

Eastham Conservation Commission



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

MINUTES

Conservation Commission Meeting 6:00 P.M., Tuesday, June 28, 2022

Commissioners Present: Sheila Filipowski, Karen Strauss, Janet Benjamins, Thomas Durkin, Charles Wagner.

Agent Present: Keith Johnson

Also Present: Charles Went, Catherine Dulac, Nick Crawford, Benjamin Fairbanks, Bob Reedy, Sibel Asantugrul, Sara Zobel, John Sheehan, Tim Brady.

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

Benjamins – YEA

Durkin – YEA

Strauss - YEA

Wagner - YEA

Filipowski –YEA

PUBLIC HEARING

Notice of Intent filed by Catherine Dulac. Applicant proposes to remove existing timber steps, construct stone steps, a retaining wall, construct a wall near the driveway, place stepping-stones around the house, stone steps into the back of house, remove a pine tree, rebuild front stoop entrance, French drains for downspouts and plant native vegetation at property located at 835 North Sunken Meadow Road, Map 01, Parcel 048.

Charles Went represented the applicant and reviewed the proposed project with the Commissioners.

The Conservation Chair inquired on hardening material within the driveway, drywall being installed, and more detail on the back steps. The Commissioners inquired on the ACEC resource

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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>

area, Natural Heritage priority habitat, and question the timber steps and does not feel a retaining wall is needed due to the area being well vegetated, the stone stoop not being laid in mortar, and the site map not reflecting the wall by the driveway.

The Representative stated that the drywell is necessary to keep water from the back of the wall, the back steps being set on gravel, and if the project was reported to The Natural Heritage and Endangered Species Program. The Representative also discussed vegetation removal, the retaining wall, the stoop, tree removal, and concrete footings and adding additional information to the plan.

The Commissioners inquired on what the stones will be laid in. Another Commissioner asked for clarification on the construction of the stones in the back of the house.

Catherine Dulac discussed the back steps, retaining wall, erosion and not removing a tree with the Commissioners.

The Commissioner agreed that the retaining wall on the left is acceptable and requested an alternative plan for the retaining wall by the back stairs. The Commissioners continued to discuss the back retaining wall. The Representative stated that they will figure out how to remove the retaining wall and agreed to leave the scrub oak. Another Commissioner stated that they expect some sort of vertical barrier at the base of the steps to prevent the sand collapsing onto the steps. The Commissioners also requested another drawing of the construction area with more detail.

The Conservation Agent stated that The Natural Heritage and Endangered Species Program letter has not yet been received and recommended a continuation.

Karen Strauss **MOVED** to continue until July 12, 2022. Charles Wagner **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Durkin – YEA

Strauss - YEA

Wagner – YEA

Filipowski –YEA

Continuation of 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 amended to property located at 25 Sunset Lane, Map 13, Parcel 139.

Nick Crawford represented the applicant and stated they are here to approve the Order of Conditions.

The Conservation Agent discussed the Order of Conditions and edits that were made.

The Commissioners discussed conditions concerning a no disturb zone and maintaining brush. The Conservation Agent stated both would be added to the Order of Conditions.

Charles Wagner **MOVED** to approve with additional conditions added of a no disturb zone and ongoing maintenance. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Continuation of 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 Fairbanks represented the applicant and stated that a DEP number has not been received, and requested a continuation until July 12, 2022.

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

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

Continuation of 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.

Bob Reedy, Sibel Asantugrul, Nick Crawford and the applicants represented the proposed project. The Representatives discussed moving the house back, reducing driveway space, a new IA Septic System, the new proposed setbacks and reduced square footage, mitigation area and proposed vegetation.

The Commissioners inquired on the no disturb area being highlighted by green and blue and how will it be marked off, defining mow zone, work proposed on coastal bank, moving the house out of the 50 foot buffer zone, the garage, existing foundation, the proposed house being the same size, the increased size in the patio, and herbicide use.

