

# Eastham Conservation Commission

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Eastham, MA 02642



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**Eastham Conservation Commission  
2500 State Highway  
Earle Mountain Room  
May 26, 2015  
Public Hearing  
MINUTES**

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

**Commissioners Not Present:** All commissioners present.

**Staff Present:** Shana Brogan.

**Also Present:** Neil Andres of the Town of Eastham Department of Public Works, Catherine Ricks and John Schnaible of Coastal Engineering, Shawn Shea of Misty Hill Landscaping Design, Russ Holden of Ryder & Wilcox, David Hawk of Hawk Design, Doug Lebel, Debbie Abbott, Robert Robison, L.C. Breuel, Fred and Carol Levison.

6:00 PM

Chair Smith opened the hearing.

**Request for Determination of Applicability filed by the Town of Eastham. Applicant proposes enlargement of existing parking area for four additional parking spaces and removal of utility pole at property located at 631 Dyer Prince Road, Map 19, Parcel 120.**

Neil Andres of the Town of Eastham Department of Public Works was present to speak to the project. He noted that there is a telephone pole in the way that needs to be removed. Mr. Andres said the lot would match the existing lot and he prefers to buy new cedar trees instead of trying to replant the ones he is taking out. Mr. Andres said they can attempt to leave the cedar trees in place in the grove and he thinks the trees could be saved. He mentioned adding six inches of material and said all the work would be done by the Department of Public Works. Mr. Andres noted the knotweed will be monitored and removed. Michael Harnett asked if the telephone pole is being removed to create more parking spaces. Mr. Andres said yes, but they would come back to the commission. Mr. Andres noted cedar trees are to be planted in the general area.

Michael Harnett **MOVED** to approve, Mary Zdanowicz **SECONDED**.

**ALL IN FAVOR.**

6:14 PM

**Notice of Intent filed by Theodore and Laurie Beneski. Applicant proposes annual beach nourishment and plantings at property located at 7 Nycoma Way, Map 10, Parcel 325.**

Steven LaBranche recused himself. Catherine Ricks of Coastal Engineering represented the project. Shana Brogan asked if they would add sand nourishment on top of the existing beach grass. She also asked if the applicant had considered the size of the sand grain needed and where they would get it from. The third question from Ms. Brogan was why the home owner wanted to do this nourishment project. Ms. Ricks noted they are aware of the sand grain that would be the most appropriate and suggested it be put into the Order of Conditions. She noted that they would not be covering existing beach grass. She said they wanted to add nourishment, because short term erosion was increasing. Chairman Smith noted the sand fence should be working. He suggested that the Order of Conditions include the nourishment does not compromise existing beach grass. Chairman Smith said the applicant needs to be careful that new nourishment is kept to a minimum so the beach grass plants do not get buried. Michael Harnett asked Ms. Ricks to check the drawings, because during the site visit they paced it out at ten feet and she has it drawn out as twenty feet. Chairman Smith asked that new plans be submitted with a corrected legend and reassessed measurements. The new plan is to include how the beach grass will be planted and a note that will state not to cover the existing beach grass. Chairman Smith will sign the plans when they are submitted.

Mary Zdanowicz **MOVED** to approve the nourishment and plantings, Steven Kleinberg **SECONDED.**

**ALL IN FAVOR.**

**6:25PM**

**Notice of Intent filed by Sharen Shipley. Applicant proposes installation of a new septic system and well at property located at 1 Nycoma Way, Map 10, Parcel 323.**

John Schniable of Coastal Engineering presented the project. He noted a v-zone encompasses the whole lot. He said the marked spot is the only place for the parking area. Mr. Schniable noted they can avoid any damage to the vegetation and there will be no different grading. Shana Brogan asked about the mitigation over the septic and leach field. Mr. Schniable noted they would use mostly beach grass and that no trees can be planted over the leach field, because the root system would harm it. Mr. Schniable noted he took the delineation of the dune from the Massachusetts Office of Coastal Zone Management. He said no truck will come in and they will use a small machine that will not damage vegetation to install the well.

Chairman Smith requested more information on the machine that they purpose to use. He noted since there were no test holes done, he would like Greg Berman to come take a look at the coastal dune area. If Mr. Berman's report causes the buffer zone to be re-drawn that would change the re-vegetation and mitigation of the property. James Baughman asked if any other shrubs would do well on the leaching field. Steven LaBranche noted that the roots could harm the leaching area. Michael Harnett asked if the Order of Conditions could include that the bearberry would not be affected.

James Baughman **MOVED** to continue to June 23, 2015, Steven Kleinberg **SECONDED.**

**ALL IN FAVOR.**

**Notice of Intent filed by Anthony Mancini. Applicant proposes reconstruction and enlargement of a second floor deck, reconstruction of an outdoor shower and construction of walkway at property located at 340 Salt Works Road, Map 04, Parcel 001.**

The commission postponed this hearing for later in the evening.

