

# Eastham Conservation Commission

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



## MINUTES

**Conservation Commission Meeting**  
**6:00 P.M., Tuesday, January 10, 2023**

**Commissioners Present:** Karen Strauss, Janet Benjamins, Charles Wagner, Joanne Cossitt, Emily Beebe, Mike Harnett.

**Agent Present:** Keith Johnson

**Also Present:** Gordon Peabody, David Lyttle, Caitrin Higgins, Susan Moch, Charles Wentz, Tim Brady, Don Monroe.

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

Beebe – YEA  
Benjamins -YEA  
Cossitt - YEA  
Harnett – YEA  
Wagner - YEA  
Strauss -YEA

## **PUBLIC HEARING**

**Notice of Intent filed by Jacqueline Beebe.** Applicant proposes to dredge the Rock Harbor navigation channel at property located at 631 Dyer Prince Road, Map 19, Parcel 120.

Representative requested to Continue until January 24, 2023.

Janet Benjamins **MOVED** to continue until January 24, 2023. Joanne Cossitt **SECONDED**, **ALL IN FAVOR.**

Beebe – YEA  
Benjamins -YEA  
Cossitt - YEA  
Harnett – YEA  
Wagner - YEA  
Strauss -YEA

**Notice of Intent filed by Eugene Kang.** Applicant proposes to construct a covered garage and walkway, relocating driveway and native vegetation at property located at 55 Herring Brook Road, Map 17, Parcel 500A.

Gordon Peabody represented the applicant and discussed the proposed project with the Commissioners.

The Conservation Chair stated that they are not sure if the applicant was proposing to tear down the house. The Representative stated that they are proposing remodeling the house and does not think of it as a tear down due to being in the same footprint.

The Conservation Chair requested detail concerning roof runoff and drywells. The Conservation Chair also inquired on the vista pruning work that had already taken place. The Representative stated they were not involved, and the owners advised him that they already had approval from Conservation.

Commissioners discussed drywells, footprint, vista pruning and foundation work with the Representative.

The Conservation Agent stated that if the project needed septic work or foundation work changes in footprint or any major plan changes the applicant would have to return for a plan change.

Mike Hartnett **MOVED** to approve with standard family conditions, receiving plan update concerning gutters and drywells, and working with the Conservation Agent concerning vista pruning. Charles Wagner **SECONDED, ALL IN FAVOR.**

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss -YEA**

**Notice of Intent filed by Peter Merrigan.** Applicant proposes to relocate sand to the original location on the dune at property located at 165 Harmes Way, Map 01, Parcel 103.

Gordon Peabody represented the applicant and discussed the proposed project with the Commissioners.

The Conservation Chair stated errors on the NOI, regulatory issues concerning moving sand, and Eastham's local bylaw concerning ACEC and the location of the proposed elevated walkway.

The Representative discussed the dunes by restoring elevation, plantings and individuals walking back and forth over the dunes. The Conservation Chair suggested other areas for a walkway. The Representative discussed the dunes, access to the dunes, erosion, and mitigation.

The Conservation Chair would like to see a discussion concerning performance standard and alternative placement of the walkway and mitigation.

The Commissioners discussed the Certificate of Compliance having to show the placement of the walkway and updated plans. Commissioners also discussed regulatory laws on interfering with the dune and moving the stairs to the North, the balance of installing a staircase, performance standards, and revegetation.

The Conservation Chair stated that the walkway being above ground is to allow the dune to move and vegetation to receive light. Another Commissioner discussed restoring the area where the sand has moved and moving the stairs to allow the area to heal, and an access plan so individuals have direction and suggested using a snow fence.

The Conservation Chair stated that they are looking for a plan showing regulatory laws, alternative path suggestion and mesa review.

The Representative requested a continuation until January 24, 2023

Mike Harnett **MOVED** to continue until January 24, 2023. Charles Wagner **SECONDED, ALL IN FAVOR.**

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss -YEA**

**Notice of Intent filed by Bruce Sanders.** Applicant proposes to construct a timber stairway, invasive plant management and site restoration at property located at 10 Cliff Road, Map 18, Parcel 047.

David Lyttle, Caitrin Higgins represented the applicant and discussed the proposed project and a previous approved Notice of Intent with the Commissioners. The representative also stated they are proposing a kayak rack at the bottom of the bank.

The Representative discussed the steepness of the bank, invasive vegetation, working from top of the bank, erosion control blanket, and a plant bank with what is proposed in the mitigation plan with the commissioners.

The Conservation Chair stated that they would like more detail of the stairway height and stated concern of the kayak racks being in a high velocity zone. The Conservation Chair stated that the bank is stabilized and well vegetated and is concerned about destabilizing the bank with invasive species removal.