The Representative discussed using steel edging for delineation, invasive removal and use of herbicide on the coastal bank, patio and deck size increase, the slightly decrease of house size, and the location of the house within 50-foot buffer zone. The Representatives continued to discuss the square footage of the proposed project and the foundation removal.

The Commissioners inquired if the basement is now being proposed to be a full basement, previously requesting the house to be built outside the 50-foot buffer zone and the deck and stairs not being located by the coastal bank.

The Conservation Chair stated that the proposed project is an improvement and another Commissioner agreed.

Karen Strauss **MOVED** to direct the agent to write the Draft Order of Conditions to review at the July 12, 2022 meeting. Charles Wagner **SECONDED, ALL IN FAVOR.**

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

REGULATORY DETERMINATIONS

The Conservation Chair opened the next three Request for Determinations together.

Request for Determination of Applicability filed by Bill O’Grady. Applicant proposes water service installation at property located at 4 Roy’s Lane, Map 10, Parcel 370.

Request for Determination of Applicability filed by Mark Mange. Applicant proposes water service installation at property located at 70 Blue Heron Way, Map 18, Parcel 276.

Request for Determination of Applicability filed by Kenneth Rotner. Applicant proposes water service installation at property located at 345 Shurtleff Road, Map 07, Parcel 165.

The Conservation Agent recommended approval for all three Request for Determinations under a negative determination for Reason number 3.

Karen Strauss **MOVED** to approve all three Request for Determinations under a Negative Determination for Reason number 3. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

ADMINISTRATIVE MATTERS [AB1]

Extension Permit Request for DEP SE 19-782 for repairing and maintain a stone revetment, fill and revegetate coastal bank as necessary at property located at 49 Longstreet Lane, Map 10, Parcel 343.

The Conservation Agent recommended approving a three-year extension.

Charles Wagner **MOVED** to approve a three-year extension. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Plan Change Request for DEP SE 19-1753. Applicant proposes to install a 250-gallon propane tank underground at property located at 385 Harmes Way, Map 01, Parcel 112.

Tim Brady represented the applicant and discussed the proposed gas tank being buried or elevated, and the Town’s regulation concerning fuel tanks not being within the ACEC with the Commissioners.

The Commissioners discussed the velocity zone, not having a waver provision to wave the regulation and continued to discuss this with the Representative.

The Commissioners inquired on the size of the tank, if the area already has a natural gas line and the height if elevated. The Commissioners discussed the regulations and amending the ACEC Regulation with the Conservation Agent. The Commissioners discussed elevating the tank versus burying the tank.

The Commissioners continued to discuss the Attorney General and Bylaws versus Regulations.

The Representative requested a continuation until July 12, 2022.

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

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

Plan Change Request for DEP SE 19-1759. Applicant proposes to install an additional 12 cubic yards of nourishment at property located at 320 Crosby Village Road, Map 14, Parcel 201.

Charles Martel represented the Association and discussed the proposed plan change with the Commissioners.

The Commissioners discussed the stairs being out of the 100-foot buffer and putting 8 cubic yards on the beach and 4 cubic yards on the stairs. The Commissioners also discussed kayak and canoe identification and storage, and other possible projects with the representative and requested the representative discussed the proposed with the Conservation Agent.

Karen Strauss **MOVED** to approve 8 cubic yards of sand be placed on the beach. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

The Conservation Chair called a 5-minute break.

Administrative Review filed by Camilla Hope Morrill. Applicant proposes to remove two down trees at property located at 85 Great Pond Road, Map 14, Parcel 096.

The Conservation Agent discussed the proposed project and stated that the applicant wants to remove the fence and is not certain it should be requested under a different filing.

The Commissioners discussed possibly trimming the tree closer to the public way, fix the fence, and removing the trees and possible disturbance and leaving the trees for wildlife. The Commissioners discussed the surrounding properties and already being well vegetated.

