

Eastham Conservation Commission

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Eastham, MA 02642



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**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
April 26, 2016
Public Hearing
MINUTES**

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

Commissioners Not Present: James Baughman.

Staff Present: Shana Brogan.

Also Present: Neil Andres of the Eastham Department of Public Works, Ryan Trahan of Environmental Partners, Tim Brady of East Cape Engineering, Stephanie Sequin of Ryder and Wilcox, David Lyttle of Ryder and Wilcox, Laura Schofield of Schofield Brothers, Attorney Bill Riley, Phil Cheney, Christopher Horton and Henry Skehan.

6:00 PM

Chairman Harnett opened the hearing.

Continuation of 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 of the Eastham Department of Public Works represented the project. He noted all departments are going to have to get together on this project and it is all doable. Mr. Andres noted he is okay with the time limitations, but staging may have to change in future.

Alexander Cestaro asked how the project would affect aquaculturists. Mr. Andres noted they would not be impacted and they are very useful in the bird monitoring requirement.

Sheila Filipowski **MOVED** to approve the sand nourishment, Thomas Durkin **SECONDED**.

MOTION CARRIED.

Al Cestaro non-voting member present for discussion.

Request for change in plans filed by the Town of Eastham. Applicant proposes the extension of the water main along Smith Lane to the end of the road. The extension of the water main will cross a 30" reinforced concrete culvert with tidal influence to be directionally drilled under the culvert.

Ryan Trahan represented the request. He noted they would like to extend the water main one hundred and fifty linear feet, while they have the directional driller mobilized. He noted the directional driller is less intrusive than trenching. Chairman Harnett noted the pipes are coated in plastic. Mr. Trahan

said the pipes are protected with High Density Polyethylene Extrusion (HDPE) and that all homeowner piping is HDPE.

Sheila Filipowski **MOVED** to approve the extension of the water line, Steven LaBranche **SECONDED**.

ALL IN FAVOR.

Request for change of plans filed by John DiBari for DEP SE 19-1566 located at 92 Old State Highway, Map 20, Parcel 116C.

Attorney Bill Riley and Phil Cheney represented the request. Mr. Cheney noted changing the approved plantings to include Virginia rose and little blue steam grass. He noted saltmarsh and bank plantings would remain the same.

Alexander Cestaro **MOVED** to approve the plantings, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Notice of Intent filed by Robin I. Foley. Applicant proposes to raise an existing stone revetment approximately three feet located at 7 West Shore Drive, Map 7A, Parcel 005.

Tim Brady presented the project and noted the revetment was repaired a couple of times.

The commission noted work cannot be done until the fall. Chairman Harnett asked why they have not proposed any sand nourishment. Mr. Brady noted the revetment itself is in good shape and there is no need to replace the toe stones for the revetment. He proposed sixty-one yards of annual sand nourishment.

Alexander Cestaro **MOVED** to approve raising the revetment with the annual nourishment requirement for sixty-one yards, Sheila Filipowski **SECONDED**.

ALL IN FAVOR.

Notice of Intent filed by Henry C. Skehan Jr. Applicant proposes to repair and replace treads, railings and platform of stairs located at the Bayberry Beach Association Right of Way, Map 7, Parcel 178, and Map 7, Parcel 190.

Henry Skehan represented the project and noted they wanted to replace some railings. Chairman Harnett reminded applicant they have a policy for no pressure-treated wood.

Alexander Cestaro **MOVED** to approve the repair and replacement of treads, platform and railings, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Notice of Intent filed by Albert and Stephanie Wolf. Applicant proposes a land management plan for removal of invasive vegetation and replacement with native plants located at 235 Corliss Way Map 18, Parcel 6.

Applicant requested a continuance to May 10, 2016.

Sheila Filipowski **MOVED** to continue to May 10, 2016 Steven LaBranche **SECONDED**.

ALL IN FAVOR.

Notice of Intent filed by Christopher Horton. Applicant proposes to construct a first floor addition with deck and removal two existing decks and old well house located at 215 Alston Avenue, Map 12, Parcel 91.

Stephanie Sequin and Christopher Horton represented the project. She noted the project would include sixty six square foot increase on footprint and a three hundred–forty square foot no-mow zone. Sheila Filipowski asked about materials to be used for the deck, and noted that no pressure-treated wood can be used. The commission noted the deck off the cottage is pressure treated. Chairman Harnett noted a large brush pile on the property. Mr. Horton said the brush in the back would be cleaned up. Chairman Harnett asked about a cedar near the corner of the deck. Mr. Horton would try to save cedar at the side of the deck.

Sheila Filipowski **MOVED** to approve the addition, deck removal and well house relocation, Thomas Durkin **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.

Laura Schofield represented the project and noted most of the development of the site has been outside of the buffer zone. She noted current proposal includes a boathouse which extends three feet into the buffer zone. She noted the proposed deck would have wide spacing to allow light to pass through. Mrs. Schofield noted they have completed the Natural Heritage Endangered Species Program (NHESP) and the Division of Marnie Fisheries (DMF) requirements.

