

Eastham Conservation Commission

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Eastham, MA 02642



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**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
December 09, 2014
Public Hearing
MINUTES**

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

Commissioners Not Present: All commissioners present.

Staff Present: Shana Brogan.

Also Present: Attorney Michael Ford, Natural Resource Manager Nate Sears, and Conservation Agent John Jannell of the Town of Orleans, Neil Andres of the Town of Eastham Department of Public Works, Ziad Kary and Mark White of Environmental Partners, Alan McClennen, William Ladutko, Catherine Ricks, David M. Dunford, Paul Wightman Shorebird Monitor of the Town of Orleans, Sharen Shipley, Kurt Cutting, Gail Bedoukian, Robert Bedoukian, Charles Wentz of Pandarosa Landscaping, Sandy Bayne, Steven Gulrich of the 1651 Advisory Committee, Julia Plante and Gordon Peabody of Safe Harbor Environmental.

6:00 PM

Chair Smith opened the hearing.

Continuation of 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 Prince Road, Maps 18 and 19, Eastham.

Neil Andres of the Town of Eastham Department of Public Works represented the town. Ziad Kary and Mark White of Environmental Partners were there to speak to the project. Ziad Kary noted that on culvert number one on Dyer Prince Road they would add headwalls and would like to use sheet pilings. The second culvert on Dyer Prince Road is proposed to have a flare end and no headwall and wing walls. The third culvert on Governor Prince Road they propose to change the size of pipe from a twelve inch to a thirty-inch pipe, and will raise a section of the road eighteen inches. The commission requested a list of vegetation that will be replaced in-kind. They noted they would not need

6:50PM

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.

Jay Norton of Coastal Engineering presented the project. Chairman Smith noted that the owners bought the house knowing that no coastal-engineered structures would be allowed. Mr. Norton noted that it was a post 1978 house and that Department Environmental Protection has approved other revetments in the past, and he had seen no negative impacts. He also noted that there were already end effects occurring on the property from the revetment wall of the neighbors. The commission asked about soft solutions and Mr. Norton said that soft solutions are not meant for the velocity zone and alternatives are not feasible. Mary Zdanowicz asked why they moved the house ten to twenty feet closer to the bank when they re-built it.

Steven Kleinberg **MOVED** to continue to January 13, 2015, Mary Zdanowicz **SECONDED.**

ALL IN FAVOR.

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.

Jay Norton of Coastal Engineering presented the project. Mr. Norton noted the project is meant to stabilize the coastal bank and wants to demonstrate they are protecting the pre-1978 dwelling. According to Mr. Norton they would gain access from Campground beach and the project would take about five to six weeks to complete. Mr. Norton said that fiber rolls could not withstand wave energy and they would become debris. Steven Kleinberg asked why they could not use sand nourishment. Mr. Norton stated the sand would make the coastal bank vulnerable. Mary Zdanowicz requested more information on using coir rolls, coir envelopes and an alternatives analysis. Chairman Smith also noted the need for more of an alternatives analysis. Shana Brogan noted Mr. Norton failed to turn in his certified mail receipts that show the abutters received notice of the proposed project.

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

ALL IN FAVOR.

Discussion and adoption of the regulation of fertilizers on lawns within buffer zone to resource areas of coastal and inland wetlands.

The commission discussed changes to sections 5.3.8 and 5.3.7. James Baughman said there should be more changes made to regulations. Mary Zdanowicz said nothing else should be changed.

Mary Zdanowicz **MOVED** to approve the fertilizer regulation, Steven Kleinberg **SECONDED.**

James Baughman **OPPOSED.**

MOTION CARRIED.

Notice of Intent filed by Carol Criscone. Applicant proposes landscape improvements including removal of three trees and pruning four trees, removal of non-native plants and planting native plants, driveway maintenance and lawn improvements at property located at 35 Bowline Lane, Map 13, Parcel 056.

