

# Eastham Conservation Commission

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**Eastham Conservation Commission  
2500 State Highway  
Earle Mountain Room  
April 14, 2016  
Public Hearing  
MINUTES**

**Commissioners Present:** Chairman Michael Harnett, Steven LaBranche, Thomas Durkin and Shelia Filipowski.

**Commissioners Not Present:** Alexander Cestaro and James Baughman.

**Staff Present:** Shana Brogan.

**Also Present:** Superintendent Neil Andres of Eastham Department of Public Works, Shawn Shea of Misty Hill Landscaping, Jason Ellis of J C Ellis Design, Laura Freeman of Schofield Brothers of Cape Cod, Jeff Havlick, Stephen Greller, Joe Loycano, John Duarte, Robert Dobinski, Sam Palmer, Kim Palmer, Josh Locas, Gary Locas Linda Ravesi, Carraig Weatherup, Craig Thatcher, Laura Weatherup, Nicholas Scola, Devin Cannistraro, Derek Cannistraro, Colin Curley, Shane Shakliks, Andrew Shakliks, Seamus Weatherup, Bobby Freeman, Mark Robinson, Norman Abend, Sydney Abend, Peter Zaglio and Carol Zaglio.

6:00 PM

Chairman Harnett opened the hearing.

**Notice of Intent filed by the Town of Eastham. Applicant proposes to place sand nourishment at First Encounter Beach, Campground Beach, Cooks Brook Beach, Thumpertown Beach and Sunken Meadow Beach, Map 16, Parcel 25, Map 07, Parcel 143A, Map 04, Parcel 200, Map 10, Parcel 408 and Map 01, Parcel 97A.**

Neil Andres represented the project and noted it includes the nourishment of public bathing beaches that the town does every year to prepare for summer. Chairman Harnett said he heard there were plovers nesting. Mr. Andres noted the beach raking would only be in front of the parking areas which are impacted by all of the revetments. Steven LaBranche asked about the benchmarking at the two revetments on either side of Thumpertown Beach. Shana Brogan noted she would check the benchmark. Mr. Andres noted the beach cleaner would be used during the summer months, and it cleans up litter that is often buried and helps get rid of bacteria. He said it is not used in the shoulder months. Mr. Andres explained what a beach cleaner is, how it works and that it is hydraulic. He noted it is used once a week or every other week based on the tides. Steven LaBranche asked if it could be converted to vegetable oil. Mr. Andres noted the tractor is for multi- purpose use and it does not make sense to change it over to vegetable oil.

Mr. Andres noted they plan to nourish the beaches each year. There was discussion regarding the Natural Heritage Endangered Species Program. Mr. Andres noted they are normally getting the

beaches ready at this time of year. Chairman Harnett confirmed that Thumpertown Beach would not be raked, but the other beaches would be raked.

Steven Labranche **MOVED** to continue to April 26, 2016, Sheila Filipowski **SECONDED**.  
**ALL IN FAVOR.**

**Notice of Intent filed by the Town of Eastham. Applicant proposes to remove an existing beach stairway and landing, replace with removable aluminum stairway near base of revetment and stationary stairway and landing at top of revetment located at Bay Road beach access area.**

Mr. Andres was present to speak to the project and noted the configuration changed due to the slope. He noted this was a capital project and more money may be needed to complete the project. The stairs would be part aluminum and part wood that meets the commission's lumber policy requirements. Steven LaBranche asked when the stairway would come out. Mr. Andres noted it would be removed in October or November. He noted beach grass would be planted in all disturbed areas.

Steven Labranche **MOVED** to approve replacement of removable stair, Sheila Filipowski **SECONDED**.

**ALL IN FAVOR.**

**After the Fact Notice of Intent filed by John M. & Deborah L. Duarte. Applicant proposes to remove and replace an existing stone patio, pressure treated retaining walls, steps and posts at property located at 27 Longstreet Lane, Map 10, Parcel 333.**

The applicant requested a continuance to April 26, 2016.

Sheila Filipowski **MOVED** to continue to April 26, 2016, Steven LaBranche **SECONDED**.

**ALL IN FAVOR.**

**Notice of Intent filed by Robert Dobinski. Applicant proposes the construction of a parking area with a platform, flexible wood mat and stairs for access to the beach at property located at 225 Harmes Way, Map 1, Parcel 105.**

The applicant requested a continuance to April 26, 2016.

