

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
February 10, 2015
Public Hearing
MINUTES**

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

Commissioners Not Present: All commissioners present.

Staff Present: Shana Brogan.

Also Present: Ronald Slowek of Ambrose Holmes, Joyce K. Williams of Joyce K. Williams Landscape Designs, Daniel Coppleman and Kenneth MacPhee.

6:00 PM

Chair Smith opened the hearing.

Request for Amended Order of Conditions filed by Mary Jane and Frans Cramer. Applicant proposes to construct an elevated 4 foot wide walkway from the driveway to the house using cedar framing and mahogany at property located at 325 Harmes Way, Map 1, Parcel 109.

Tim Brady of East Cape Engineering represented the applicant along with Ronald Slowek of Ambrose Homes. Chairman Smith announced that before the applicant discussed their most recent proposal that there are a number of sections in the current Order of Conditions that were not adhered to. One concern is number thirty-two in the Order of Conditions. There was no planting in the project area as outlined in the current Order of Conditions. Chairman Smith noted it is inappropriate to move forward without complying with the Order of Conditions. The commission requested Tim Brady to provide an as-built survey plan. Ambrose Homes will provide monitoring reports on the project progress and conditions at the site. The monitoring reports will include plantings and transplanting information on the existing plants, as well as, any requirements from The Natural Heritage Endangered Species Program. Mary Zdanowicz asked for information on the background of the project.

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

ALL IN FAVOR.

Notice of Intent filed by Keith Harrison. Applicant proposes driveway modifications addition of stone rip rap and removal of eight trees and mitigation plantings at property located at 37 Cranberry Lane, Map 13 Parcel 061.

Tim Brady of East Cape Engineering presented the project. Mr. Brady noted the property is a coastal dune and is located further landward than the homeowners thought. The homeowners would like to expand the borders of their driveway. The owners will take out the pressure treated timbers that are currently in the driveway and a small amount of fill would be added. The plan includes a little stone splash apron. Tim Brady noted it was not important to know exactly where the dune is located due to the scope of the project. There are several dead trees the applicant would like to flush cut. Mr. Brady noted that there is one large autumn olive that is very overgrown that needs to be removed. There are other dead pines that would be removed. Mr. Brady does not think the project area itself is in a coastal dune.

James Baughman asked what kind of trees would be removed and what kind of trees would be put in their place. Chairman Smith noted in order to stay consistent with all other applicants the new plants need to be from the native plant list. He also noted a need for a plan with the buffer zones. Chairman Smith also said the trees are not going to impact anyone and they could be left alone.

James Baughman **MOVED** to continue to February 24, 2015 Michael Harnett **SECONDED.**

ALL IN FAVOR.

Notice of Intent filed by James Jestude. Applicant proposes a storage shed to be constructed adjacent to an isolated vegetated wetland and adjacent to a 100 year flood zone located at 80 Goody Hallett Road, Map 20, Parcel 17.

Tim Brady from East Cape Engineering presented the project. Mr. Brady stated that the area is a small-vegetated wetland and is in a flood zone. The applicant would store kayaks in the shed. The shed is proposed to be on a concrete slab and would fit between the trees. The shed could be moved forward a couple of feet. Steven Kleinberg asked if it is a large shed. Chairman Smith said that the commissioners would need to visit the site, so they could look at the wetlands and discuss mitigation. Mary Zdanowicz asked for an alternatives analysis for the placement of the shed. The commission will visit the site if possible on February 24, 2015.

Michael Harnett **MOVED** to continue to March 10, 2015, Mary Zdanowicz **SECONDED.**

ALL IN FAVOR.

Notice of Intent filed by Jean Mitchell & Gregory Delissovoy. Applicants propose replacement windows for an existing shed and pruning existing briars and poison ivy at property located at 185 Mill Road, Map 15, Parcel 26.

This is for a one-time pruning and is not in a vegetated wetland. There is a time limit and it must be completed by April 30, 2015.

Steven LaBranche **MOVED** to approve replacement of shed windows and pruning, 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.

The applicant requested to continue to March 24, 2015.

Michael Harnett **MOVED** to continue to March 24, 2105. Mary Zdanowicz **SECONDED**.

ALL IN FAVOR.