Mr. Peabody said it is difficult to document when some plants are coming up and some are not. Mr. Peabody also noted he moved the proposed vegetation closer to the pond and felt that there was not enough planting area so he added plantings on top of the hill. He also said that he tagged all his plantings with copper tags. Shana Brogan noted that to be consistent with other applicants the site should be delineated so they could see the No Mow Zone and verify the square footage of the planting area. Steven LaBranche noted the need for three years of on-going monitoring reports, before they can issue a Certificate of Compliance. Chairman Smith asked for the survivability numbers of the plantings. Mr. Peabody said it was one hundred percent survivability. Chairman Smith also expressed concern about moving the planting area, because the plants are to be on the hill to prevent run off into the pond. The native plants on the hill are to catch the run off and keep it out of the pond. The commission requested pictures of what was removed and what was planted. The commission would like to schedule another site visit.

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

ALL IN FAVOR.

Request for Certificate of Compliance filed by John and Eileen Mandanici for DEP SE 19- 349 and DEP SE 19-417 for relocation and removal of dwelling and construction of a new dwelling at property located at 31 Longstreet Lane, Map 10, Parcel 335A.

Tim Brady of East Cape Engineering was present to speak to the projects. Mr. Brady noted that he did find the Certificate of Compliance for SE 19 – 349 and it was already recorded with the registry office. He did request a Certificate of Compliance for SE-19-417. Shana Brogan noted that the property is well vegetated and is in compliance. She would like to keep the no coastal engineer structures and no fertilizer conditions in the Order of Conditions.

Steven LaBranche **MOVED** to approve the Certificate of Compliance, Michael Harnett **SECONDED**.

ALL IN FAVOR.

Other Discussion

Approval and sign a Conservation Restriction for conservation land at property located at 700 Dyer Prince Road, Map 19, Parcel 043.

The commission deferred this until January 13, 2015.

Unauthorized removal of vegetation at 1 and 2 Nycoma Way.

Sharon Shipley and Kurt Cutting were there to speak to the commission. They replaced two large red cedar trees that were cut down by someone. The person came back and cut the tops of the two new trees and did some other trimming on their property. Mr. Cutting also said they were harming the coastal dune and wanted to know what the commission could do to help them. Steven La Branche said that the commission are not police and cannot act on this matter. Ms. Shipley noted they have called the police three times concerning the cutting and trimming. The police said it was a civil matter. James Baughman noted that the commission is not designed to deal with malicious behavior. Chairman Smith said he understood the frustration, but it is a legal matter and they need to hire a lawyer to file a civil case for both property damage and trespassing.

Chairman Smith noted he did a site visit and that this is just maintenance of the property. It does include removal of a one-maple tree.

Steven LaBranche **MOVED** to approve trimming and removal of tree, Mary Zdanowicz **SECONDED**.

ALL IN FAVOR.

1651 Advisory Committee disbanding

Steven Gulrich of the 1651 Advisory Committee presented a brief history of the committee. He informed the conservation commission that their minutes can be found in the town clerk's office. Mr. Gulrich disagrees with the Board of Selectman decision to disband the committee. He will be meeting with the town's administrator and possibly the Board of Selectmen.

Nauset Spit

Michael Harnett **MOVED** to deny the Nauset Spit project proposed by the Town of Orleans, Steven Kleinberg **SECONDED**.

Steven Kleinberg, Stephen Smith and Michael Harnett, **IN FAVOR.**

James Baughman, Steven LaBranche and Mary Zdanowicz, **OPPOSED.**

MOTION FAILED.

Mary Zdanowicz **MOVED** to close the Nauset Spit hearing, Steven Kleinberg **SECONDED.**

ALL IN FAVOR.

Approval of Minutes

September 8, 2014

Steven LaBranche **MOVED** to approve the minutes, Michael Harnett **SECONDED.**

ALL IN FAVOR.

Contractor's Order of conditions compliance form

The commission voted to approve the contractor's Order of Conditions. Form to be reviewed by January 13, 2015.

Steven LaBranche **MOVED** to approve the contractors form, Mary Zdanowicz **SECONDED.**

ALL IN FAVOR.

10:28PM

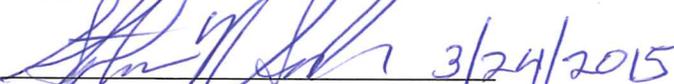
Adjournment

Mary Zdanowicz **MOVED** to adjourn, Steven Kleinberg **SECONDED.**

ALL IN FAVOR.

Respectfully Submitted as prepared by,


Teena Tilton


Stephen Smith, Chairman
Conservation Commission

3/24/2015