The Representative proposed two boards off the bottom of the stairway to support the kayaks. The Conservation Chair stated they would like to see a plan.

Commissioners inquired if the stairs are contingent on the bank restoration. The Commissioners also inquired on herbicide use, removing vegetation from the bank, destabilization of the bank,

and the stairs being located on a steep bank. Another Commissioner discussed vegetation and requested knowing what vegetation will be removed from the bank and how they will be handled.

Abutter Susan Moch stated concerns about the stairway and vegetation removal. The Abutter also stated that past construction of the area had caused flooding and is worried about the adverse effect on the neighbors and that the applicant would try to add a dock to the stairs.

The Conservation Chair stated that the applicant would have to come back to the Conservation concerning a dock. The Representative stated there is not sufficient depth for a dock and would reach out to the applicant concerning the neighbors concern and advised any questions or concerns be directed to the Representative.

The Conservation Chair stated the Commission is looking for additional information concerning Phragmites, staircase location, possibility of selected vegetation management, provide information concerning the vegetation project at Corliss Way, plans for the kayak rack, and herbicide details.

The Representative requested a continuation until January 24, 2023.

Emily Beebe **MOVED** to continue until January 24, 2023. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Mike Harnett left the meeting.

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

**Continuation of Notice of Intent filed by Ronald and Mara DePoalo.** Applicant proposes to rebuild house, install a patio and walkway, rebuild existing patio, and remove nonnative vegetation and mitigation at property located at 25 Adam’s Way, Map 11, Parcel 186A.

Mike Harnett returned to the meeting.

The Conservation Chair inquired if Joanne Cossitt signed the Mullin letter, and she stated yes.

Charles Wentz and Tim Brady represented the applicant and discussed the proposed project with the Commissioners. The representative stated the applicant would like to remove the pool and install a new pool and remove some trees. The representative discussed removing the house, foundation/slab and rebuilt with a new foundation that will be a foot and half higher than previous foundation and rebuilding the house back.

The Conservation Chair feels that this is more of a mitigation plan than a house construction plan. The Chair also stated there is not enough details on the house, the drainage, a lighting plan, and feels the application is incomplete. The Commissioner inquired on the basement, what non-native plants will be removed and their size, and mitigation of 3 to 1, requested leaving the vegetation alone in the 50-foot buffer zone and more information concerning the wall and patio and leaving

the sycamore trees. A Commissioner stated that it is a very well vegetated lot and does not object to removing the Sycamore trees.

The Representative inquired what building information is being requested by conservation and the Conservation chair advised him building dimensions existed and proposed, foundation information, placement of frames and construction and deconstruction protocol.

The Conservation Chair stated that the Commission is looking for revision of the plant list showing what vegetation is being removed and planted and additional information on the new building.

The Representative requested a continuation until January 24, 2023.

Mike Harnett **MOVED** to continue until January 24, 2023. Charles Wagner **SECONDED, ALL IN FAVOR.**

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss -YEA**

**Continuation of Notice of Intent filed by 235 Shurtleff Road Realty Trust, Richard and Laurie Devito Revocable Trust and Marcella Gumbel.** Applicant proposes 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 Monroe represented the applicant and discussed the proposed project with the Commissioners.

The Conservation Chair requested an outside consultant concerning the provided analysis and advise the best location of the revetment and nourishment and the commissioners agreed. The Commissioners inquired if the other revetments were built incorrectly and was advised by the representative no.

The representative discussed the revetment being placed landward, and wave analysis with the commissioners.

The Conservation Agent stated they will reach out to multiple consultants for their availability to review the proposed project.

Nancy Voke discussed the proposed photos, erosion, and elevation of the revetement with the Commissioners.

The Conservation Agent discussed the process of an outside consultant with the commissioners.

The Representative requested a continuation until January 24, 2023.

The conservation Chair requested a motion for obtaining an outside consultant and s continuation until January 24, 2023.

A Commissioner continued to discuss erosion and obtaining an outside consultant with the Conservation Agent and Representative.

Emily Beebe **MOVED** to approve obtaining a consultant and to continue until January 24, 2023.  
Mike Harnett **SECONDED, ALL IN FAVOR.**

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss -YEA**

### **REGULATORY DETERMINATIONS**

**Request for Determination of Applicability filed by East Coast Metal Roofing.** Applicant proposes to strip roof, install ice/water shield, and install permalock aluminum shingles at property located at 15 West Road, Map 04, Parcel 481.

The Conservation Agent discussed the proposed application and recommended approval with a positive 2B and a negative 3.

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

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss -YEA**

### **ADMINISTRATIVE MATTERS**

**Extension Permit filed by Jeanne M. Morello, DEP SE 19-1409** for nourishment of the Coastal Beach and to repair or replace their sand drift fence in its existing location at property located at 45 Bay View Drive, Map 13, Parcel 17.