Continuation of 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 presented the projected. The applicant proposed to vegetate entire area of mulched perimeter in yard. Steven LaBranche asked if the lawn would be coming out. Mr. Brady noted the lawn is to stay the same and there will be no work on the west side of the driveway. Vista pruning has been addressed, and pruning will be ten to twelve feet in height and the pruning does not need to be shorter than it is now. The commission noted that the proposed miscanthus grass could be changed to a native grass. The commission also required that the Area of Critical Environmental Concern to be marked by a surveyor at the ten feet contour. The commission would also request that Mr. Brady add the ten-foot contour to the landscape plan so it is clear where no pruning can occur in the Area of Critical Environmental Concern.

Steven Kleinberg **MOVED** to continue to February 24, 2015, Mary Zdanowicz **SECONDED**.

ALL IN FAVOR.

Continuation of 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 presented the project. Mr. Coppelman noted that a crane would be used to place all machines and materials onto the construction site. The area is a nesting ground for diamond back terrapin turtles. Mr. Coppelman also noted that all pool equipment would be dug by hand and that he would be using a salt water system that does not need back washing. Mr. Coppelman also noted that seventy percent of the existing plants would survive if transplanted. Chairman Smith noted the top of bank is listed on the plan from 1991 and a surveyor should verify it with a new site plan. According to Mr. Coppelman the site is not subject to erosion and the top of the bank could be verified in the field. Chairman Smith noted that the project provides no benefit to the area. Mr. Coppelman stated that the pool disinfectors could be put under the deck and the fence could be moved closer to the pool. He also noted he would be willing to supplement and ensure the replacement of the vegetation. Steven LaBranche noted he has a hard time legitimizing putting a pool in that area. Mr. Coppelman said the pool could not be relocated due to building security. He also note the fiberglass would never need maintenance and that the water would stay in the pool. The commission noted that the pool space is larger than it could be. Mr. Coppelman suggested using a bond to assure that the vegetation would take hold. Chairman Smith suggested a continuance to find out the cost of replanting. Chairman Smith stated transplanting is not enough because it is not fair and does not provide 2:1 mitigation, for lost habitat area that will be taken up by the pool. Mr. Coppelman asked to withdraw his Notice of Intent application.

Mary Zdanowicz **MOVED** to accept the withdrawal of the Notice of Intent, Michael Harnett **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.

The applicant requested to continue to March 10, 2015.

Steven LaBranche **MOVED** to continue to March 10, 2015, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Other Discussion

550 State Highway - Ratification of enforcement order

The commissioners signed the enforcement order for 550 State Highway that requires the applicant and homeowner to file an Amended Order of Conditions for a revised planting plan.

Community Preservation Committee - nomination of Conservation Commission representative

James Baughman was nominated to the Community Preservation Committee. Mr. Baughman will be away on vacation for the month of March. He will begin attending meetings in April 2015.

Steven LaBranche **MOVED** to appoint James Baughman to the Community Preservation Committee, Michael Harnett **SECONDED**.

ALL IN FAVOR.

Administrative Reviews

1 Nycoma Way – After the fact placement of fence

The commission discussed the approval of the fence if the pressure- treated posts are removed. They said they wanted to review the meeting video.

Michael Harnett **MOVED** to approve the fence and remove the pressure treated posts, James Baughman **SECONDED**.

ALL IN FAVOR.

431 Dyer Prince Road- Removal of dead tree

The commission decided to wait for the homeowner to mark the tree to be removed.

Notice of Intent permission procedures discussion

Mary Zdanowicz noted that she researched the Wetlands Protection Act regulations and the property owner does need to sign the Notice of Intent application. She referenced a case Docket 2003-27-DEP SE 243-486 that supports her research. Ms. Zdanowicz also noted section 310 CMR 10.05(4)(a) in the Wetland Protection Act allows someone or a company to obtain written permission from the owner to file the paper work on their behalf. Chairman Smith asked Shana Brogan to verify this information with Christine Odiaga and the Department of Environmental Protection, so the commission can remain consistent with all applicants.

Approval of Minutes

January 13, 2015

James Baughman **MOVED** to approve, Steven LaBranche **SECONDED**.
ALL IN FAVOR.

8:45PM

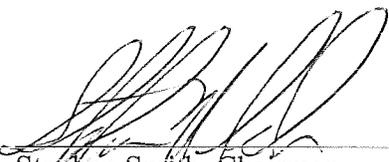
Adjournment

Steven LaBranche **MOVED** to adjourn, Steven Kleinberg **SECONDED**.
ALL IN FAVOR.

Respectfully Submitted as prepared by,



Teena Tilton



Stephen Smith, Chairman
Conservation Commission

3/10/2015