Eastham Conservation Commission

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

MINUTES

Conservation Commission Meeting
6:00 P.M, Tuesday, October 12, 2021

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

Agent Present: Charles Katuska

Also Present: Tim Brady, Peter and Diane Hall, Stephanie Sequin, Tom Dempsey, Thomas C. and Marlene Gerhard, Kevin and Susan Heinz, Edward Equi, Stuart Vaeth, Linda Tragakis.

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

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

PUBLIC HEARINGS

Notice of Intent filed by Virginia Delaney. Applicant proposes shoreline stabilization measures at property located at 115 Barrow House Road, Map 01, Parcel 014.

Tim Brady represented the applicant and discussed the house being built in 1970, location to a creek, tides, banks condition, coastal engineering structures and the possibility of this area not needing one at this time. The Representative continued to discuss vegetation and mitigation, tides, proposed slope and fill that will be used to construct the slope. The Representative stated that they should have made the stabilization bigger than what is being proposed and requested to extend by 15 feet more on the southeasterly side and 10 feet more on the northwesterly side.

A Conservation Commissioner inquired on fill and the Representative stated they will need an addition 50 cubic yards with the extensions and stated it will be a mixture of clay and sand, and continued to discuss the soil with the Commissioners. The Conservation Chair inquired on the ACEC area, and questioned why it was not labeled on the site plan. The Representative stated that the ACEC is mentioned in the notes on the site plan and stated where the ACEC is located. The Conservation Chair requested that the ACEC be reflected on the site plan.

The Video for this meeting can be found at https://www.eastham-ma.gov/home/pages/demand-video-meetings-and-special-programs.

The Conservation Chair inquired on the fragmites and questioned how they are going to be removed. The Representative stated that it is not their intention to keep the fragmities out of this site due to overgrowth.

Another Representative stated that they are going to cut the fragmites down and remove them from the site.

A Commissioner inquired if the ACEC is compliant and was advised that the proposed project it is considered a bank improvement project. The Commissioner stated that the bylaws state that no fill will be allowed with in the ACEC. The Representative stated that fill has been brought into the ACEC for these types of improvement at other Eastham locations. The Commissioner stated that it has been suggested that the runoff from the house is creating super saturated areas, which are causing the dune to collapse. The representative stated that he feels that this is not the case but offered to install a dry well. The Commissioner inquired if there are alternative options to the proposed project. The Representative discussed alternative options with the Commissioners. The Commissioner advised the Representative that they approved the mitigation plan. Another Commissioner stated that it was hard to see the bank due to the fragmities and was advised that there is good vegetation growing on each end of the bank.

Another commissioner inquired on how are they going to secure the cable and was advised that they are custom length and explained the process to the Commissioners. The Commissioner stated that he does not believe that the saturation from the house is causing the issue and feels that the wave action against the bank is causing saturation.

A Commissioner agreed on placing the downspout into the dry well and agreed that the deterioration of the bank being caused by the wave action.

The Conservation Agent inquired if the fiber rolls and duckbill anchors should be a requested revision as well. The Representative agreed to add this information on the plan as well as the ACEC, drywell, duckbill detail, revetment extensions and the amount of cubic yards of fill.

The Representative requested a continuation until October 26, 2021.

Thomas Durkin **MOVED** to continue until October 26, 2021. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

<u>Continuation of Notice of Intent</u> filed by Steven and Cathy Sanders. Applicant proposes to improve existing right of way at property located at 670 State Highway, Map 21, Parcel 066.

The Conservation Agent stated the Representative requested to continue until October 26, 2021 and explained the request to continue until November 9, 2021 that was received from the abutters due to their representative not being able to be present on October 26, 2021.

The Conservation Commissioner stated there is no reason for them not to continue until November 9, 2021.

Charles Wagner **MOVED** to continue until November 9, 2021. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

Continuation of Notice of Intent filed by Gerald Billow& Barbara Kellman. Applicant proposes removal of invasive plant species, site restoration, plant management and establishment of two view corridors at property located at 120 Lawton Road, Map 14, Parcel 050.

