

Eastham Conservation Commission

2500 State Highway
Eastham, MA. 02642
(508)-240-5900



MINUTES

Conservation Commission Meeting
6:00 P.M., Tuesday, February 14, 2023

Commissioners Present: Karen Strauss, Janet Benjamins, Charles Wagner, Joanne Cossitt, Gregg Douglas, Mike Harnett (joined after roll call).

Agent Present: Keith Johnson

Also Present: Bob Perry, Roger Flood, Tim Brady.

6:00 PM: Meeting opened by Karen Strauss and executed roll call.

Benjamins - YEA

Cossitt - YEA

Douglas - YEA

Wagner - YEA

Strauss - YEA

PUBLIC HEARING

Notice of Intent filed by Gary and Shirley Brothers. Applicant proposes to construct a stone revetment at property located at 165 Shurtleff Road, Map 10, Parcel 240.

Bob Perry represented the applicant and discussed the proposed project with the Commissioners.

Commissioner Mike Harnett joined the meeting.

The Conservation Chair discussed bringing in Greg Berman and hiring a consultant to look at the proposed project. The Conservation Chair also discussed wave runoff, fences, sandbags, post 78 rule, nourishment, and erosion. Another Commissioner discussed the gap and the wetlands protection regulations and question if there had been a change in the regulation. The Commissioner also inquired on any restrictions that were placed on the NOI concerning the house. The Representative stated that there is a restriction on building a revetment.

The Conservation Chair discussed getting an engineer and the process of doing so and reviewed examples of the DEP written documentation on gap revetment and places where gaps have been filled, requested the original order of conditions, and a continuation until February 28, 2023.

Roger Flood, abutter, discussed the site, access to beach, agreed that the bank needs to be stabilized, the gap left by sand tubes which caused erosion, stones on beach from other revetments which caused concern for the coastal beach and continued to discuss rock revetment construction with the Representative.

Mike Harnett **MOVED** to continue until February 28, 2023. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Continuation of Notice of Intent filed by Bruce Sanders. Applicant proposes to construct a timber stairway, invasive plant management and site restoration at property located at 10 Cliff Road, Map 18, Parcel 047.

The Conservation Chair stated the applicant requested a continuation Continued until February 28, 2023.

Mike Harnett **MOVED** to continue until February 28, 2023. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Continuation of Notice of Intent filed by 235 Shurtleff Road Realty Trust, Richard and Laurie Devito Revocable Trust and Marcella Gumbel. Applicant proposes to construct a rock revetment and beach access stairs at property located in between 205 and 265 Shurtleff Road, Map 07, Parcels 195 and 191.

The Conservation Chair stated the applicant requested a continuation Continued until February 28, 2023.

Mike Harnett **MOVED** to continue until February 28, 2023. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

REGULATORY DETERMINATIONS

Request for Determination of Applicability filed by Uriel Meshoulam. Applicant proposes to repave driveway at property located at 75 Herring Brook Road, Map 17, Parcel 499.

Conservation Agent requested a continuation until February 28, 2023

Mike Harnett **MOVED** to approve a continuation until February 28, 2023. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Request for Determination of Applicability filed by Yaron and Lisa L. Rachlin. Applicant proposes to remove existing house and construct a new house at property located at 34 Bayberry Lane, Map 13, Parcel 161.

Tim Brady represented the applicant and discussed the proposed project with the Commissioners.

The Conservation Chair noted that the house is within the buffer zone to the flood zone, and stated it is not on the plan. The Conservation Chair stated that there is no information on the vegetation that is being proposed to be removed. The Representative stated that they will add additional mitigation a couple of trees with a high canopy. The Conservation Chair discussed the flood elevation, the elevation of the building, and flood vents with the Representative.

Another Commissioner inquired questioned cutting down well developed trees and discussed this with the Representative.

Mike Harnett **MOVED** to approve under a positive determination 2B, positive determination 5 and negative determination 3, vegetation plan update and standard construction conditions. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA

Wagner - YEA
Strauss – YEA

ADMINISTRATIVE MATTERS [AB1]

Extension Permit filed by Carl Ericson, DEP SE 19-1315 for maintenance and repair of three existing wood stairways to the Target View Beach Association beach at property located at 25 & 35, 45 & 55, and 85 & 95 Bay View Drive, Map 13, Parcels 48 & 49, 16 & 17, 12, and Map 10, Parcel 277.

The Conservation Agent discussed the proposed three-year extension permit and recommended approval.

Mike Harnett **MOVED** to approve the three-year extension permit. Chuck Wagner **SECONDED**, **ALL IN FAVOR**.

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Extension Permit filed by Joanne Scott, DEP SE 19-1382 for an amended order to include repair and maintenance of coastal stairs located at 49 Longstreet Lane, Cottage #5. Map 10, Parcel 343.

The Conservation Agent discussed the proposed three-year extension permit and recommended approval.

Mike Harnett **MOVED** to approve the three-year extension permit. Janet Benjamins **SECONDED**, **ALL IN FAVOR**.

