

Eastham Conservation Commission

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**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
February 24, 2015
Public Hearing
MINUTES**

Commissioners Present: Chair Stephen Smith, Steven Kleinberg, Mary Zdaowicz and James Baughman.

Commissioners Not Present: Michael Harnett and Steven LaBranche.

Staff Present: Shana Brogan.

Also Present: Kathryn Ricks of Coastal Engineering, Jason Norton of Coastal Engineering, David Lyttle of Ryder and Wilcox and Tim Brady of East Cape Engineering.

6:00 PM

Chair Smith opened the hearing.

Notice of Intent filed by James Arnold. Applicant proposes construction of an addition and deck at property located at 725 Bridge Road, Map 19, Parcel 002.

David Lyttle of Ryder and Wilcox presented the project. Mr. Lyttle noted that the entire property is in the fifty-foot buffer zone. He stated all work would be done on hand dug sonotube footings. He also noted that one oak tree would be compromised. The commission noted the need to know what the new construction would be and a note about non-pressure treated wood. This would need to include a construction protocol. Chairman Smith discussed 2:1 mitigation and the need for a planting plan with numbers and types. Chairman Smith would also like Mr. Lyttle to make the limit of work tighter and a construction protocol especially for debris.

Mary Zdanowicz **MOVED** to continue to March 24 2015, James Baughman **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.

The applicant requested a continuance to until March 10, 2015.

Steven Kleinberg **MOVED** to continue to March 10, 2015, James Baughman **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.

Kathryn Ricks and Jason Norton of Coastal Engineering represented the project. Ms. Ricks submitted information for work that was performed on the property. Mr. Norton presented the performance standards and said how the project met the standards for coastal banks. Mr. Norton stated that the homeowners want a revetment that is environmentally friendly. Chair Smith informed Mr. Norton that he would need to write down and submit his argument Mary Zdanowicz requested a new surveyed plan.

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

ALL IN FAVOR.

Continuation of 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.

The applicant requested a continuance to until March 24, 2015.

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

ALL IN FAVOR.

Continuation of 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.

The applicant requested a continuance to until March 24, 2015.

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

ALL IN FAVOR.

Continuation of 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.

The applicant requests a continuance to until March 24, 2015.

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

ALL IN FAVOR.

Continuation of 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 that they were adding to the driveway and not to the buffer zone. He also noted they will plant small eastern red cedar trees in a small planting area. Chairman Smith noted that all plants are to be from the approved native planting list, the commission agreed to allow daylilies.

Mary Zdanowicz **MOVED** to approve driveway modification and removal of trees, Steven Kleinberg **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 project. Mr. Brady noted they want to start the project within six weeks. There will be two limits of work and they will look for turtles during construction.

Mary Zdanowicz **MOVED** to approve the construction of a garage and upgrade of a septic system, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Request for Certificate of Compliance filed by Robert and Grechen Robinson for DEP SE 19-1282 for removal of an existing dwelling and construction of a new dwelling, installation of a new septic system, installation of a timber retaining wall, and driveway improvements and planting plan at property located at 18 Asparagus Lane, Map 19, Parcel 036.

The applicant requested a continuance to March 10, 2015.

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

ALL IN FAVOR.

Request for Certificate of Compliance filed by Robert and Grechen Robinson for DEP SE 19-1230 for construction of a second story on an existing dwelling and additions at property located at 18 Asparagus Lane, Map 19, Parcel 036.

Mary Zdanowicz **MOVED** to approve, as no work on this project commenced, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

Request for Certificate of Compliance filed by Frank and Margaret Vangeli for DEP SE 19-1248 for installation of fiber rolls and drift fence at property located at 27 Longstreet Lane, Map 10, Parcel 333.

The applicant requested a continuance to March 10, 2015.

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

ALL IN FAVOR.

Extension Permit

Request for Extension Permit for DEP SE 19-1335 for vegetation maintenance at property located at 40 Smith Heights Way, Map 18, Parcel 054.

Michael Moniz presented the project; he said he might come back in the future to conduct further vegetation management.

Mary Zdanowicz **MOVED** to approve vegetation maintenance, Steven Kleinberg **SECONDED**.
ALL IN FAVOR.

Other Discussion

Herring Brook Road

Shana Brogan noted a violation letter was sent out concerning the cutting of trees on Herring Brook road, properties and a new restoration project is forth coming.

Nstar - discussion regarding correspondence with right-of way management

Steven Kleinberg noted that Nstar sprays in high winds, which is outside of Massachusetts Department of Agricultural Resources (MDAR) regulations. Mr. Kleinberg would like it on record that he has significant concerns with the use of herbicides by Nstar and wants further discussion as it relates to the Conservation Commission. According to Mr. Kleinberg all fifteen town have submitted resolutions against Nstar spraying, but it has not stopped Nstar from spraying.

Mr. Kleinberg said the Environmental Protection Agency (EPA) allows the types of herbicides, but if it is happening in a resource area the Conservation Commission should be able to have a say in the process.

Mary Zdanowicz asked if the Department of Environmental Protection (DEP) could help in any way. Mr. Kleinberg stated that MDAR is under the jurisdiction of the EPA and follows their regulations. Ms. Zdanowicz noted that if MDAR or EPA are not following regulations on use of herbicides that the DEP could be brought in to help with regulations. Mr. Kleinberg pointed out that the use of herbicides has become very contentious and towns have filed complaints with Nstar, and noted it was to the point that Board of Selectmen must write to Senator Daniel A. Wolfe and Representative Sarah K. Peake about their concerns.

Steven Kleinberg noted that all comments made to Nstar about the spraying of herbicides must be submitted by March 13, 2015 by 5:00PM.

Shana Brogan suggested the commission write a letter expressing their concerns about the spraying even though it does not fall into their jurisdiction.

James Baughman noted Nstar regulations state that they are not to go within ten feet of a private well. However the wells must be registered with Nstar, and Mr. Baughman is not sure if the homeowners know they need to register their well. Nstar regulations state they cannot spray within ten feet of a private registered well and fifty feet within a resource area. Shana Brogan asked how does Nstar delineate the resources and wetlands.

The commission also discussed the wind blowing the herbicides and how that impacts the resource areas. Chairman Smith said unless they have an anemometer in hand on the day there are spraying they really do not know the wind speed. He also noted the wind speeds can vary greatly in our given area. The commission feels it is very important to have someone measuring the wind speeds, because the herbicides contain known carcinogenic. Steven Kleinberg noted that some towns have taken it on themselves to clear the right - of- way so Nstar does not have to spray at all.

Steven LaBranche sent in an email that noted how destructive the mowing in right-of-way could be to the shrubs.

The commission would like to write a letter to Nstar and express their concerns and ask several questions. They would like to know how Nstar supervised the applicant doing the spraying and how do they know they are ten feet from the wetland.

The commission would also like to know what is Nstar's protocol when spraying the herbicides and if there is a limit as to how much they put down each day.

7:50PM

Adjournment

James Baughman **MOVED** to adjourn, Mary Zdanowicz **SECONDED**.
ALL IN FAVOR.

Respectfully Submitted as prepared by,



Teena Tilton



Stephen Smith, Chairman
Conservation Commission

3/10/2015