Sheila Filipowski **MOVED** to continue to April 26, 2016, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**Notice of Intent filed by Donald W. and Kim P. MaCaulay. Applicant proposes to remodel and construct a garage addition to existing dwelling, installation of a septic system, driveway expansion and the construction of a deck at property located at 135 Eldredge Drive, Map 1, Parcel 057.**

The applicant requested a continuance to April 26, 2016.

Sheila Filipowski **MOVED** to continue to April 26, 2016, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**Notice of Intent filed by Pam Drolsbaugh. Applicant proposes to replace an existing beach access stairway and steel retaining wall and install a drainage basin at property located at Gail's Way Road Association, Map 7.**

Tim Brady was present to speak to the project. He noted the in-kind stairway replacement to include lumber in accordance with the board's policy. He noted the bottom of the stairs would be removable aluminum. Mr. Brady noted the bulkhead would be sheet piling and drainage with some regrading included.

Chairman Harnett noted no limit of work line was provided on the plan and requested dimensions of the stairs be added to the plan and a note that the bottom of stair would be removable. The commission requested sheet pilings be driven before the drainage work is started. Chairman Harnett noted the area should be revegetated and requested a note on the plan stating it would be revegetated.

Sheila Filipowski **MOVED** to continue to the April 26, 2016, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**Notice of Intent filed by John E. Hickey. Applicant proposes to install a granite apron, entrance stone wall and gates, seashell and stone driveway, permeable granite parking surfaces, monolithic rock - faced bluestone steps and landscaping at property located at 105 Bay View Drive, Map 10, Parcel 278.**

Thomas Durkin **MOVED** to continue to April 14, 2016, Sheila Filipowski **SECONDED**.  
**ALL IN FAVOR.**

**Request for Amended Order of Conditions filed by Dean and Mireille Bajorin for DEP SE 19-1498 to amend for additions, deck and stairway at property located at 25 Blue Bill Lane, Map 17, Parcel 519.**

No quorum for this project.

Sheila Filipowski **MOVED** to continue to April 26, 2016, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**After the Fact Notice of Intent filed by Angelina Kelleher to replace existing deck and stairs. Eliminate existing mowed strip of grass between deck and wetland to allow it to return to native wetland vegetation located at 105 Huckleberry Lane, Map 7, Parcel 349.**

Joe Loycano was present to speak to the commission on behalf of his mother-in-law. He noted the deck was constructed. He prepared the After the Fact Notice of Intent and he offered converting some of back yard to a naturalized area. Chairman Harnett noted pressure-treated wood is not allowed that close to a pond. Chairman Harnett said they would need to replace the deck with cedar and the owner said they do not have money. Thomas Durkin noted cedar is a good approved wood and the deck is too close to the water. Chairman Harnett said the commission has to be consistent with everyone with the non-pressure treated wood policy. Mr. Loycano said they have had the deck for a long time and asked for leniency. He asked if he had to replace the whole deck including the post. The commission stated that they cannot allow any part of the pressure-treated wood to remain. Shana Brogan informed the applicant regarding the enforcement action.

Sheila Filipowski **MOVED** to approve the Notice Of Intent, to include the no mow and taking the deck down and replacing it, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**Request for Amended Order of Conditions filed by Brian Ridgeway. Applicant proposes mitigation work required under DEP SE 19-1560 (issued to Barbara McCutchen Munday) to be included in filing DEP SE 19-1594 and close Order of Conditions DEP 19-1560 at property located at 250 and 260 Crosby Village Road, Map 14, Parcels 205A and 205B.**

Deferred until later in the meeting.

**Request for Amended Order of Conditions for DEP SE 19-1395 filed by Anthony P. Schoener to expand an existing screened porch and deck at property located at 16 Keene Way, Map 19, Parcel 43H.**

No quorum for this project.

Sheila Filipowski **MOVED** to continue to April 26, 2016, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**Request for Determination of Applicability filed by Massachusetts Audubon/Wellfleet Bay Wildlife Sanctuary and the Town of Eastham. Applicant proposes to remove shading vegetation by hand to create five diamondback terrapin nesting areas located at 5 and 15 Dyer Prince Lane, Map 19, Parcels 108 and 109.**

Bob Prescott and Bill Allen were present to speak to the project. Mr. Prescott noted the project started with Rock Harbor dredging and the state wanting to increase nesting areas. He noted they could not find sites in Orleans for mitigation. The nests are proposed on town owned property and would be divided between two sites. The sites include five sunny locations that do require some pruning to

open the sites. These sites are isolated and capped with a wire mesh. Chairman Harnett noted they did receive a letter from an abutter with concerns. Mr. Prescott noted they would access the sites from Rock Harbor or from the land owned by the Eastham Conservation Foundation.