The Conservation Agent discussed the proposed application and requested a continuation to find the sand drift fence due to sand accumulation and there is no need for a vote at this time.

The Conservation Vice Chair opened the following two Certificate of Compliances for 2080 State Highway.

**Certificate of Compliance filed by James and Barbara Pagos, DEP SE 19-1476** for the removal and replacement of portion of dwelling, additions, patios, and deck at property located at 2080 State Highway, Route 6, Map 15, Parcel 117.

**Certificate of Compliance filed by James and Barbra Pagos, DEP SE 19-1782** for items which were not completed under the previous Order of Condition such as restore existing pool, restore and reconfigure patio around the pool, remove two sheds and construct a larger shed and construct two entry walkways to the dwelling. In addition to the previous Order of Conditions the applicant proposes to reconfigure existing gravel driveway, grade areas along the front of dwelling and an area of the driveway, grade and fill an area east of the existing deck and construct a walkway/step connection from deck to pool area at property located at 2080 Route 6, Map 15, Parcel 117.

The Conservation Agent discussed the proposed Certificate of Compliances and recommended approval.

Charles Wagner **MOVED** to approve DEP SE 19-1476 and DEP SE 19-1782. Karen Strauss **SECONDED, ALL IN FAVOR.**

Beebe – YEA  
Benjamins -YEA  
Cossitt - YEA  
Harnett – YEA  
Wagner - YEA  
Strauss -YEA

**Certificate of Compliance filed by Patricia McDonald and Timothy Wells, DEP SE 19-1719** for the management of phragmites with herbicides at property located at 230 Goody Hallett Drive, Map 20, Parcel 021.

Conservation Agent discussed the Certificate of Compliance and stated the applicant requested ongoing condition for the existing management plan that is in place.

A Commissioner stated to approve limiting cap on ongoing condition for a 5-year period after which the applicant would have to come back to the Commission to request additional time if needed.

Emily Beebe **MOVED** to approve with conditions stated. Karen Strauss **SECONDED, 5 IN FAVOR, 1 NOT IN FAVOR.**

Beebe – YEA  
Benjamins -YEA  
Cossitt - YEA  
Harnett – YEA  
Wagner - NEA  
Strauss -YEA

**Certificate of Compliance filed by James Minton, DEP SE 19-1738** for the upgrade of the septic system by installing a tight tank at property located at 305 Nauset Light Beach Road, Map 23, parcel 018.

The Conservation Agent discussed the Certificate of Compliance and recommended approval.

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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>

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

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss –YEA**

**The Conservation Chair opened the following Schoolhouse Pond Certificate of Compliances together.**

**Certificate of Compliance filed by Town of Eastham, DEP SE 19-442** for clearing brush for an environmental walkway at Schoolhouse Pond, Map 12, Parcel 070.

**Certificate of Compliance filed by Town of Eastham, DEP SE 19-1621** for removal of invasive plants, fallen trees and clearing adjacent to Minister’s Pond. The project includes clearing a 5000 square foot area for outside classrooms and clearing approximately 1200 linear feet of trails at property located at 200 School House Road Map, 12, Parcel 070.

The Conservation Agent discussed both Certificate of Compliances and recommended approval with ongoing conditions for maintenance of the existing trail.

Emily Beebe **MOVED** to approve both SE 19-442 and SE 19-1621 with ongoing conditions as stated. Karen Strauss **SECONDED, ALL IN FAVOR.**

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss -YEA**

**Violations**

No Violations to discuss.

**Agent Question**

No Agent Questions.

**Liaison Reports**

The Commissioners discussed their Liaison Reports.

**Education & Training Updates**

The Commissioners discussed Education and Training Updates.



**Minutes**

No Minutes to approve.

**Other Discussion**

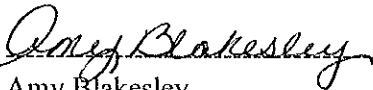
The Conservation Chair discussed the newest commissioner who will start January 24, 2023, and the upcoming work session.

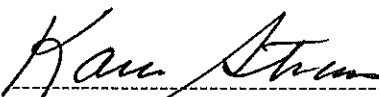
Conservation Chair requested a motion to adjourn.

Mike Harnett **MOVED** to adjourn. Janet Benjamins **SECONDED, ALL IN FAVOR.**

**Beebe – YEA**  
**Benjamins -YEA**  
**Cossitt - YEA**  
**Harnett – YEA**  
**Wagner - YEA**  
**Strauss -YEA**

Respectfully Submitted as prepared by,

  
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Amy Blakesley

  
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Karen Strauss, Chairman Conservation Commission