Michael Harnett **MOVED** to postpone for later in the meeting schedule, Mary Zdanowicz **SECONDED.**

**ALL IN FAVOR.**

**Request for Amended Order of Conditions for DEP SE 19-1235. Applicant proposes after the fact installation of a planting plan at property located at 550 State Highway, Map 21, Parcel 076.**

Doug Lebel was present to speak to the project. Mr. Lebel noted he hired Fairway Lawn to look at the yard and that they spray it with pesticides and fertilizer without him knowing. Chairman Smith said if the project can not be managed correctly they should bring a professional into manage it. Chairman Smith noted that the applicant was already in front of the commission for a violation and now they did a second violation by applying fertilizer which is not allowed in the Order of Conditions. Mr. Lebel noted the buyers are aware that there is no irrigation allowed. He said all the vegetation that was not allowed has been removed. Mr. Lebel said the invasive removal was vague in the Order of Conditions. He noted that Seminang Landscaping did the work and it is a continuing landscape program and thinks the commission approved the plan. Chairman Smith noted that the project is loosely following the Order of Conditions. He requested the landscaper to provide licensing documents and also asked for the Wilkinson invasive removal plan. Steven LaBranche noted it is state law that the person applying herbicides is licensed. Mary Zdanowicz asked about the application of herbicides and fertilizer.

Steven Kleinberg **MOVED** to continue to June 09, 2015, Mary Zdanowicz **SECONDED**.  
**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Katherine A. Mouchantat Trust. Applicant proposes 15' linear foot extension of rock revetment constructed up to elevation 16' at property located at 405 Shurtleff Road, Map 07, Parcel 145.**

The applicant requested a continuance until June 23, 2015.

Michael Harnett **MOVED** to continue to June 23, 2015, Steven Kleinberg **SECONDED**.  
**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Christina Lawson. Applicant proposes Construction of addition/garage, porch, walkway deck and relocation of driveway, installation of septic tank at property located at 145 Cole Road, Map 13, Parcel 070.**

The applicant requested a continuance until June 9, 2015.

Mary Zdanowicz **MOVED** to continue to June 9, 2015, Steven Kleinberg **SECONDED**.  
**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Amy Gussack and Kermit Moyer. Applicant proposes vista pruning and maintenance and removal of invasive vegetation at property located at 50 Van Dale Circle, Map 15, Parcel 080.**

Shawn Shea of Misty Hill landscaping was present to speak to the project. Mr. Shea went over the project plan and noted the limit of work would be defining the view corridors. He said they would remove dead branches on an oak tree and trim up lower limbs. He noted there would be yearly monitoring and there will be no loss of habitat. Chairman Smith noted this project is a ninety percent panoramic view when completed. Shana Brogan noted mitigation and said work is in a flood plain. Chairman Smith noted the project gets rid of a significant amount of biomass. There was a discussion of a now mow zone from a previous Order of Conditions and Shana Brogan will look into it.

Michael Harnett asked for the current height of the vegetation that will be pruned. Mr. Shea noted the blueberry will not be touched and other vegetation will fill in area that is pruned. He said the area is to be maintained. Chairman Smith noted they do not need a surveyed plot plan, but a good sketch of the view corridors and the water would be helpful. He would like to see what is pruned and taken out over the years. It will also be helpful in making sure the Order of Conditions is followed. Steven LaBranche said it would be a good idea to inventory the trees so one can see in the future what was changed or taken out. James Baughman expressed concern about the three to four foot pruning that is taking place and the future of it. He would like more information and documentation so in the future other homeowners and commissioner will understand what is and is not allowed.

Michael Harnett asked about the red maple tree. Mr. Shea noted the red maple's lateral limbs will be removed. The commission noted that the area with the autumn olive will need to be restored with seedlings two to four inches in height. Mr. Shea noted there would not need to be mitigation, because they are not disturbing the root zone. Chairman Smith noted the need to have a special order in the Order of Conditions that will include monitoring. Michael Harnett asked about the small leaf linden and suggested an American basswood or tupelo to go in its place.

Mary Zdanowicz **MOVED** to continue to June 9, 2015, 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.**

The applicant requested a continuance until June 9, 2015.

