

# Eastham Conservation Commission

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Eastham Conservation Commission  
2500 State Highway  
Earle Mountain Room  
January 13, 2015  
Public Hearing  
MINUTES

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

**Commissioners Not Present:** Steven Kleinberg and Mary Zdanowicz.

**Staff Present:** Shana Brogan.

**Also Present:** Peter Burns, Bill Van Norman, Jacqui Beebe, Neil Andres, Phil Cheney, Mary Kate Paravisini, Dawn Skiba, Daniel Coppelman and Joseph Casna of Crystal Clear Pools.

6:00 PM

Chairman Smith opened the hearing.

**Request Plan Change for Notice of Intent filed by the Town of Eastham. Applicant proposes maintenance dredging within Rock Harbor and off shore disposal at property located at 631 Dyer Prince Road, Map 19, Parcel 120.**

Neil Andres and Jacqui Beebe of the town of Eastham were there to speak to the project. Neil Andres noted they were asking for a change in project scope. The contractor has agreed to come back and finish the dredging. At this time of the year they cannot dispose the dredge spoils in Cape Cod Bay. The sand would be loaded on a bulkhead in Orleans and taken to another site out of town. Andres noted they have already dredged through the turtle habitat. The Department of Environmental Protection will require a day-to-day update basis if they go past January 31, 2015. Andres noted they can dredge four hundred yards per day and should be finished before that date. The wind this fall caused the project to move at a slower pace than expected.

Michael Harnett **MOVED** to approve the change in the project, 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 First Encounter Beach and tidal**

**areas to shellfish aquaculture growing sites from October through May at property located at First Encounter Beach, Map 16, Parcel 025.**

Peter Burns and Neil Andres of the Eastham DPW were there to speak to the project. Mr. Burns the aquaculture grant holder noted a letter from the Division of Marine Fishers about recommending a time of year restriction in May for horseshoe crabs. The letter questioned the use of an ATV on a shellfish grant that Burns operates. The areas of concern include a Fringe salt marsh, tidal flats, and an Area of Critical Environmental Concern. Mr. Burns noted the ATV would pass through a four-foot wide corridor and that First Encounter is not a unique area for horseshoe crabs. Mr. Burns discussed how he would use the vehicle on the beach and claimed he would not harm the horseshoe crabs with his protocol. Burns addressed the temperatures that the crabs are active and noted that in June when the temperatures are right for the horseshoe crabs to breed that no one will be going out to the grant. They will not impact larvae, because the nests are about six inches below the beach surface, and the ATV's are light and will not harm the nests. Mr. Burns noted that the Natural Heritage and Mass Audubon are both familiar with the area and nest are marked and monitored. Michael Harnett asked if there are horseshoe crabs in the area in question and also why Mr. Burns needed the ATV. Burns confirmed that there are horseshoe crabs and that the use of the ATV would be to bring both product and equipment back and forth to the grant. Steven LaBranche wanted to know whether there was an activity log. Shana Brogan clarified that there is a protocol in place and they must let the Natural Resources office that they are going out to the grant.

James Baughman **MOVED** to approve the ATV use October through May, Steven LaBranche **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.**

Mary Kate Parovisini and Neil Andres of Eastham DPW were there to speak to the project. The applicant Russell Sandbloom sent his daughter Mary Kate Parovisini to represent him. They are asking permission to use a pickup truck to work the grant site. The truck would be used to transport product and equipment. Chairman Smith noted that a truck causes much more pollution and expressed concern if the truck stalled in the water. Neil Andres noted that anyone taking a truck out onto the beach is required to have a second truck in the parking lot with shovels and towing equipment to pull a truck out if it did stall in the water. Parovisini noted that they always keep an extra vehicle in the parking lot. Chairman Smith asked who monitors the site and if Natural Heritage has any data on the site. Parovisini said she will contact National Heritage and Mass Audubon and have the land marked for nests and see who can monitor the beach for them.

Michael Harnett asked for the pounds per square inch from the weight of the truck. Ms. Parovisini said she will get that information for the next meeting. Michael Harnett also wanted to clarify that there would be only one truck per grant site and have a back up in the parking lot.

James Baughman **MOVED** to continue to January 27, 2015, Steven LaBranche **SECONDED**.  
**ALL IN FAVOR.**

**Notice of Intent filed by Michael Rivers and Sarah Stair. Applicant proposes construction of a garage, removal and upgrade of a septic system, removal of four trees at property located at 40 Teal Way, Map 17, Parcel 507.**

Tim Brady of East Cape Engineering represented the project. Mr. Brady described the project and noted there was not a lot of room given the setbacks and wetlands. The project will require a full foundation filled with sand. There will be no grading changes. A planting plan and details were provided and the commission went over the plan. Mr. Brady asked about vista pruning, and noted there was no paperwork on file concerning vista pruning. Brady noted that the vista pruning would be no lower than five feet and can increase to eight to ten feet in height.