The Applicant requested a continuation until October 26, 2021.

Thomas Durkin **MOVED** to continue until October 26, 2021. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

Continuation of Request for 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 Applicant requested a continuation until November 9, 2021.

Karen Strauss **MOVED** to continue until November 9, 2021. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

REGULATORY DETERMINATIONS

Request for Determination of Applicability filed by Peter and Diane Hall, Hall Realty Trust for the removal of eight pine trees at property located at 20 Duck Marsh Lane, Map 09, Parcel 133.

Peter and Diane Hall represented their proposed project, and stated they are in the process of building a deck and would like to remove 15 trees. The Conservation Chair stated that they visited the site but the trees were not marked. The Conservation Chair also inquired how the trees are going to be removed, what equipment will be used and the type of mitigation that is going to be proposed. The Conservation Chair also inquired on the tree limb that is mentioned on the application. The Applicant stated that the tree limb was still include and inquired on Mitigation and continued to discuss this with the Commissioners.

A Commissioner stated that the deck would need conservations approval to be replaced and wondered if it would be added to this request. The Applicant stated that they are repairing the deck and not replacing the

deck. Another Commissioner inquired if they are replacing more than 50% of the deck and the applicant stated yes. The Conservation Chair advised the applicant that they may need to file for the deck and will figure it out later on. A Commissioner inquired if the trees are healthy. The Applicant stated that some are okay, but some are not. The Commissioner discussed mitigation with the Applicant. Another Commissioner stated that the trees are not leaning towards the house and feels that applicant wants to remove the trees to make the deck job easier. The Applicant state yes but continued to statethat the trees are close to the structure. Another Commissioner agreed with the Commissioners concerning the health of the trees and requested more information. Another Commissioner stated that the property is heavily wooded, and does not feel mitigation should be required.

The Conservation Agent stated that the trees are located close to the deck, and the trees that have fallen do have root rot. The Conservation Agent also stated that the deck can be integrated into this Request for Determination and questioned how the deck would be accessed. The Conservation Agent also stated that the trees that are being removed be marked and that a contractor be involved in removing the trees and fixing the deck under the same application or move forward with this proposed application and come back later for the deck. The Conservation Agent also explained the wetland area of the property and stated the work is closer to the wetland that the site plans shows.

The Conservation Chairs suggested a continuation. A Commissioner suggested meeting with the Conservation Agent concerning the deck and leaving the filing as a Request for Determination.

The Applicant requested to continue it until November 9, 2021.

Charles Wagner **MOVED** to continue until November 9, 2021. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

Request for Determination of Applicability filed by Thomas C. and Marlene K. Gerhard to remove existing patio/hardscaping and replace with new hardscaping at property located at 385 Mary Chase Road (Rear), Map 18, Parcel 075.

Stephanie Sequin, Tom Dempsey, the applicant and landscaper represented the proposal. The Representative summarized the parcel and talked about the new structure replacing the cottage, the old Order of Conditions, issues with the patio and the stones that were used to build the patio. The Representative discussed removing the stone and also the drainage ditch, and reconstruction both within the same area with bluestone and flagstone and continued to explain the process. The Representative also discussed the grill area, and how it will be removed and then rebuilt, and continued to discuss access and removal of the hardscape.

The Conservation Chair inquired about the sand and inquired how the runoff will be directed. The Representative stated the runoff from the patio would be directed into a trench, which will be filled with 6 inches of stone. The Representative also stated that the trench would be pitched towards the patio. The Conservation Chair inquired if any trees will be removed within the work limit area and was advised no. The Conservation Chair also inquired on the hoses and questioned if it is an irrigation system. The Representative stated that the hoses are dripping into pots on the patio, and is not permanent.

