Rule. It was noted there is inconsistency among the regulatory boards and the Mullin Rule needs to be adopted at town meeting. The Board of Health supports the adoption of the rule and will speak to the Planning Board about the adoption. It was noted the Mullin Rule is an advantage to the applicants. It was suggested that the commission write a letter to the selectmen to support the adoption of the Mullin Rule. The Mullin rule requires that the person watch the tape and sign an affidavit.

James Baughman **MOVED** to support moving forward to adopt the Mullin Rule, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

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

Chairman Harnett noted he looked up pressure-treated wood and buffer zones policies of other towns to put into the matrix. He encouraged other commissioner's to look into the towns for policies they would like to see Eastham implement.

Commissioner Alexander Cestaro excused himself from the meeting at 6:58PM.

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.

Shelia Filipowski **MOVED** to approve the revised Filing Requirements Policy, Steven Kleinberg **SECONDED**.

ALL IN FAVOR

Liaison Reports

Depot Pond Power lines

Shana Brogan will look into the easement of the pond and present her findings at the next meeting. The commission is concerned with the pollution of the resource area. Shana Brogan will make the concerns of the commission known to the town administrator.

92 Old State Highway, 30 Richard Lane, 255 Mary Chase Road Project Updates

Shana Brogan sent a letter to the property owners at 92 Old State Highway concerning the planting plan not being implemented. She plans on suggesting that they could move a little faster on the project. The commission would like a letter saying the commission expects to see initial planting of the grass by next week and there would be enforcement actions.

30 Richard Lane – Chairman Harnett asked if they turned in a license for the herbicide applicator. Shana Brogan noted it was turned in to the office by Estate Landscaping. Steven LaBranche asked how the planting plan was coming along. Shana Brogan said they are about to seed the bank.

Administrative Review

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.

Mary and Michael Moniz were present to speak to the tree removal by Covell Landscaping. Mr. Moniz noted vines would be cut. Chairman Harnett noted the winching from the truck may harm the bank. Mr. Moniz said he thought the winch would lift it up and over the bank and not drag it up the bank. Chairman Harnett said the plan needs to be specified. The commission is concerned about the bank being torn up and causing more damage than leaving the tree would cause to the bank.

James Baughman **MOVED** to approve contingent on a modified plan to be verified by Natural Resources, Steven LaBranche **SECONDED**.

ALL IN FAVOR.

17 Charlie Noble Way - Trimming tree branches that are to close to the house effecting the roof and gutters located at Map 20, Parcel 89.

This was deferred until next meeting.

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

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

ALL IN FAVOR.

13 Horton Way- Pruning of 8 pine trees and shrubs with fence repair located at Map 7, Parcel 495.

The commission requested more details on how the fencing would be installed and more detail on the proposed pruning.

Approval of Minutes

August 11, 2015

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

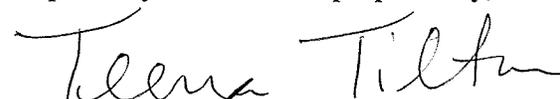
ALL IN FAVOR.

Adjournment 7:26PM

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

ALL IN FAVOR.

Respectfully Submitted as prepared by,


Teena Tilton


Michael Harnett, Chairman
Conservation Commission