The paperwork for the Natural Heritage Endangered Species Program was filed and Mr. Brady is waiting to hear back from them. Shana Brogan went over the different missing components of the project. Chairman Smith noted there was an irrigation system on the property that would need to come out.

Steven LaBranche noted a need for a better vista pruning protocol. Chairman Smith agreed and expresses concern over a dead cedar tree that was in the vista pruning area. Michael Harnett noted the plants in the fifty-foot buffer are not included in the numbers for the one hundred foot buffer. The commission asked for clarification on the planting plan.

Steven LaBranche **MOVED** to continue to January 27, 2015, Michael Harnett **SECONDED.**

**ALL IN FAVOR.**

**Notice of Intent filed by Dennis Ruh. Applicant proposes deck expansion and construction of a screened porch over an existing deck at property located at 65 Bay View Drive, Map 13, Parcel 015**

Applicant requested a continuance until January 27, 2015.

Steven LaBranche **MOVED** to continue to January 27, 2015, Michael Harnett **SECONDED.**

**ALL IN FAVOR.**

**Notice of Intent filed by David and Theresa Hale. Applicant proposes relocation of a beach access stairway, construction of an elevated walkway, installation of sand-drift fencing and beach nourishment at property located at 75 Bay View Drive, Map 13, Parcel 013.**

Applicant requested a continuance until January 27, 2015.

Steven LaBranche **MOVED** to continue to January 27, 2015, James Baughman **SECONDED.**

**ALL IN FAVOR.**

**Notice of Intent filed by Brian Ridgeway and Brenda Vecchione. Applicant proposes construction of an addition, removal of invasive vegetation and pruning vegetation at property located at, 250 Crosby Village Road, Map 14, Parcel 205A.**

Applicant requested a continuance until January 27, 2015.

Steven LaBranche **MOVED** to continue to January 27, 2015, Michael Harnett **SECONDED.**

**ALL IN FAVOR.**

**Notice of Intent filed by Douglas Wood and Betty Green. Applicant proposes a septic system upgrade and installation of a new well at property located at 400 Crosby Village Road, Map 14, Parcel 196.**

Applicant requested a continuance until January 27, 2015.

Steven LaBranche **MOVED** to continue to January 27, 2015, Michael Harnett **SECONDED**.

**ALL IN FAVOR.**

**Notice of Intent filed by Edie and Robert Lekites. Applicant proposes removal and replacement of a 12' by 16' shed and shower and replacement of a fence at property located at 20 Boat Meadow Way, Map 19, Parcel 013.**

Phil Cheney presented the project and detailed there is a small increase to the structure.

The structure will increase by fifty-four square feet. Mr. Cheney noted no plants or trees will be taken out and the swing set may need to be moved. Mr. Cheney did have a mitigation plan and plants were included.

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

**ALL IN FAVOR.**

**Notice of Intent filed by Jean and Daniel Coppelman. Applicant proposes installation of an in-ground pool with a bluestone patio surround and with fencing at property located at 235 Eldredge Drive, Map 01, Parcel 062.**

Daniel Coppelman and Joseph Casna of Crystal Clear Pools presented the project. Mr. Coppelman noted that the plan showed the only place on the property that the pool could fit. He also stated he does not want a hot tub. Mr. Coppelman described the nesting terrapins as well as the resource areas of the site. Mr. Coppelman noted, these areas are not in the area of the proposed pool. Mr. Coppelman also noted he is willing to supplement the proposed landscaping, which includes eight cedar trees along the driveway. Chairman Steven Smith noted that the property is a heathland, which is a rare habitat, and they need core borings to tell what is there. Steven LaBranche noted that they would need an engineered plan stamped by a Professional Engineer. Chairman Smith noted that the property might need to be re-surveyed and questioned if the area was a dune or a coastal bank.

Chairman Smith noted there would need to be a 2:1 mitigation plan in place. Mr. Coppelman noted he couldn't give physical mitigation. He also noted he could not find 2:1 mitigation. James Baughman noted it would be helpful to have the locations of the terrapin's nests on the property.

Mr. Coppelman noted the pool would be eighteen inches above grade and that it has no sheathing on it. Mr. Coppelman noted that the pool would not be drained.

Michael Harnett **MOVED** to continue to February 10, 2015, Steven LaBranche **SECONDED**.

**ALL IN FAVOR.**

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

Applicant requested a continuance until January 27, 2015.

Steven LaBranche **MOVED** to continue to January 27, 2015, Michael Harnett **SECONDED**.

**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Elizabeth Simmons. Applicant proposes construction of an 124' long rock revetment to a height of elevation 19' and reconstruction of a beach access stairway at property located at 385 Shurtleff Road, Map 07, Parcel 163.**

Applicant requested a continuance until January 27, 2015.

