

Eastham Conservation Commission

2500 State Highway
Eastham, MA 02642
508-240-5900



MINUTES

Conservation Commission Meeting 6:00 P.M, Tuesday, March 8, 2022

Commissioners Present: Sheila Filipowski, Thomas Durkin, Karen Strauss, Janet Benjamins, Suzanne Bryan, Chuck Wagner.

Conservation Agent: Charles Katuska

Also Present: Catherine Hicks, Stephanie Sequin, Ben Fairbanks, Todd Turcotte, Laura Schofield, Richard Lembach, Gail Bedoukian, Brian Madden, Wendy Kelly, Lynne Hamlyn, Jacqueline Beebe, Nicole Paine, Chris Crobar, Tim Brady, Joe Mistretta.

6:00 PM Meeting opened by Sheila Filipowski and executed roll call.

Benjamins – YEA

Bryan – YEA

Durkin - YEA

Strauss – YEA

Wagner - YEA

Filipowski –YEA

PUBLIC HEARINGS

Notice of Intent filed by John and Dawn Geyer. Applicant proposes reconstruction of a rock revetment with an increase in elevation and nourishment at property located at 245 Sparrow Road, Map 04, Parcel 187.

Catherine Hicks requested to introduce both 245 and 265 Sparrow Road since it is a continuing rock revetment. The Conservation Chair agreed and opened the next agenda item as well.

Notice of Intent filed by Andrew and Katherine Vilardo. Applicant proposes reconstruction of a rock revetment with an increase in elevation and nourishment at property located at 265 Sparrow Road, Map 04, Parcel 186.

Catherine Hicks represented the applicant and discussed the proposed project with the commissioners.

The Conservation Chair inquired on the letter from the Department of Marine Fisheries and requested the Representative to comment. The Representative stated they did not receive the letter but answered the Commissioners questions.

The Commissioners inquired on the size of the revetments, stairs being rebuilt, concerns about the coastal bank being covered, the life expectancies of the revetments, the alternative analysis that includes moving the house, scouring and nourishment versus rebuilding and sea level rise.

The Commissioner requested a wave analysis.

The Conservation Agent stated that they reached out to Greg Berman requesting him to look at the proposed application. The Representative stated they would contact Greg Berman to find out if there is any additional information that will be needed for his report.

Continued until March 22, 2022.

Suzanne Bryan **MOVED** to continue 245 and 265 Sparrow Road until March 22, 2022. Karen Strauss **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA
Filipowski - YEA

Notice of Intent filed by Holly and Ralph Ormon. Applicant proposes to construct and addition, water service installation and a new septic system at property located at 180 Great Pond Road, Map 14, Parcel 099.

Stephanie Sequin represented the applicant and discussed the proposed project with the commissioners.

The Commissioner inquired on when the wetland was last delineated, planting plan, more detail on the septic system and if the applicant had received the Board of Health's approval.

The Conservation Agent stated that several trees would have to be removed. The Representative inquired if the Commission would request mitigation. The Commissioners stated that they would like to see mitigation plantings that support wildlife.

Suzanne Bryan **MOVED** to continue until March 22, 2022. Karen Strauss **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA
Filipowski - YEA

Notice of Intent filed by Michael Enos. Applicant proposes after the fact filing of mitigation for unapproved site work at property located at 90 Log Cabin Road, Map 07, Parcel 163.

Benjamin Fairbank represented the applicant and discussed the proposed project with the commissioners.

The Conservation Agent stated that the Notice of Intent is a product of an Enforcement Order and the applicant is proposing to leave the changes in place. The Conservation Agent showed pictures of the violations and discussed fill and a retaining wall.

The Commissioners inquired on filing a Notice of Intent for approval for the unpermitted work. The Conservation Agent stated the Commission could request the area to be restored.

The Conservation Chair stated that the Representative should ask permission for the work that cause the Enforcement Order.

The Conservation Agent stated that a DEP number has not been received and recommended a continuation until April 12, 2022.

Suzanne Bryan **MOVED** to continue until April 12, 2022. Karen Strauss **SECONDED, ALL IN FAVOR.**

Benjamins - YEA

Bryan - YEA

Durkin - YEA

Strauss - YEA

Wagner - YEA

Filipowski - YEA

Continuation of Notice of Intent filed by Edward Webber. Applicant proposes stabilization of a portion of an existing concrete seawall and concrete boat ramp, construction of a stairway, and installation of a three-foot planting zone at the bottom of a coastal bank at property located at 75 Cove Road, Map 18, Parcel 050A.

Todd Turcotte represented the applicant and discussed the proposed project with the commissioners.

The Commissioners inquired on mitigation, if this is an association project, beach nourishment, impact on the salt marsh and the DMF Letter. The Conservation Agent inquired on the walkway, reviewed the area and stated that the nourishment would not have an adverse impact on the salt marsh. The Conservation Agent inquired on nourishment being annual or elective and was advised elective.