Mrs. Schofield noted no clearing required for the dock installation and the NHESP said dock would not impact the dock habitat. She went over the performance standards and noted no fill proposed, but the dock has to go to the state for a waterways license.

Thomas Durkin noted there is vegetation in the dock area. Mrs. Schofield noted the thru-flow decking will allow the sunlight to pass through. Shana Brogan noted adverse impacts that could occur from run off and sedimentation.

Mrs. Schofield note the black locusts to stay in place, but there would be seven thousand square feet of invasives removal. The garlic mustard and honeysuckle vines would be removed by hand and forty woody shrubs would be added to the property. She noted the overall goal is to provide a meadow upland. Mrs. Schofield noted the observation area is to be composed of black locusts. They had several trees milled and it will be tamped ground. The deck would be built on top of the ground and would support chairs.

Chairman Harnett noted his concerns for the dock and requested an alternatives analysis be submitted to the commission. Chairman Harnett noted on the planting plan the slope is bare and would like approved plants in that area. Chairman Harnett requested an updated planting plan, and suggested using a meadow mix seed on the bare areas. Chairman Harnett noted the path needs to be revegetated. Mrs. Schofield noted the applicant is more than willing to put in woody vegetation. Chairman Harnett noted the boathouse is more like five feet into the buffer zone and they propose to trench for electricity and water installation. Thomas Durkin said the building is a boathouse slash shed and five feet into the one-hundred foot buffer zone. Mr. Durkin expressed concern that the applicant was trying to add living space in the boathouse. Alexander Cestaro noted they are speaking poorly to the applicant's integrity.

Mrs. Schofield noted they want to clear for a view of the porch and this would be part of clearing the invasives. Chairman Harnett asked about maintaining it and noted the grass would need to be trimmed once or twice a year. Mrs. Schofield noted there would be a no-mow zone around the observation deck. She noted the seed meadow is to help the pollinators going forward and the mix is to bloom at various times of year. Mrs. Scofield noted the apple tree would stay in place and two locust trees would be removed. Steven LaBranche asked about the mowing of the meadow and Mrs. Schofield said it would be mowed once a year. Mrs. Schofield to look at alternatives for plantings on the slope and shortening the dock a little. Sheila Filipowski requested clarification about the dock.

Sheila Filipowski **MOVED** to continue to May 24, 2016, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Continuation of 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.

Applicant requested a continuance to June 14, 2016.

Sheila Filipowski **MOVED** to continue to June 14, 2016 Steven LaBranche **SECONDED**.

ALL IN FAVOR.

Continuation of 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.

Tim Brady represented the project and noted the Natural Heritage Endangered Species Program (NHESP) said there can be no work on the property from April 1, to August 31.

Mr. Brady requested a continuance until June 14, 2016. Norman Abend, an abutter, said he could submit comments and that they have travel twice for this hearing only to have it continued. Stephen Greller, abutter, noted he had traveled a long way for the hearing also. Chairman Harnett noted the abutters are allowed to submit their view in a letter to the commission.

Sheila Filipowski **MOVED** to continue to June 14, 2016, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Continuation of 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.

David Lyttle represented the project and noted there would be turtle sweeps every month. Chairman Harnett requested the applicant maintain the approved square footage in the buffer zone. The commission mentioned submitting to Natural Heritage Endangered Species Program.

Shelia Filipowski **MOVED** to approve the porch and deck expansion, Thomas Durkin **SECONDED**.

MOTION PASSED.

Steven LaBranche Recused himself.

Continuation of 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 noted he submitted a revised plan to the commission. The plan included the limit of work, the size of the stairway and a note concerning non-pressure treated wood.

Sheila Filipowski **MOVED** to approve the replacement of stairway, retaining wall and installation of drainage basin, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Continuation of 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.

Tim Brady represented the project and noted the owners have only lived there a few years. He noted proposed use of an excavator on flat area adjacent to the addition and the addition would be on pilings. He described the project and said the proposed screened porch will not become a room. Mr. Brady noted the flood zone has changed and it is now a velocity zone.

Chairman Harnett asked about proposed plantings for the terrace area. Mr. Brady suggested beach plum or bayberry. He noted mitigation would be decks getting smaller and foundation would be on sonotubes. The commission noted no non-native planting would be allowed.

Alexander Cestaro **MOVED** to approve the amended deck and stairway, Thomas Durkin **SECONDED**.

MOTION PASSED.

Steven LaBranche recused himself.

Continuation of 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.

Applicant requested to withdraw Notice of Intent.

Thomas Durkin **MOVED** to accept withdrawal request, Steven LaBranche **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.

Applicant requested a continuance until to May 24, 2016.

Sheila Filipowski **MOVED** to continue to May 24, 2016, Thomas Durkin **SECONDED.**

ALL IN FAVOR.

Request for Determination of Applicability filed by Richard and Caroline Clark for installation of a septic system and the relocation of an existing shed located at 82 Blue Heron Way, Map 18, Parcel 303F.