Steven LaBranche **MOVED** to continue to January 27, 2015, Michael Harnett **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 until June 23, 2015 to allow time for ninety percent survivability rate of the vegetation.

Michael Harnett **MOVED** to continue until June 23, 2015, James Baughman **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.**

Chairman Smith asked why the plan was changed and is now one hundred square feet short. Chairman Smith noted it makes more sense to continue it to the top of the slope. James Baughman agrees the plan as approved has it up to the break in the slope and wants it vegetated as planned. The commission noted monitoring reports are needed.

Michael Harnett **MOVED** to continue until June 23, 2015, James Baughman **SECONDED.**

**ALL IN FAVOR.**

**Continuation of Request for Certificate of Compliance filed by Rosamond H. Thomas for DEP SE 19-1403 for erosion control and sand nourishment at property located at 255 Mary Chase Road, Map 18, Parcel 080A.**

A soft solution of coir rolls was installed without a permit. The applicant will need to file an after the fact Notice of Intent.

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

**ALL IN FAVOR.**

The applicant was requested to attend January 27, 2015 meeting. The commission will issue a violation notice.

Michael Harnett **MOVED** to continue until January 27, 2015, James Baughman **SECONDED.**

**ALL IN FAVOR.**

## **Other Discussion**

### **550 State Highway**

Chairman Smith noted the non – native plants need to be removed and a new planting plan must be submitted. The commission issued an enforcement order for the plants to be removed by April 1, 2015 and the new planting plan must be submitted by March 10, 2015. The commission also requires that the applicant file for an Amended Order of Conditions.

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

**ALL IN FAVOR.**

### **20 Keene Way project update**

Steven LaBranche recused himself. The commission asked why shrubs on the bank were tagged. Shana Brogan questioned whether the project is going to be finished based on e-mails she received. Chairman Smith would like to hear from the owner and the engineer about cleaning up and clearing a pathway. The commission would like to issue a violation and a fine.

The commission will hold off until January 27, 2015.

### **Ratification of enforcement order for 195 and 175 Herring Brook Road**

The commission noted the enforcement order would require a planting plan. The plan must improve the resource area that was cut. The property owners of 175 Herring Brook Road must file a Notice of Intent by February 24, 2015.

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

**ALL IN FAVOR.**

### **Community Preservation Committee**

It was decided to defer to next meeting.

### **Fertilizer Regulation update**

Shana Brogan informed the commission that the Cape Cod Commission approved the regulation, and fertilizers are now not permitted in the one hundred foot buffer zone.

### **1651 committee update**

It was noted that the Open Space Committee think the selectmen overstepped their bounds by dissolving it. The commission is waiting to hear back about a meeting with the 1651 Committee and Board of Selectman.

### **John Sherff – 15 Blue Bill Lane**

It was decided to defer to next meeting.

### **Administrative Reviews**

#### **431 Dyer Prince Road**

It was decided to defer to next meeting, because the tree was not tagged.

**20 Elizabeth Drive**

The commission questioned if the two trees in question are located in the wetland. The trees are leaning towards the house. Chairman Smith noted gas that is stored next to boats should be removed. The commission would like a site visit to look at the area again.

Steven LaBranche **MOVED** to continue until February 10, 2015, James Baughman **SECONDED**.

**ALL IN FAVOR.**

**140 Old State Highway**

The work is on three decks replacing six sliders and re-siding around the sliders. There will be no work on the outside.

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

**ALL IN FAVOR.**

**Great Pond town beach memorial bench**

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

**ALL IN FAVOR.**

**Herring Pond town beach memorial bench**

It was decided to defer to next meeting to determine if emergency access would be impacted.

**Approval of Minutes**

July 8, 2014

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

**ALL IN FAVOR.**

**March 11, 2014 - on-site meeting**

James Baughman recuse himself.

Steven LaBranche **MOVED** to approve minutes, Michael Harnett **SECONDED**.

**ALL IN FAVOR.**

Steven LaBranche **MOVED** to leave regular session and go into Executive Session and not to return to regular session, Michael Harnett **SECONDED**.

**Roll Call:**

Stephen Smith, voted "AYE".

Michael Harnett, voted "AYE".

James Baughman, voted "AYE".

Steven LaBranche, voted "AYE".

**ALL IN FAVOR.**

**Adjournment**

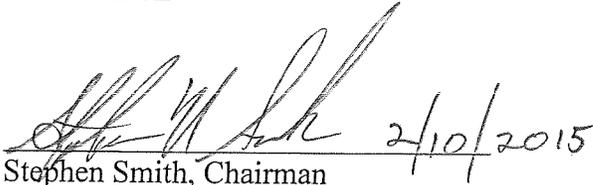
Steven LaBranche **MOVED** to adjourn the regular session, Michael Harnett **SECONDED**.

**ALL IN FAVOR.**

Respectfully Submitted as prepared by,



Teena Tilton



Stephen Smith, Chairman  
Conservation Commission