The Commissioners discussed the MULIN RULE and stated that Suzanne Bryan and Charles Wagner cannot vote.

Suzanne Bryan **MOVED** to close the hearing. Janet Benjamin **SECONDED, 4 in favor, 2 unable to vote.**

Benjamins - YEA

Bryan – UNABLE TO VOTE

Durkin - YEA

Strauss – YEA

Wagner – UNABLE TO VOTE

Filipowski - YEA

The Conservation Chair inquired if a vote should be taken to approve the Notice of Intent. The Conservation Agent stated that the Order of Conditions needed to be drafted.

Continued until March 22, 2022. (No Vote Taken at this time)

Continuation of Notice of Intent filed by Avigdor Konig. Applicant proposes construction and ongoing maintenance of a sand drift fence at property located at 29 Longstreet Lane, Map 10, Parcel 334.

Laura Schofield represented the applicant and discussed the proposed project with the commissioners.

The Commissioners inquired on the deck expansion, base flood elevation in the area of the proposed deck and house, the flood plain and if the deck will be in the dune.

Thomas Durkin **MOVED** to close the meeting. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA
Filipowski - YEA

The Conservation Agent stated the conditions would be the standard drift fence conditions and the standard house conditions.

Suzanne Bryan **MOVED** to approve with Conditions stated. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA
Filipowski - YEA

REGULATORY DETERMINATIONS

Request for Determination of Applicability filed by Richard Lembach. Applicant proposes to install a generator at property located at 14 Charlie Noble Way, Map 20, Parcel 084.

The Conservation Agent stated the proposal is a straightforward project and recommended approval.

A Commissioner inquired on the location of the generator to the house, what is powering the generator and where will it be stored.

Richard Lembach represented his applications and answered the Commissioners questions. The applicant stated that a natural gas connection would be trench through the flowerbed.

Suzanne Bryan **MOVED** to approve under a Negative Determination of Applicability for reason number 3. Karen Strauss **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA
Filipowski - YEA

Request for Determination of Applicability filed by Gail Bedoukian. Applicant proposes water service installation, resurface driveway, add cobblestone-edging, stepping-stones and restore mitigation at property located at 18 Horton Way, Map 7, Parcel 493A.

Gail Bedoukian represented her application and discussed the proposed project with the commissioners.

The Commissioners inquired on fertilizer, mitigation failure and to remove the use of fertilizer from the plan.

Karen Strauss **MOVED** to approve under a Negative Determination of Applicability for reason number 2 and reason number 3 and to replace the dead mitigation from another filing with the same plantings. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA
Filipowski - YEA

Request for Determination of Applicability filed by George Z. & Marta Tzepos. Applicant proposes to install a dried laid stone patio at property located at 26 Salt Marsh Way, Map 17, Parcel 687F2.

Brian Madden represented the applicant and discussed the proposed project with the Commissioners.

The Commissioner inquired if the material was pervious, the dried laid patio, what was going to be used under the patio, and if there will be any expansion.

Wendy Kelly, abutter, stated that there had been a lot of work on this property and continued to discussed the work and regulations with the Commissioners.

Sheila Filipowski left the meeting.

Suzanne Bryan **MOVED** to continue until March 22, 2022. Thomas Durkin **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Request for Determination of Applicability filed by Susan R. Scribner. Applicant proposes to upgrade and existing septic system at property located at 290 Windjammer Way, Map 19, Parcel 080.

Lynne Hamlyn represented the applicant and discussed the proposed project with the commissioners.

Suzanne Bryan **MOVED** to approve under a Negative Determination of Applicability for reason number 2 and reason number 3. Charles Wagner **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Request for Determination of Applicability filed by Dianne and Todd Leslie. Applicant proposes water service installation at property located at 5 Blue Heron Way, Map 18, Parcel 295B.

Conservation Agent reviewed the proposal and recommended approval under a Negative Determination of Applicability for reason number 3 and with no tree disturbance.

Charles Wagner **MOVED** to approve under a Negative Determination of Applicability for reason number 3.
Suzanne Bryan **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Request for Determination of Applicability filed by Peggy Mcdermott. Applicant proposes water service installation at property located at 25 Blue Heron Way, Map 18, Parcel 265.

Conservation Agent reviewed the proposal and recommended approval.

Suzanne Bryan **MOVED** to approve under a Negative Determination of Applicability for reason number 4.
Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Request for Determination of Applicability filed by Marc Costa. Applicant proposes water service installation at property located at 310 Hay Road, Map 18, Parcel 286.

Conservation Agent reviewed the proposal and recommended approval.