Stephanie Sequin represented the project and noted large excavation would be required. Owner assumed neighbor would be okay with the project.

Steven LaBranche, **MOVED** to approve based on a negative determination, Thomas Durkin **SECONDED.**

ALL IN FAVOR.

Request for Certificate of Compliance filed by Lorraine A. Hart and Cheryl A. Patterson for DEP SE 19-1479 located at 455 Turnip Road, Map 4, Parcel 449.

Applicant requested a continuance until to May 10, 2016.

Sheila Filipowski **MOVED** to continue to May 10, 2016, Thomas Durkin **SECONDED.**

ALL IN FAVOR.

Request for Certificate of Compliance filed by the Zeidenstein Family LP for DEP SE 19-829 located at 1055 Bridge Road, Map 17, Parcel 515.

Alexander Cestaro **MOVED** to approve the Certificate of Compliance, Thomas Durkin **SECONDED.**

ALL IN FAVOR.

Request for an Extension Permit filed by the Scott Family for DEP SE 19-1460 for a stone revetment located at 31 Bayberry Lane, Map 13, Parcel 157.

Sheila Filipowski **MOVED** to approve extension for 3 years, Alexander Cestaro **SECONDED.**

ALL IN FAVOR.

Request for an Extension Permit filed by Diane Lim for DEP SE 19-1490 located at 55 and 65 Piper Lane, Map 12, Parcel 265.

Sheila Filipowski **MOVED** to approve extension for 1 year, Alexander Cestaro **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.

Steven LaBranche **MOVED** to approve the Certificate of Compliance, Alexander Cestaro **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.

Shana Brogan noted the planting was not completed.

Sheila Filipowski **MOVED** to continue to May 10, 2016, Alexander Cestaro **SECONDED.**

ALL IN FAVOR.

Request to withdraw the landscaping portion of Amended Order of Conditions on DEP SE 19-1589 filed by Douglas Wood, located at 400 Crosby Village Road Map 14, Parcel 196.

Steven LaBranche **MOVED** to approve landscaping withdrawal, Sheila Filipowski **SECONDED**.
ALL IN FAVOR.

Other Discussion

Large amount of sand fill added to edge of Herring Pond without a permit located at 400 Crosby Village Road, Map 14, Parcel 196.

Shana Brogan to send an education letter on sand nourishment and let the homeowner know not to remove any vegetation without a permit from the Conservation Commission.

Administrative Reviews

Replace existing small timber retaining wall located at 340 South Sunken Meadow Road, Map 4, Parcel 053.

The commission noted no fertilizer or pressure-treated wood allowed in the buffer zone.

Alexander Cestaro **MOVED** to approve replacing small timber wall, Thomas Durkin **SECONDED**.
ALL IN FAVOR.

Remove invasive species within the 50-100 foot buffer zone while adding indigenous plantings to create a more sustainable landscape located at 385 Saltworks Road, Map 4, Parcel 002.

Steven LaBranche noted the commission would need an invasive background certificate and credentials from the person doing the work. The commission requested more details on the invasives, seeding and mulch use.

Sheila Filipowski **MOVED** to continue to May 10, 2016, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Construct a parking area 20' x 20' using bluestone and border with landscaping timbers located at 180 Mill Road. Map 15, Parcel 20.

Chairman Harnett requested more information on the proposed timber and stone used in the project.

Sheila Filipowski **MOVED** to continue to May 10, 2016, Alexander Cestaro **SECONDED**.
ALL IN FAVOR.

Removal of large fallen pine tree located at 155 Locust Road, Map 12, Parcel 043.

Steven LaBranche **MOVED** to approve the tree removal, Sheila Filipowski **SECONDED**.
ALL IN FAVOR.

Removal of dead oak tree located at 2209 State Highway, Map 15, Parcel 97M.

Steven LaBranche **MOVED** to approve the tree removal, Sheila 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.

Shelia Filipowski **MOVED** to approve the tree removal, Steven LaBranche **SECONDED**.
ALL IN FAVOR.

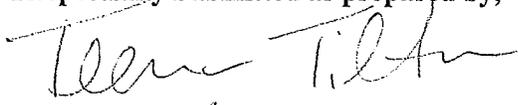
Adjournment 9:11PM

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

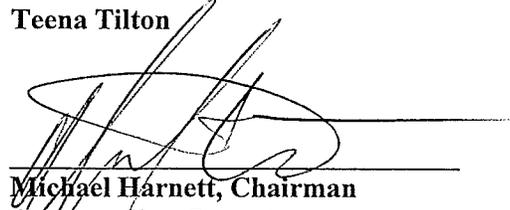
Steven LaBranche **MOVED** to go into Executive Session for purpose of litigation and not to return to regular meeting, Shelia Filipowski **SECONDED**.

ALL IN FAVOR.

Respectfully Submitted as prepared by,



Teena Tilton



Michael Harnett, Chairman
Conservation Commission