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

The Conservation Chair opened Certificate of Compliance SE 19-601, SE 19-1067 and 19-1366.

Certificate of Compliance filed by Jim Amendolare, DEP SE 19-601 for upgrading septic system for a complex of five dwellings at property located at 2705 State Highway, Map 15, Parcel 005.

Certificate of Compliance filed by Jim Amendolare, DEP SE 19-1067 for replacing existing sewage disposal systems with a Title 5 system to service existing cottage complex at property located at 2705 State Highway, Map 15, Parcel 005.

The Conservation Agent discussed the Certificate of Compliances and recommended approval.

Janet Benjamins **MOVED** to approve both Certificate of Compliance for SE 19-601 and SE 19-1067. Mike Harnett **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Certificate of Compliance filed by William Ludutko, DEP SE 19-1336 for the demolition of four cottages and construction of six 1-bedroom units and additional parking within the 100' Buffer Zone to a Bordering Vegetated Wetland at property located at 2705 State Highway, Map 14, Parcel 005.

The Conservation Agent stated that the work was never started, the no mow zone area was established and recommended approval.

Mike Harnett **MOVED** to approve SE 19-1336. Charles Wagner **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

The Conservation Chair opened the Certificate of Compliance SE 19-1403 and SE 19-1482.

Certificate of Compliance filed by John A. Engstrom, DEP SE 19-1043 for construction of an addition to an existing single-family house at property located at 1295 Herring Brook Road, Map 13, Parcel 058.

Certificate of Compliance filed by John A. Engstrom, DEP SE 19-1482 for a garage conversion and addition at property located at 1295 Herring Brook Road, Map 13, Parcel 058.

The Conservation Agent recommended approval.

Janet Benjamins **MOVED** to approve SE 19-1043 and SE 19-1482. Mike Harnett **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA

Wagner - YEA
Strauss – YEA

Partial Certificate of Compliance filed by John M. & Deborah L. Duarte, DEP SE 19-1753
for raising the existing building on pilings and renovating the existing dwelling at property located at 385 Harmes Way, Map 01, Parcel 112.

The Conservation Agent discussed the partial Certificate of Compliance request and stated this is for the driveway and fence and recommended partial approval.

Mike Harnett **MOVED** to approve a partial Certificate of Compliance for SE 19-1753. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Administrative Review filed by Daniel Wacht. Applicant proposes an 8' by 10' shed at property located at 55 Pilot Road, Map 11, Parcel 368.

The Conservation Agent discussed the proposed project and recommended approval.

Mike Harnett **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Administrative Review filed by Bill Allan. Applicant proposes to replace deteriorating deck with a new deck at property located at 160 Windjammer Lane, Map 19, Parcel 071.

The Conservation Agent discussed the proposed project and recommended approval.

Charles Wagner **MOVED** to approve. Mike Harnett **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Administrative Review filed by Linda Ravesi. Applicant proposes to remove wisteria at property located at 125 McKoy Road, Map 08, Parcel 295B.

Mike Harnett **MOVED** to approve. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

The Conservation Chair stated that there were 2 Emergency Administrative Reviews, concerning tree removal.

Emergency Administrative Review for 85 Huckleberry Lane Map 7, Parcel 350.

The Conservation Chair and Agent discussed the condition of the trees and mitigation and recommended approval.

Mike Harnett **MOVED** to approve Emergency Administrative Review. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Emergency Administrative Review 147 Goody Hallett Drive, Map 20, Parcel 056.

The Conservation Agent discussed the Emergency Administrative Review is for a dead Pitch Pine Tree and a limb and recommended approval.

Charles Wagner **MOVED** to approve. Mike Harnett **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Cossitt - YEA
Douglas – YEA
Harnett - YEA
Wagner - YEA
Strauss – YEA

Violations

No Violations to discuss.

Agent Question

The Commissioners discussed meeting procedures, site plan scales and paper use.

Liaison Reports

The Commissioners discussed their Liaison Reports.

Education & Training Updates

The Commissioners discussed Education and Training Updates.

Other Discussion

Minor Change Request – 345 Shurtleff Road – DEP SE 19-1758.

Conservation Agent summarized the Minor Change Request concerning eliminating components and transferring them, breeze way connector elimination, retaining wall altered to do stairs and modify beach grass, rinse station and drywell and feels it is minor and should not request an amended order of Conditions.

Gregg Douglas recused himself due to being a neighbor.

The Conservation Chair requested a motion to adjourn.

Charles Wagner **MOVED** to adjourn. Mike Harnett **SECONDED, ALL IN FAVOR.**

Benjamins - YEA

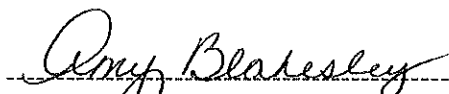
Cossitt - YEA

Douglas – YEA

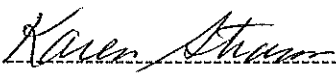
Harnett - YEA

Wagner - YEA

Strauss – YEA



Amy Blakesley



Karen Strauss, Chairman Conservation Commission