

Eastham Conservation Commission

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



MINUTES

Conservation Commission Meeting
6:00 P.M., Tuesday, September 13, 2022

Commissioners Present: Karen Strauss, Janet Benjamins, Charles Wagner, Sheila Filipowski, Joanne Cossitt, Emily Beebe.

Agent Present: Keith Johnson

Also Present: Don Munroe, Todd Turcotte, Nancy Voke, David Lyttle, William Ladutko,

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

Beebe - YEA
Benjamins - YEA
Cossitt - YEA
Wagner - YEA
Filipowski - YEA
Strauss - YEA

PUBLIC HEARING

1. Opening Statements

Karen Strauss read the executive session concerning 670 State Highway.

2. Open Public Hearing

EXECUTIVE SESSION

1. 670 State Highway Right of Way - executive session pursuant to G.L. c. 30A, s. 21(a)(3) to discuss strategy with respect to litigation (Sanders v. Eastham Conservation Commission, Barnstable Superior Court Docket No. 2272CV00003) if an open meeting may have a detrimental effect of the litigation position of the Town and the chair so declares. The Commission will reconvene in open session following executive session.

Emily Beebe **MOVED** to enter into Executive Session. Sheila Filipowski **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

The Commission discussed 670 State Highway Right of Way.

4. Return to Public Hearing

Emily Beebe **MOVED** to close executive session and return to regular session. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

PUBLIC HEARING

Notice of Intent filed by 235 Shurtleff Road Realty Trust, Richard and Laurie Devito Revocable Trust and Marcella Gumbel. Applicants propose 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.

Don Munroe and Todd Turcotte represented the applicants. Don Munroe read a letter from one of the applicants and continued to discuss the proposed project with the Commissioners.

The Conservation Chair stated that when they were on the site visit, they notice a pressure treated post with a boat attached to it and requested all of it to be removed as soon as possible. The Conservation Chair continued to discuss arial photos of the properties, why the sand fence was removed in 2014 and never repaired, history of the sites, nourishment, and requested information on the sand fence, and nourishment. The Conservation Chair continued to discuss end scouring, adding extra nourishment on the end of the revetment, and information concerning the Bayberry Road file. The Conservation Chair also requested Greg Berman to look at the property and removable aluminum stairs.

The Representatives discussed other revetments, moving the dwelling, stairs being aluminum versus granite stairs and additional nourishment.

Nancy Voke, owner of 235 Shurtleff Road, and discussed nourishment, beach fences, sandbags, and offered photos of what has been done in the past. A Representative discussed soft solutions and sandbags,

Commissioners inquired on nourishment placement, how the revetment will be constructed, why was erosion not predicted in the past, other alternative analysis concerning these properties and current revetment issues.

The Representatives answered the Commissioners questions.

The Conservation Chair stated that the Commission are looking for a review from Greg Berman, photos from Nancy Voke, additional files from the Conservation Agent, and redesign of the beach stairs.

Another Commissioner discussed the stairs, and exemptions to the 78 rule.

The Representative discussed aluminum stairs versus granite steps and discussed Bayberry Road revetment project. The Conservation Chair requested to see the file for Bayberry Road.

The Conservation Chair discussed continuation until October 11, 2022.

Commissioner Beebe left the meeting.

Janet Benjamins **MOVED** to continue until October 11, 2022. Sheila Filipowski **SECONDED, ALL IN FAVOR.**

Benjamins -YEA

Cossitt -YEA

Wagner -YEA

Filipowski -YEA

Strauss -YEA

Notice of Intent filed by Timothy and Tiffany Novak. Applicant proposes construction of an addition and deck at property located at 15 Moore Lane, Map 12, Parcel 039.

David Lyttle represented the applicant and discussed the proposed project with the Commissioners.

The Conservation Chair inquired on the foundation, the naturalization area and invasive management.

The Representative discussed the construction, mitigation and invasives.

Commissioners inquired on lawn area, regrading, removal of knotweed and native mitigation and requested additional mitigation and construction notes. Another Commissioner stated that mitigation is necessary due to regulatory reasons but agrees with removing the knotweed and native mitigation.

Commissioner Beebe returned to the meeting.

The Representative advised the commissioners of the regrading and requested a continuation until September 27, 2022.

Charles Wagner **MOVED** to continue until September 27, 2022. Janet Benjamins **SECONDED, 1 ABSTAINED AND 5 IN FAVOR.**

Beebe - ABSTAINED

Benjamins -YEA

Cossitt -YEA

Wagner -YEA

Filipowski -YEA

Strauss -YEA

Notice of Intent filed by William Ladutko. Applicant proposes to remove 4 buildings and construct 5 buildings and a parking lot at property located at 2705 State Highway, Map 15, Parcel 005.

William Ladutko represented his application and discussed the proposed project with the Commissioners.

The Conservation Chair inquired on slopes, driveways, and requested a detailed storm water assessment and additional information on the catch basin. The Conservation Chair also inquired on how the applicant came up with 600 gallons of water concerning the catch basin and discussed hiring a storm water consultant, a new wetland delineation, details on foundations and decks on the plans.

The Representative inquired if the commissioners feel this proposed project is feasible and discussed a past proposal. The Chair advised the applicant that the proposed project could be approval but need the information requested.

