

# Eastham Conservation Commission

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



## MINUTES

**Conservation Commission Meeting**  
**6:00 P.M, Tuesday, March 22, 2022**

**Commissioners Present:** Sheila Filipowski, Karen Strauss, Janet Benjamins, Charles Wagner, Thomas Durkin, Suzanne Bryan

**Agent Present:** Shana Brogan

**Also Present:** Robert Reedy, Nick Crawford, Sible Asantugrul, Catherine Ricks, Todd Turcotte, Glenn Wood, Ben Rice, Brain Madden, Jean Bowden.

**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 Sara Zobel & John Sheehan.** Applicant proposes additions and alterations to the main dwelling, detached garage and studio, new septic system and mitigation at property located at 715 Bridge Road, Map 19, Parcel 004.

Rob Reedy, Nick Crawford and Sible Asantugrul represented the applicant and discussed the proposed project with the Commissioners.

The Commissioners inquired on calculations concerning square footage, hardscape, garage, deck and storage. The Commission continued to discuss the existing dwelling proposed to be pulled back further away from the coastal bank, invasive species management being in a priority habitat and the use of glyphosate, if a letter had been received from NHESP, requested variance waivers, construction of the patio, and the irrigation stated on restoration plan. The Commissioners also discussed the building outline, plan for handling runoff from the roof of both dwellings and requested those to be shown on the site map. The Commissioners suggested putting a line of gravel to assist run off and inquired what was going to be under the deck and discussed the winter winds in this area. The Commissioners also inquired on the proposed

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**The Video for this meeting can be found at <https://www.eastham-ma.gov/653/On-Demand-Video-of-Meetings-Special-Prog>**

lawn, sod, being close to the bank and consider a no disturb or a no mow zone, 2 to 1 mitigation and the size of the mitigation, replacing steps and the wall and regrade the area.

The Conservation Agent went over what the Commissioners are requesting.

**Suzanne Bryan joined the meeting 6:05**

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

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

**Notice of Intent filed by Diarmaid McGregor and Amy Kotowski.** Applicant at 35 Sunset Lane proposes a 4-foot wide path, vegetation management and beach stairs at property located at 45 Sunset Lane, Map 13, Parcel 141.

Catherine Ricks, Nick Crawford, Todd Turcotte and Glenn Wood represented the applicant and discussed the proposal with the Commissioners.

The Commissioners requested the representative to talk about alternative options, fee to use the association stairs, current path condition, proposed stairs, a Condition added to when the stairs will be removed. Commissioners continued to inquire on the path location, staying within the easement, walking the path with the representative, nourishment offering, planting vegetation on bank, and height of the revetment and pressure treated wood.

The Conservation Agent summarized what the Commissioners are requesting.

Ben Rice, Abutter, advised the commissioner of another easement as an alternative and continued to discuss the path, stairs and platform.

The Commissioners discussed the continuation and the representative requested a continuation until April 26, 2022.

Suzanne Bryan **MOVED** to continue until April 26, 2022. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

**Continuation of 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.

Representative requested to continue 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 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.

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 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 stated she submitted a proposed planting plan and continued to discuss this with the Commissioners.

The Commissioners stated they liked the planting plan.

The Conservation Agent stated that the OoC would include standard septic and planting plan conditions.

Thomas Durkin **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

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

**Review and Issue Order of Conditions for 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.

The Commissioners discussed the draft Order of Conditions and stated the two commissioners are ineligible to vote.

The Conservation Agent review the Conditions with the Commissioners.

The Conservation Agent stated that DMF should have been contacted and made it a condition. The Agent continued to discuss conditions concerning no storage under mean high water, no work during high tide, and obtaining all permits and review from Chapter 91 and the Army of Engineers. The Agent continued to discuss a 1-time nourishment and containing debris and work equipment, staging in the parking area, planting survivability, the concrete wall not being replaced, and no storage of boats or material on the beach or saltmarsh.

The Commissioners inquired on voting now and accommodate any rulings, not allowing nourishment, and was advised by the Agent that the public hearing was closed and no public comment can be made, and advised the Commissioners of their options.

The Commissioners continued to discuss nourishment, no work on the wall except the drainage holes, path and new walkway.

The Conservation agent stated that she is not sure how the Order of Conditions would work once you close the hearing.

The Commissioners discussed waiting to hear from DMF, denying nourishment, sediment and natural buffers, vegetation in the area. The Commissioners inquired if the nourishment can be removed and was advised by the Agent what the Order of Conditions would say without approving the nourishment.

The Conservation Agent stated that they could edit the Order of Conditions to approve the project and not approve the nourishment.

