

Eastham Conservation Commission

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Eastham, MA 02642



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**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
November 25, 2014
Public Hearing
MINUTES**

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

Commissioners Not Present: Steven LaBranche.

Staff Present: Shana Brogan.

Also Present: Mark White and Ryan Trahan of Environmental Partners, Fred Guidi, Shawn Shea of Misty Hill Landscaping, Sandy Bayne, Larry Jasper, Peter M. Eyestone, Nathan Nickerson, Tim Brady of East Cape Engineering Attorney Ben Zhender, Dawn Skiba and Michael McCarthy.

6:00 PM

Chair Smith opened the hearing.

Notice of Intent filed by the Town of Eastham. Applicant proposes removal and in-kind replacement and upgrades of a 24" culvert on Dyer Prince Road, removal and in-kind replacement of a second culvert on Dyer Prince Road, and removal of a 12" culvert and replacement with a 30" culvert on Governor Prence Road, Maps 18 and 19, Eastham.

The applicant requested a continuance until December 9, 2014.

Mary Zdanowicz **MOVED** to continue to December 9, 2014, Steven Kleinberg **SECONDED.**

ALL IN FAVOR.

Continuation of Request for Determination of Applicability filed by the Town of Eastham. Applicant proposes installation of a public water system in the areas of Contract 3 and Contract 4 at property located at and in the vicinity of Nauset Road, Meetinghouse Road, Brackett Road, Old Orchard Road, and various roads around the landfill, Map 08, 10, 11, 12, 22 and 23.

Mark White and Ryan Trahan of Environmental Partners presented the information on the public water system.

Mary Zdanowicz **MOVED** to approve for a negative for reason # 3, 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 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.

The applicant requested a continuance until January 13, 2015.

Steven Kleinberg **MOVED** to continue to January 13, 2015, 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 a continuance until January 13, 2015.

Steven Kleinberg **MOVED** to continue to January 13, 2015, Michael Harnett **SECONDED.**

ALL IN FAVOR.

Continuation of Notice of Intent filed by the Town of Orleans. Applicant proposes operation and management of an off-road vehicle (ORV) program for up to two hundred vehicles to drive and park on Nauset beach barrier beach, Eastham, Map 26A and 27A

The applicant requested a continuance until December 9, 2014.

Mary Zdanowicz **MOVED** to continue to December 9, 2014, Steven Kleinberg **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.

Tim Brady of East Cape Engineering presented the project and said the slope of the driveway is from seven to nine percent. Chairman Smith expressed concern about the appropriateness of the location and the amount of base necessary to create the reservoir. Mr. Brady explained the catch basin and the leaching system. He noted that it is a sandy area and there would be excavation involved, but it is not a long-term project. It could be completed in less than a week. Larry Jasper the property owner said the property is monitored on an annual basis and could include an annual inspection. Michael Harnett requested an engineered drawing. Mr. Harnett noted porous pavement is great and acts as regular pavement. Mr. Jasper called Timothy Pools at the University of New Hampshire and referenced a study that occurred there about porous pavement. According to Mr. Pools the university did not seem concerned at all about the slope and did not feel it was an issue. Mr. Jasper also spoke with Dr. Robert Roseen and presented the commission with a report titled: *Water Quality and Hydrologic Performance of a Porous Asphalt Pavement as a Storm - Water Treatment Strategy in a Cold Climate*. Mr. Jasper spoke with Dr. Roseen who is now a consultant for the porous pavement projects.

According to Dr. Roseen some projects were not well designed, but he did not have a problem with grades of ten percent as long as the base is correct.

Michael Harnett asked if there was drainage in the nine percent product and Mr. Jasper said there was not. Steven Kleinberg would like to have Dr. Roseen's written opinion on this project and have him sign it. Chairman Smith requested more information, a set of plans, and a construction protocol. Mary Zdanowicz asked for an engineering protocol. She also noted that this is a demonstration project, and just in case it does not work there should be a catch basin. Chairman Smith said if the porous pavement does not work then the Area of Critical Environmental Concern was excavated without any benefit to the area. Mr. Jasper noted that he wants more longevity, and said it is all about the base of the system. Mary Zdanowicz would like a more native planting plan.