A Commissioner stated that they thought the Polymeric Sand is an impervious system. The Commissioner also stated that the drainage trench, which is being proposed to be set in cement which is also not permitted within the 50 foot buffer zone. The Commissioner also inquired about the landscape timbers. The Representative stated that the timbers are going to be removed and replaced with cobblestone and granite. The Commissioner inquired about the grill and it being proposed to sit on a concrete footing that will be 6 feet long. The Representative Tom Dempsey discussed the concrete footing and stated there will be rebar within the concrete. The Commissioner inquired on using concrete within the 100-foot buffer zone. The Conservation Agent stated that the grill area is located by the house and would not cause any issues, but the concrete for the trench could possibly make the area impervious, and continue to discuss the trench with the Commissioners and Representatives. The Representative stated that this is an infiltration trench and the cement would only be on the edging of the trench. The Conservation Agent stated that would need to be reflected on the plan. Another Commissioner stated that they have allowed concrete slabs before for platform uses. Another Commissioner discussed the concrete slab and stated that it needs to be engineered and agreed on the trench being represented on the site plan. The Representative went over the trench and cobblestone set in cement with the Commissioners.

The Conservation Chair stated that this proposal should be continued and the Representative inquired on what else is needed. The Commissioners stated they would like more information on the Polymeric sand and additional information concerning the trench.

The Representative requested a continuation until October 26, 2021.

Janet Benjamins MOVED to continue until October 26, 2021. Karen Strauss SECONDED, ALL IN FAVOR.

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

Request for Determination of Applicability filed by John Duarte for water service connection at property located at 385 Harmes Way, Map 01, Parcel 112.

The Conservation Agent stated what is being proposed and recommended approval under a Negative Determination of Applicability for reason number 2.

Karen Strauss **MOVED** to approve under a Negative Determination of Applicability for reason number 2. Chuck Wagner **SECONDED, ALL IN FAVOR.**

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

Request for Determination of Applicability filed by Kevin Heinz. Applicant proposes water service installation at property located at 55 Appleseed Road, Map 15, Parcel 077.

Kevin and Susan Heinz represented their application. The Conservation Chair stated what is being proposed and recommended approval under a Negative Determination of Applicability for reason number 3.

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

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

Continuation of Request for Determination of Applicability filed by Karen Scibinico and Edward Equi. Applicant proposes to remove bluestone from driveway and walkway and replace with pavers at property located at 130 Windjammer Lane. Map 19, Parcel 069.

Edward Equi represented the application and stated he is replacing the blue stone with pavers for easier snow removal. The applicant also stated that playground sand would be used between the pavers, which are prefabricated and will be laid by hand and continued to discuss his plan with the Commissioners.

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

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

ADMINISTRATIVE MATTERS

Extension Permit filed for SE 19-1697 for another year of temporary irrigation for the shower replacement, installation of stone patio, replacement of retaining wall, removal of brick and timber steps, installation of retaining structure with re-grading, replacement of fencing, removal of trees and mitigation at property located at 300 Goody Hallett Drive, Map 20 Parcel 23.

The Conservation Agent stated the mitigation plantings had to be replaced the summer of last year and the landscaper recommended supplemental watering for another year and recommended approval.

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

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

Continuation of Request for Plan Change Review for SE 19-1772. Permittee (Bernard & Diane Durante) requests changes to approved pool & retaining wall plan to permit installation of permanent irrigation in the outer 20' of the buffer zone in order to support permanent vegetation on a slope at property located at 255 Mary Chase Road, Map 18, Parcel 80A.

The Conservation Agent stated that a new plan was received and would like a water line installed from an outdoor faucet. A Commissioner inquired to where the water comes from for the temporary irrigation and

feels that the applicant do not need another water line from the shed. The Conservation Chair stated that the Commission needs more information concerning their proposal. The Conservation Agent stated that this is for a permanent water line to bring water to the shed. Another Commissioner stated that there is no difference from taking a hose from the house. A Commissioner inquired on plantings and discussed this with the Conservation Agent. The Commissioner stated they would rather see a plan to deal with the invasive species rather than a waterline.