Karen Strauss **MOVED** to approve without the nourishment. Janet Benjamins **SECONDED, ALL IN FAVOR.**

**Benjamins – YEA**

**Durkin – YEA**

**Strauss - YEA**

**Filipowski –YEA**

## **REGULATORY DETERMINATIONS**

**Request for Determination of Applicability filed by Gary M. Carter.** Applicant proposes to construct a roof over an existing front entry deck at property located at 142 Oakwood Road, Map 02, Parcel 49.

Jean Bowden represented the applicant and stated the proposed project to the Commissioners.

The Conservation Agent recommended approval for a negative determination for reason number 3 with a condition the work be staged in the driveway area, no tree or shrub removal and all debris be stored in a covered container.

Karen Strauss **MOVED** to approve. 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 Joseph & Paula Mistretta.** Applicant proposes water service installation at property located at 45 Mallard Lane, Map 19, Parcel 099.

The Conservation Agent recommended approval for a negative determination for reason number 3.

Thomas Durkin **MOVED** to approve. 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 Ronald & Mara DePoalo.** Applicant proposes water service installation at property located at 25 Adams Way, Map 11, Parcel 186A.

The Conservation Agent recommended approval for a negative determination for reason number 3.

Karen Strauss **MOVED** to approve under a negative determination for reason number 3. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

**Request for Determination of Applicability filed by George and Marta Tzepos.** Applicant proposes to construct a shed and screened porch at property located at 26 Salt Marsh Way, Map 17, Parcel 687F2.

Brain Madden represented the applicant and summarized the proposed project to the Commissioners

The Commissioners inquired on the size of the shed, staking out the shed, removal of three trees, shed will be on sonic tubes with no electricity to the shed.

The Conservation Agent stated the conditions which are 24 hour notice, sonic tube footing, no more lawns around addition, no electricity, all work to approved plans, construction and staging from the driveway, pressure treated wood and no trees to be removed.

Chares Wagner **MOVED** to approve under a negative determination for reason number 3. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

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

**Continuation of 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.

Brain Madden represented the applicant and summarized the proposed project to the Commissioners

The Commissioner inquired on Mitigation and was advised by the Representative that they would mitigate with 15 native shrubs around the patio and existing deck.

The Conservation Agent inquired if the Commissioners received the letter from the abutter and went over the Conditions 24 hour notice, patio dry laid on sand, 15 native shrubs and staging within driveway.

Karen Strauss **MOVED** to approve under a negative determination for reason number 3 with conditions specified. Thomas Durkin **SECONDED, 5 IN FAVOR, 1 NOT IN FAVOR.**

**Benjamins – YEA**  
**Bryan - YEA**  
**Durkin – YEA**  
**Strauss - YEA**  
**Wagner - NEA**  
**Filipowski –YEA**

#### **ADMINISTRATIVE MATTERS**

**Request for an Extension Permit filed by SE 19-1609** for annual beach nourishment and plantings at property located at 7 Nycoma Way, Map 10, Parcel 325.

The Conservation Agent recommend a 3-year extension.

Karen Strauss **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

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

**Request for an Extension Permit for SE 19-1496.** Applicant request a three-year extension for continued ATV use for shellfish grant employees at property located at 1620 Samoset Rd. First Encounter Beach, Map 16 Parcel 25.

The Conservation Chair recommended a three-year extension permit.

Karen Strauss **MOVED** to approve. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

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

**Administrative Review filed by Chuck Gatti.** Applicant proposes to remove 3 Pine Trees and 1 Oak Tree at property located at 20 Uncle Nates Way, Map 17, Parcel 565.

The Conservation Agent discussed the proposed Administrative Review

The Commissioners stated they would like to see the trees and requested to continue until April 12, 2022.

Charles Wagner **MOVED** to continue until April 12, 2022. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

**Administrative Review filed by Cheryl Schwarz.** Applicant proposes to remove one fallen tree and a few large limbs at property at 30 Moll's Pond Road, Map 12, Parcel 285.

Conservation Agent discussed the property being with in the Natural Heritage Endangered Species area and stated that they let the applicant know and requested a continuation until April 12, 2022.

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

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

#### **Violations**

No violations to discuss.

#### **Liaison Reports**

The Commissioners discussed their Liaison Reports.

**Education & Training Updates**

The Commissioners discussed their Education and Training Opportunities.

**Minutes**

No Minutes to approve.

**Other Discussion**

The Commissioners discussed communicating with Town Council concerning some applicants, fees, joint meetings of town boards and questions proposed for that meeting, work session, draft pool regulations, easements, proposed conservation application filing and agenda changes.

Suzanne Bryan **MOVED** to adjourn. Karen Strauss **SECONDED, ALL IN FAVOR.**

**Benjamins – YEA**

**Bryan - YEA**

**Durkin – YEA**

**Strauss - YEA**

**Wagner - YEA**

**Filipowski –YEA**

**Respectfully Submitted as prepared by,**



Amy Blakesley



Sheila Filipowski, Chairman Conservation Commission