The Commissioner discussed regulations, impact to the wetland area, tree removal not being reflected on the plan, a clear description concerning excavation and fill, and how the storm water runoff will be taken care of.

The Representative discussed excavation, extending the block wall system, excavated material being redeposited in other areas. The Commissioner requested information concerning excavation and excavated material be included in the plan.

The Commissioners continued to discuss the grading being reflected on the site plan, a native vegetative buffer to the wetland, the square footage of the proposed paved and gravel areas, keeping a tight work limit, clarification of the no mow zone, hatch area and the no cut area.

The Representative discussed the lawn and stated they will let that naturalized.

Another Commissioner requested clarification on how many units will be in the buildings. The Conservation Chair stated the commissioners are looking for the following. Stormwater analysis report, grading and the extended rock wall system, vegetative buffer, and proposed paving versus not paved, no mow zone and mitigation plan.

A Commissioner inquired on the septic plan and was advised by the Representative that the system is not being replaced. The Commissioner stated that the proposed units will be built within the 50-foot buffer zone and requested the new sewer lines be added to the plans.

The Representative requested a continuation until October 25, 2022

Emily Beebe **MOVED** to continue until October 25, 2022: Janet Benjamins **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

REGULATORY DETERMINATIONS

Request for Determination of Applicability filed by Mike McCarthy. Applicant proposes water service installation at property located at 20 Elisabeth Drive, Map 20, Parcel 066.

Conservation Chair went over the proposed water connection and recommended approval under positive determinations 2B and 6 with standard water conditions.

Charles Wagner **MOVED** to approve. Emily Beebe **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

Request for Determination of Applicability filed by Bob Baumann. Applicant proposes water service installation at property located at 5 Bayview Drive, Map 13, Parcel 052.

Conservation Chair went over the proposed water connection and recommended approval under positive determinations 2B, 5 and negative determination 3 with standard water conditions.

Janet Benjamins **MOVED** to approve under a positive determinations 2B, 5 and negative determination 3. Charles Wagner **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA

Strauss -YEA

Request for Determination of Applicability filed by Laurie Quarries. Applicant proposes a septic system upgrade at property located at 400 Ireland Way, Map 17, Parcel 29A.

The Conservation Agent discussed the proposed project and recommended approval under a positive determination 2B and a negative determination 3 with Standard Conditions.

Emily Beebe **MOVED** to under a positive determination 2B and a negative determination 3 with Standard Conditions. Joanne Cossitt **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

Request for Determination of Applicability filed by Daniel and Donna McCormick.

Applicant proposes water service installation, non-native shrub removal, 1 Cedar tree removal and mitigation at property located at 30 Richard Lane, Map 21, Parcel 062D.

The Conservation Chair inquired on the basil spray herbicide and the type of oil proposed.

Lindsay Strode represented the applicant and discussed the herbicide application and type of oil with the commissioners.

Commissioner inquired on the irrigation drip and was advised that there is existing irrigation which is within the 100-foot buffer zone located within the driveway.

The Conservation Agent stated that a condition would be added to remove the irrigation once the plants are established.

Charles Wagner **MOVED** to approve under a positive determination 2B and a negative determination 3 with standard water service conditions. Emily Beebe **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

ADMINISTRATIVE MATTERS

Request for a Certificate of Compliance filed by Herbert M. Philbrick, DEP SE 19-1399 for an On-Site sewage disposal system at property located at 370 Mill Road, Map 11, Parcel 073.

The Conservation Agent discussed the Board of Health and recommended approval.

Sheila Filipowski **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

Administrative Review filed by Douglas Wood. Applicant proposes to trim 2 Oak Trees at property located at 400 Crosby Village Road, Map 14, Parcel 196.

The Conservation Agent summarized the proposed project and recommended approval.

Charles Wagner **MOVED** to approve. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

Administrative Review filed by ABC Tree. Applicant proposes to remove two trees at property located at 40 Molls Pond Road, Map 12, Parcel 288.

The Conservation Agent summarized the proposed project and recommended approval.

Emily Beebe **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

Beebe - YEA
Benjamins -YEA
Cossitt -YEA
Wagner -YEA
Filipowski -YEA
Strauss -YEA

Violations

The Conservation Agent stated that there are no new Violations and updated the commissioner on the violations in progress.

Agent Question

No Agent Questions.

Liaison Reports

The Commissioners discussed their Liaison Reports.

Education & Training Updates

The Commissioners discussed Education and Training.

Minutes

August 23, 2022 Minutes

Emily Beebe **MOVED** to approve August 23, 2022 Minutes. Charles Wagner **SECONDED, ALL IN FAVOR.**

- Beebe - YEA**
- Benjamins -YEA**
- Cossitt -YEA**
- Wagner -YEA**
- Filipowski -YEA**
- Strauss -YEA**


Other Discussion

The Commissioners discussed future work sessions and interviewing a new commissioner.

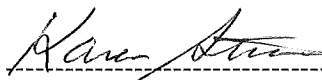
The Conservation Chair requested a motion to adjourn.

Charles Wagner **MOVED** to adjourn. Emily Beebe **SECONDED, ALL IN FAVOR.**

- Beebe - YEA**
- Benjamins -YEA**
- Cossitt -YEA**
- Wagner -YEA**
- Filipowski -YEA**
- Strauss -YEA**



Amy Blakesley



Karen Strauss, Chairman Conservation Commission