The Conservation Chair requested more information concerning the water line and invasive species and stated this proposal should be continued. The Conservation Agent stated that he would reach out to the applicant advising them of the Commissioners request for more information concerning landscape maintenance, mitigation plantings, invasive species control, and the proposed water line to the shed.

The Conservation Chair recommended a continuation until October 26, 2021.

Janet Benjamins **MOVED** to continue until October 26, 2021. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Administrative Review filed by Joe Mistretta. Applicant proposes to remove one Pine Tree at property located at 45 Mallard Lane, Map 13, Parcel 099.

The Conservation Agent explained the proposal and a violation from prior years to the Commissioners.

A Commissioner stated that if the tree falls, it will fall away from the house and recommends leaving the tree. Another Commissioner does not feel it is endangering anything. Another Commissioner stated that by removing the tree will prevent damage to vegetation within the buffer zone and continued to discuss with the Representatives. Another Commissioner stated they would like more information and requested the homeowner to attend the next meeting.

The Conservation Chair requested more information concerning the health of the tree, and would like an arborist look at the tree and requested a continuation until October 26, 2021.

Janet Benjamins **MOVED** to continue until October 26, 2021. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Issue Order of Conditions for the Notice of Intent filed by Stuart Vaeth. Applicant proposes landscaping work, and irrigation (after the fact) at property located at 90 John Thomas Road, Map 20, Parcel 038.

The Conservation Agent reviewed the draft of the Order of Conditions and inquired if the Commissioners had any questions on regarding the irrigation system being removed. The Conservation Agent stated that the applicant has requested to keep the irrigation system for one year for the mitigation plantings.

The Conservation Chair inquired on who is responsible to make sure the irrigation is removed in a year. The Conservation Agent stated it would be the Conservation Department. The Conservation Agent did place a condition stating that the applicant would have to contact the Department prior to removal and continued to discuss this with the Commissioners.

A Commissioner inquired on the impact of removing the irrigation after the Mitigation is established, and believes it would be better to remove it prior to establishment. Other Commissioners agreed. Stuart Vaeth stated that there is already a lawn in place and assumed that it would be just the removal of the heads and leave the pipes and was advised that the entire system needs to be removed.

The Conservation Agent stated that the Order of Conditions would be redrafted to remove the entire irrigation system and inquired on a date to have the system removed by. The Commissioners requested the irrigation system be removed prior to Mitigation plantings. The Conservation Agent stated the Order of Conditions could state that the irrigation system would need to be removed prior to Mitigation plantings in 2022. Another Commissioner requested the irrigation system be removed prior to the end of December 2021. The Conservation Chair suggested that the irrigation system be removed by the end of 2021. Another Commissioner stated that the plans received are not true to the buffer zone marked and any future proposals should be submitted with surveyed plans.

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

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

Violations

490 State Highway. Status update with Owner & Contractor for schedule of mitigation tree plantings.

The Conservation Agent advised the Commissioners of the Violation updates. Linda Tragakis, property owner stated that she has not spoken to the tree company and has no further updates. The Conservation Chair inquired if the tree company is going to do the work and the property owner stated yes. The Conservation Agent discussed planting trees in the fall, purchasing trees and working with the tree company to proceed with the work on the property. The property owner stated that this was not clear to her and believed planting the trees was the tree companies responsibility. Property owner would like a correction to the documentation concerning the trees removed. The Commission continued to discuss what is necessary to move forward with plantings, what is expected and responsibilities. A Commissioner inquired on if the tree company was to attend the meeting, and was advised yes.

Liaison Reports

The Commissioners discussed their Liaison Reports.

Education & Training Updates

The Commissioners discussed education and training opportunities.

Minutes

There were no Minutes to approve.

Other Discussion

The Conservation Agent discussed the upcoming work session with the Commissioners

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

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

Respectfully Submitted as prepared by,

Amy Blakesley

Amy Blakesley

Sheila Filipowski

Sheila Filipowski, Chairman Conservation Commission

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