Bill Allen noted Rock Creek turtles do not live anywhere else and some mitigation has to happen in the Rock Harbor Creek marsh system. He noted there was one nest with egg shards and it is high enough to stay above the high tide. There is southern exposure and it is a prime nesting habitat. Mr. Allen noted most turtles nest on this side of the creek and there would be a place where they could be relocated. Chairman Harnett asked about the proposed cedar tree removal. Mr. Allen noted the idea would be to take down shading vegetation and all work would be done by hand. He noted two trees proposed to be removed and would be flush cut. Mr. Prescott noted the plan includes clearing four corners of the garden and removing two large cedar trees. He noted they would remove vegetation on the south side of the gardens and not on the north.

Carol Zaglio stated she was not concerned about the project, but concerned about the project growing. She requested a Notice of Intent be filed for the nesting areas. Mrs. Zaglio expressed concerns about the effect to the value of their property. She noted a couple of flags on the upland and questioned the effects to the bank. Mrs. Zaglio asked if there were better suited sites for the turtle gardens. Mr. Prescott noted they never use the road and they are not intending to disturb the resident. He noted they may only visit once a day and would not work at night.

Mr. Prescott noted the gardens are not open to the public and there would be no field schools. He noted they may need to expand three years from now, but at this time no easement would be needed. Mr. Prescott noted they would not bring in large groups. He said no sand would come from the marsh and it is relatively flat and the terrapins are looking for bare sand. Mr. Prescott noted the trees would be marked in the field prior to removal and now is the best time to remove them, because everything is still dormant. He noted all work would be done by hand.

Steven LaBranche **MOVE** to approve by a negative determination, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**Continuation for Request for Determination of Applicability filed by Leo & Lillian Bartolucci. Applicant proposes installation of a septic system at property located at 90 Huckleberry Lane, Map 07, Parcel 343.**

Shelia Filipowski **MOVED** to approve by a negative determination, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**Continuation for Request for Determination of Applicability filed by Linda Ravesi. Applicant proposes installation of a septic system and well located at 125 and 155 McKoy Road, Map 08, Parcel 295B, and Map 11, Parcel 359B.**

Jason Ellis represented the project and noted they would remove old cesspools, install new septic system and relocated well. He noted no vegetation disturbance for the well work and only two pitch pines would be removed for the septic system installation. Chairman Harnett asked about the limit of work. Shana Brogan noted there was limit of work for the well or cesspool work. Mr. Ellis added the limit of work to the plan

Steven LaBranche **MOVE** to approve by a negative determination, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**Request for Certificate of Compliance for DEP SE 19-1560 for installation of a septic system located at 250 and 260 Crosby Village Road, Map 14, Parcels 205A and 205B.**

Chairman Harnett opened the Certificate of Compliance and the Amended Order of Conditions at the same time. Jason Ellis represented the project and the new homeowner would be willing to add the old Order of Conditions for replanting to their new Order of Conditions and take responsibility for the unfinished planting.

Steven LaBranche **MOVED** to approve Certificate of Compliance, Shelia Filipowski **SECONDED**.  
**ALL IN FAVOR.**

Thomas Durkin **MOVED** to amend the new owners Order of Conditions to include the plantings over the septic, Shelia **SECONDED**.  
**ALL IN FAVOR.**