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

ALL IN FAVOR.

Continuation of Notice of Intent filed byCarolynn Branthoover. Applicant proposes construction of a permeable paver pool deck and walkway, installation of a bocce court and vista pruning at property located at 140 Eider Lane, Map 16, Parcel 018.

Applicant requested to withdraw the Notice of Intent.

Michael Harnett **MOVED** to accept the withdrawal, Steven Kleinberg **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.

Shana Brogan will write a letter to the owners requesting more information.

Michael Harnett **MOVED** to continue to January 13, 2015, Mary Zadnowicz **SECONDED**.

ALL IN FAVOR.

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 December 9, 2014.

Mary Zdanowicz **MOVED** to continue to December 9, 2014, Steven Kleinberg **SECONDED**.

ALL IN FAVOR.

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.

The applicant requested a continuance until December 9, 2014.

Steven Kleinberg **MOVED** to continue to December 9, 2014, Mary Zdanowicz **SECONDED**.

ALL IN FAVOR.

Request for Certificate of Compliance filed by Fred Guidi for DEP SE 19-1471 for construction of a 24' x 30' garage at property located at 20 Arrowood Drive, Map 17, Parcel 774.

Fred Guidi was present to speak to the project.

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

ALL IN FAVOR.

Other Discussion

Unauthorized removal of trees and removal of other various native vegetation at property located at 175 and 195 Herring Brook Road, Map 17, Parcels 494 and 493A.

Michael McCarthy was present to speak for the Lawson's. He noted the Lawson's made a big mistake and are willing to do what needs to be done to restore the area. The commission will issue an enforcement order that requires the filing of a Notice of Intent. Shana Brogan noted they would have to get permission from the property owner and send a letter to both of the abutters.

Discussion and adoption of the regulation of fertilizers on lawns within the 0 - 100' buffer zone to coastal and inland wetlands

Steven Kleinberg read the bylaw aloud. Chairman Smith suggested changing "planting season" to "growing season". He also noted when the commission approved the alum treatments, a plan had to be developed to decrease phosphorus. Mary Zdanowicz suggested taking out the word "undisturbed". James Baughman referenced the Board of Health regulations and suggested that the commission look at definitions and clean up the regulations. Mary Zdanowicz referred to the content of the fertilizer and said she would not change that portion. Shana Brogan will let the Cape Cod Commission and all town boards and departments know the Conservation Commission will be adopting the regulations and requesting comments.

Dept. of Conservation and Recreation – Cape Cod Rail Trail improvements

The commission requested they file a Request for Determination of Applicability.

Administrative Reviews

1625 State Highway – mud room under existing deck

The commission did not see any problems with the request.

Michael Harnett **MOVED** to approve the mud room, James Baughman **SECONDED**.

ALL IN FAVOR.

1295 Herring Brook Road – tree removal in riverfront

The commission did not see any problems with the tree removal.

Michael Harnett **MOVED** to approve the tree removal, James Baughman **SECONDED**.

ALL IN FAVOR.

40 Kittiwake Lane – tree removal

The commission questioned if the tree may impact the house and would like to schedule a site visit to look at the tree.

Extension Permits

DEP SE 19-1455, 500 State Highway for vista pruning.

Chairman Smith would like more information on the permit and Order of Conditions before making a decision on the vista pruning. He wants to know if it is for an on-going vista pruning or a one-time vista pruning. Shana Brogan noted the applicant is on the next agenda and she will review permit and Order of Conditions.

Approval of Minutes

May 13, 2014

Michael Harnett **MOVED** to approve the minutes, James Baughman **SECONDED**.
ALL IN FAVOR.

May 27, 2014

Michael Harnett **MOVED** to approve the minutes, James Baughman **SECONDED**.
ALL IN FAVOR.

8:36PM

Adjournment

Mary Zdanowicz **MOVED** to adjourn, Michael Harnett **SECONDED**.
ALL IN FAVOR.

Respectfully Submitted as prepared by,



Teena Tilton



3/24/2015

Stephen Smith, Chairman
Conservation Commission