The Commissioners requested the applicant to remove the trees, fix the fence and leave the stumps.

Charles Wagner **MOVED** to approve. Karen Strauss **SECONDED, 3 IN FAVOR, 2 NOT IN FAVOR.**

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

Administrative Review filed by Robert Metayer. Applicant proposes to remove a dead standing tree at property located at 345 Turnip Road, Map 07, Parcel 500.

The Conservation Agent discussed the proposed project and stated the tree had already been removed.

The Commissioners discussed the mitigation proposed.

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

Benjamins – YEA
Durkin – YEA
Strauss - YEA
Wagner – YEA

Filipowski –YEA

Administrative Review filed by MHHA. Applicant proposes to trim and clean brush back on Sparrow Road and Salt Works Road, Map 04, Parcel 114 through 186.

The Conservation Agent discussed the proposed project and recommended approval.

Karen Strauss **MOVED** to approve. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Durkin – YEA

Strauss - YEA

Wagner – YEA

Filipowski –YEA

Administrative Review filed by ABC Tree. Applicant proposes to remove the top of a pine tree at property located at 150 Meeting House Road, Map 12, Parcel 293.

The Conservation Agent discussed the proposed project and recommended approval.

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

Benjamins – YEA

Durkin – YEA

Strauss - YEA

Wagner – YEA

Filipowski –YEA

Administrative Review filed by John Kaletski. Applicant proposes to remove a tree at property located at 25 Locust Road, Map 12, Parcel 15F.

The Conservation Agent discussed the proposed project and recommended approval.

Karen Strauss **MOVED** to approve. Thomas Durkin **SECONDED ALL IN FAVOR.**

Benjamins – YEA

Durkin – YEA

Strauss - YEA

Wagner – YEA

Filipowski –YEA

Charles Wagner recused himself from the following Administrative Review.

Administrative Review filed by Charles Wagner. Applicant proposes to remove two fallen tree and trim branches at property located at 195 Widgeon Drive, Map 17, Parcel 528.

The Conservation Agent discussed the proposed project and recommended approval.

Karen Strauss **MOVED** to approve. Thomas Durkin **SECONDED ALL IN FAVOR.**

Benjamins – YEA
Durkin – YEA
Strauss - YEA
Filipowski –YEA

Continuation of Administrative Review filed by KPD Revocable Trust. Applicant proposes to remove trees, bushes and grasses at property located at 20 Pheasant Run, Map 21, Parcel 47H.

The Conservation Agent discussed the continuation and recommended approval.

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

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

Continuation of Administrative Review filed by John Welch. Applicant proposes to regrade existing driveway at property located at 1600 Samoset Road, Map 13, Parcel 130A.

The Conservation Agent discussed the Commissioners concerns about a time restriction and having to hear from the Natural Heritage & Endangered Species Program.

Karen Strauss **MOVED** to approve to work to be done after October 1, 2022 to June 1, 2022. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

Violations

No new Violations to report.

Agent Question

No Agent Questions.

Liaison Reports

The Commissioners discussed their Liaison Reports.

Education & Training Updates

The Commissioners discussed their Education and Training Opportunities.

Other Discussion

No other discussion.

Karen Strauss **MOVED** to adjourn. Thomas Durkin **SECONDED, ALL IN FAVOR.**

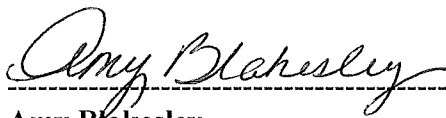
Benjamins – YEA

Durkin – YEA

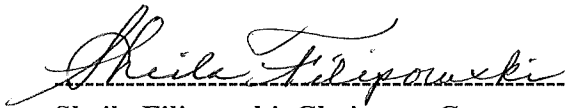
Strauss - YEA

Wagner – YEA

Filipowski –YEA



Amy Blakesley



Sheila Filipowski, Chairman Conservation Commission