**Request for Certificate of Compliance for DEP SE 19-1414 for Sunken Meadow Salt Marsh Restoration at property located at 10 Ben's Way Map 1, Parcel 014, 015, 073 and 074.**  
Sheila Filipowski **MOVED** to continue to April 26, 2016, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**Request for Certificate of Compliance for DEP SE 19-1578 for landscaping improvements and plantings at property located at 10 Ben's Way Map 1, Parcel 074.**  
Sheila Filipowski **MOVED** to continue to April 26, 2016, Thomas Durkin **SECONDED**.  
**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Dana Gould. Applicant proposes placement of sand at property located at 60 Cove Road, Map 18, Parcel 050A.**  
Sheila Filipowski **MOVED** to continue to April 26, 2016, Steven LaBranche **SECONDED**.  
**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by John and Martha Sherff. Applicant proposes vista pruning and removal of three oak trees at property located at 15 Blue Bill Lane, Map 17, Parcel 520.**  
Sheila Filipowski **MOVED** to continue to June 28, 2016, Steven LaBranche **SECONDED**.  
**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Anthony Vicinanza. Applicant proposes construction of a 375 sq. ft. boat house, construction of a 40' by 16' (280 sq. ft.) dock in a Great Pond, construction of an observation deck, removal of invasive vegetation and planting of native vegetation at property located at 625 Kingsbury Beach Road, Map 11, Parcel 220.**  
The applicant requested a continuance until April 26, 2016.  
Steven LaBranche **MOVED** to continue to April 26, 2016, Shelia Filipowski **SECONDED**.  
**ALL IN FAVOR.**

#### **Other Discussion**

**Proposed Conservation Restriction filed by Joanna W. Stevens and Aimee Eckman for property located at 855 Nauset Road, Map 12, Parcel 209.**  
Mark Robinson and Joanna Buffington were present to speak to the request. Mr. Robison noted the proposed restriction would include 2.2 acres and is on Live Lightly on the Land Program. He noted the house was a historic site and abuts the Cape Cod National Seashore.  
Thomas Durkin **MOVED** to approve the restriction, Steven LaBranche **SECONDED**.  
**ALL IN FAVOR.**

**Eagle Scout Service Project Proposal for Wiley Park proposed by Sam Palmer. Project includes placing wooden plank system and water bars near Bridge Pond bridge area, Map 10, Parcel 232.**  
Sam Palmer a junior at Nauset Regional High School was present to speak to the project. He noted his project would include pruning back overgrown branches, a boardwalk over a muddy path and adding water bars along the bridge area. Mr. Palmer noted he would use pine or spruce wood from local businesses.  
Thomas Durkin **MOVED** to approve Eagle Scout Service Project, Steven LaBranche **SECONDED**.

**ALL IN FAVOR.**

**Ratification of Enforcement Order for unauthorized removal of trees and understory vegetation within the 100' buffer zone to a pond and review of proposed restoration plan at property located at 640 Nauset Road, Map 12, Parcel 005.**

Shawn Shea represented the homeowner. The commission requested the DBH (Diameter Breast Height) of all the trees that were cut. Mr. Shea noted the trees were too short to measure the DBH. Steven LaBranche noted he was okay with replacing the locust with scrubs, but the black cherry needs to be replaced in-kind. The commission requested the stumps to be shown on the site plan.

Steven LaBranche **MOVED** to ratify the enforcement order, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

#### **Administrative Reviews**

**Placement of a temporary low fence to prevent diamondback turtles from crossing a portion of Herringbrook Road located at 655, 735, and 795, Map 14 Parcels 15, 16 A and 16 B.**

The purpose of the fence would be to keep turtles from crossing the road and this would be the first attempt to keep turtles off the road. The plan would include taking any turtle from the site and taking them to Terrapin Cove so they do not cross Herring Brook Road.

Shelia Filipowski **MOVED** to approve the temporary fence, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

**Continuation of proposed tree trimming of five trees approximately six feet in height. Applicant would like to trim one third of existing height from trees and will replant shrubs at property located at 555 South Sunken Meadow Road, Map 01, Parcel 093.**

Steven LaBranche **MOVED** to deny the Administrative Review and require applicant to file a Notice of Intent, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

**Continuation of proposed limb pruning on various trees, pruning cedar trees and remove canes, vines, and bush overgrowth over a septic area located at 35 Bayberry Road Map 13, Parcel 159.**

Sheila Filipowski **MOVED** to continue to April 26, 2016, Steven LaBranche **SECONDED**.

**ALL IN FAVOR.**

#### **Approval of Minutes**

**March 8, 2016**

**March 22, 2016 On-Site**

**March 22, 2016**

Shelia Filipowski **MOVED** to approve the minutes, Thomas Durkin **SECONDED**.

**ALL IN FAVOR.**

#### **Adjournment**

Steven LaBranche **MOVED** to adjourn, Shelia Filipowski **SECONDED**.

**ALL IN FAVOR.**

**Respectfully Submitted as prepared by,**



**Teena Tilton**



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Michael Harnett, Chairman  
Conservation Commission