Mary Zdanowicz **MOVED** to continue to June 9, 2015, Steven Kleinberg **SECONDED**.  
**ALL IN FAVOR.**

**Continuation of Notice of Intent filed by Edward Holleran. Applicant proposes installation of an in-ground swimming pool and pergola, associated masonry deck and fence, and proposed resurfacing of impervious patios and planting non-native and native plants at property located at 210 Sunset Ave, Map 19, Parcel 042.**

Russ Holden of Ryder & Wilcox and David Hawk of Hawk design were present to speak to the project. Mr. Holden noted a minimal amount of grading will take place and it will be angled so it provides drainage. He said he does not believe lichen will be a problem. They will try to relocate everything in voided areas. Michael Harnett asked about the beach plum that will be removed. Mr. Hawk noted they are offering a 2:1 mitigation plan in the seven hundred twenty four square footage of disturbed area.

Chairman Smith noted he was concerned about the vegetation being disturbed for mitigation. He also asked about the non-native plants. Mr. Hawk noted they kept some valuable non-native plants. They discussed the patio and it was defined where it would go and the human usage. Mr. Holden discussed the snow fence limit of work and noted he will put the project out to bid to qualified contractors, landscapers and masonry companies. The commission would like the Order of Conditions to include a notice letting them know who the contractors are and would like a copy of the Order of Conditions to be kept on site. The commission requested the applicant provide pictures of the limit of work on weekly progress reports. These reports should be submitted to the conservation agent to review.

Mary Zdanowicz **MOVED** to approve the patio and plantings, James Baughman **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.**

Robert and Grechen Robinson were present to speak to the commission. They noted they have completed the construction of the dwelling, the septic system, timber retaining wall, driveway improvements and half of the planting plan. Chairman Smith noted the process of applying for a Certificate of Compliance. He said all the work and plantings need to be finished. The plants will need to survive at least three growing seasons before the certificate can be issued.

No vote was taken. The owners will reapply at a later time.

## Conservation Area Regulation Revisions

Review, discussion and adoption of revised conservation lands regulations pursuant to Massachusetts General Law Chapter 40 § 8c for areas designated as conservation land including but not limited to: Wiley Park, at property located at 1400 Herring Brook Road, Map 10, Parcel 001. Cottontail Acres, at property located at 725 Samoset Road, Map 14, Parcel 082. Nickerson Property at property located at 1150 Herring Brook Road, Map 13, Parcel 080. Dyer Prince Road Property at property located at 700 Dyer Prince Road, Map 19, Parcel 043. Lamont-Smith Property at property located at 22 Smith Lane, Map 20, Parcel 020. Walters Property at property located at 3156 State Highway Route 6, Map 11, Parcel 059, and various others.

Shana Brogan noted that the regulations were put in place in 1991. She noted they have not been revised during this time and noticed they are out of date. She went over each section of the regulation. Steven LaBranche asked if the Forest Advisory Committee needs to follow the 4.5 and 4.6 section or will they be considered an approved contractor. Ms. Brogan noted they should have an annual meeting and an ongoing conversation with the Forest Advisory Committee. The commission agreed with the suggestions from other boards concerning the regulations. The commission will continue this discussion on June 9, 2015.

## Administrative Reviews

**500 State Highway** – remove tree limb

Steven LaBranche **MOVED** to approve, Steven Kleinberg **SECONDED**.  
**ALL IN FAVOR.**

Steven Kleinberg **MOVED** to postpone the review of all other Administrative Reviews, Michael Harnett **SECONDED**.  
**ALL IN FAVOR.**

**40 Nickerson Road** – remove 3 dead oaks, 1 pine and remove brush pile

**19 Marion's Way** –replace roadside part of deck and replace pressure-treated wood with ipe

**45 A & B Longstreet Lane** – pruning for access around house

**35 Bayberry Lane** – Remove 4 limbs from trees

**500 State Highway** – remove tree limb

**8:52 PM**

**Notice of Intent filed by Anthony Mancini. Applicant proposes reconstruction and enlargement of a second floor deck, reconstruction of an outdoor shower and construction of walkway at property located at 340 Salt Works Road, Map 04, Parcel 001.**

James Baughman **MOVED** to not schedule a hearing due to insufficient information, Steven Kleinberg **SECONDED**.  
**ALL IN FAVOR.**

## Approval of Minutes

October 28, 2014

Steven LaBranche **MOVED** to approve, Steven Kleinberg **SECONDED**.  
**ALL IN FAVOR.**

**9:10PM**

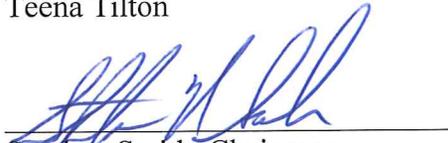
**Adjournment**

Steven LaBranche **MOVED** to adjourn, Mary Zdanowicz **SECONDED**.  
**ALL IN FAVOR.**

Respectfully Submitted as prepared by,



Teena Tilton



Stephen Smith, Chairman  
Conservation Commission