Suzanne Bryan **MOVED** to approve under a Negative Determination of Applicability for reason number 4.
Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

ADMINISTRATIVE MATTERS

Preparation of Amended Order of Conditions (SE 19-1762). Permittee (Town of Eastham) proposes expanding approved truck access from First Encounter Beach to the Boat Meadow Aquaculture Development Area to include the months of June-September at property located at 1620 Samoset Road, Map 16, Parcel 012.

The Commissioners discussed the Amended Order of Conditions and feels that they did not have time to review the documentation prior to the meeting.

Jacqueline Beebe, Nicole Paine represented the proposed project.

The Conservation Agent and Commissioners reviewed and discussed the Draft Order of Conditions with the Representatives. The Commissioner discussed harvest data, ATVs not being included in this Order of Conditions, Access to Grants reporting checklists, reporting responsibilities and follow up.

The Assistant Conservation Chair directed the Conservation Agent to make the correct changes to the Draft Order of Conditions and requested a continuation until March 22, 2022.

Suzanne Bryan **MOVED** to continue until March 22, 2022. Charles Wagner **4 IN FAVOR, 1 DID NOT VOTE.**

Benjamins – DID NOT VOTE

Bryan - YEA

Durkin - YEA

Strauss - YEA

Wagner - YEA

Request for Certificate of Compliance for SE 19-1730 for construction of a pool with a retaining wall at property located at 420 Bridge Road, Map 20, Parcel 071.

Laura Schofield represented the applicant and summarized the Order of Conditions, and discussed previous approved irrigation staying installed.

Suzanne Bryan **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

Benjamins - YEA

Bryan - YEA

Durkin - YEA

Strauss - YEA

Wagner - YEA

Continuation of Request for Certificate of Compliance for SE 19-1253 for maintenance of stone revetment and nourishment of coastal bank at property located at 21 Gail's Way, Map 07, Parcel 572.

Tim Brady represented the applicant and summarized the Certificate of Compliance with the Commissioners. The Representative requested a Condition added concerning 123 cubic yards of nourishment.

Suzanne Bryan **MOVED** to approve. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA

Bryan - YEA

Durkin - YEA

Strauss - YEA

Wagner - YEA

Continuation of Request for Certificate of Compliance for SE 19-1636 for remodeling and constructing a garage addition to an existing dwelling, installation of a septic system, driveway expansion and the construction of a deck at property located at 135 Eldredge Drive, Map 1, Parcel 057.

Tim Brady represented the applicant and summarized the Certificate of Compliance with the Commissioners.

The Conservation Agent stated all plants are native and well established, and went over the features that were not included in the original approval which are 2 air conditioners on the side of the house, outdoor shower and two propane tanks sitting on the sand that are not secure and recommended having both secured at the site.

Suzanne Bryan **MOVED** to approve. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA

Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Request for Administrative Review filed by Joe Mistretta. Applicant proposes to remove two trees at property located at 45 Mallard Lane, Map 13, Parcel 099.

Joe Mistretta represented his application and discussed the trees with the Commissioners.

Suzanne Bryan **MOVED** to approve. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Violations

Continuation – 3 Nans Way

The Conservation Agent stated that the office has still not heard from the owner of the property and discussed the collapse of the foundation hole, which was relayed to the Building Inspector, and felt there is no further action that needed to be taken today and a Notice of Intent will be submitted in the fall. The Agent discussed having the Enforcement Order ratified to have the commissioner's signatures on the form since the agent is retiring.

Suzanne Bryan **MOVED** to ratify the Enforcement Order. Chuck Wagner **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Liaison Reports

The Commissioners did not discuss their Liaison Reports.

Education & Training Updates

The Commissioners did not discuss their Education and Training Opportunities.

Minutes

February 22, 2022

Suzanne Bryan **MOVED** to approve. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA

Strauss - YEA
Wagner - YEA

Other Discussion

By-law fees.

The Conservation Agent discussed the By-law fees with the Commissioners.

Approved \$110.00 fee change for category 1. **4 YEA, 1 NEA.**

Doubling the after the fact filing fee. **5 YEA**

Moving pools to a category 2 for a charge of \$220.00. **4 YEA, 1 NEA.**

Implementing an additional onetime fee of \$500.00 for Coastal Engineering jobs for docks and piers. **4 YEA, 1 NEA and for the amount proposed 5 YEA.**

Suzanne Bryan **MOVED** to approve. Thomas Durkin **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Conservation Signature Box

The Conservation Agent discussed the Signature Box with the Commissioners.

The Commissioners discussed coverage of the Conservation Agent after Charles Katuska retires.

Suzanne Bryan **MOVED** to adjourn. Thomas Durkin **SECONDED, ALL IN FAVOR.**

Benjamins - YEA
Bryan - YEA
Durkin - YEA
Strauss - YEA
Wagner - YEA

Respectfully Submitted as prepared by,



Amy Blakesley



Sheila Filipowski, Chairman Conservation Commission