

Eastham Conservation Commission

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



MINUTES

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

Commissioners Present: Sheila Filipowski, Thomas Durkin, Karen Strauss, Janet Benjamins, Suzanne Bryan.

Also Present: Lauren Barker, Bob Perry, Stephanie Sequin, Eric Newmark, Todd Turcotte, Catherine Ricks, Nicole Paine, Chris Crobar, Trent Sullivan, Jacqui Beebe, Jeff Klee, Peter Stagakis, Jason Ellis,

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

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

INFORMATIONAL PRESENTATION

Consideration of Amendments to the Eastham Corridor Special District/District of Critical Planning Concern:

- A. Accessory Outdoor Dining Regulations
- B. Duplex Dwellings in Transition Commercial District

Lauren Barker, Town of Eastham's Economic Development Planner presented the proposed Amendments to the Commissioners.

Thomas Durkin **MOVED** to acknowledge the proposed Amendments Presentation. Karen Strauss **SECONDED, ALL IN FAVOR.**

**Benjamins – YEA
Bryan – YEA
Durkin - YEA**

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

Strauss - YEA
Filipowski –YEA

PUBLIC HEARINGS

Notice of Intent filed by Sunset Village Mid-Access Homeowner Group. Applicant proposes to replace an existing elevated community beach stairway at property located at 15 and 19 Bayberry Lane, Map 13, Parcel 150 & 151.

Bob Perry represented the applicant and discussed the proposed project with the commissioners.

The Commissioners inquired on the fencing materials, flow through plastic decking versus the alternative material for the deck,

Suzanne Bryan MOVED to close the public hearing. Karen Strauss SECONDED, ALL IN FAVOR.

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

Karen Strauss **MOVED** to approve with standard special order of conditions for beach staircase. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

Notice of Intent filed by Eric and Becca Newmark. Applicant proposes to construct an addition to an existing single-family house and to remove and replace the existing septic system at property located at 1125 Kingsbury Beach Road, Map 10, Parcel 317.

Stephanie Sequin and Eric Newmark represented the applicant and discussed the proposed project with the Commissioners.

The Commissioners inquired on the proposed native grass seed, fencing slat spacing and allowing 4 inches on the bottom of the fencing, and the proposed addition size.

Thomas Durkin **MOVED** to close the public meeting. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Karen Strauss **MOVED** to approve with standard single-family house conditions with additional conditions to supply the Conservation Agent with the type of grass seed and with a Condition concerning the fence being 4 inches above the ground. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

Continuation of 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.

Todd Turcotte represented the applicant and discussed the proposed project with the commissioners.

The Commissioners inquired on mitigation proposed, nourishment placement and how it would affect the neighboring salt marsh and vegetation, adding plantings instead of sand nourishment, storm water management and correcting the paper work to reflect the change, and the possibility of annual nourishment. The Commissioners continued to discuss the walkway and elevation, and type of material used for the posts.

The Conservation Chair stated that the proposal would need to be continued until March 8, 2022.

Suzanne Bryan **MOVED** to continue until March 8, 2022. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Continuation of Notice of Intent filed by Avigdor Konig. Applicant proposes construction and ongoing maintenance of a sand drift fence at property located at 29 Longstreet Lane, Map 10, Parcel 334.

The Applicant requested a continuation until March 8, 2022.

Karen Strauss **MOVED** to continue until March 8, 2022. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

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

Continuation of Notice of Intent filed by George F. C. & D. Sui-Wen. Applicant proposes to dismantle and rebuild existing rock revetment and proposes 73 cubic yards of annual nourishment at property located at 6 Nans Way, Map 07, Parcel 514A.

Catherine Ricks represented the applicant and discussed proposed project with the commissioners.

The Commissioners inquired over the amount of nourishment and requested the approval of the nourishment amount with the Conservation Agent.

Thomas Durkin **MOVED** to close the public meeting. Janet Benjamins **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Bryan – YEA

Durkin - YEA

Strauss - YEA

Filipowski –YEA

Thomas Durkin **MOVED** to approve with the amount of nourishment the Conservation Agent calculates. Karen Strauss **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Bryan – YEA

Durkin - YEA

Strauss - 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.

Nicole Paine, Chris Crobar, Trent Sullivan, and Jacqui Beebe represented the proposed project with the commissioners.

Thomas Durkin **MOVED** to close the public hearing. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Bryan – YEA

Durkin - YEA

Strauss - YEA

Filipowski –YEA

The Conservation Chair stated that the Conservation Agent supplied the Commissioners with a draft Order of Conditions and continued to discuss this with the Commissioners. The Conservation Chair asked the Commissioners to send their suggestions to the Conservation Agent.

The Commissioners requested to review the draft and went over the following Conditions:

19, 21

34 – Change wording to reflect, when a shellfish farmer initially goes out to a grant in a truck, they need to meet with the Conservation Agent and the Shellfish Constable to review the regulations. After the initial meet, the shellfish farmer shall meet annually with only Department of Natural Resources or Shellfish Constable.

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36 – Concerning the truck pathway, a walker will walk the path and keep a log concerning the horseshoe crabs.

The Commissioners discussed the Adaptive Management Condition logbook. The Commissioners requested to see what type of data was collected for the past years.

37 - Concerning the current Natural Resources procedure on collecting data and enforcement. The Commissioners stated they would like data concerning daily trips with pictures and quantities of shellfish. A Commissioner discussed using an excel spreadsheet for data collecting.

38 – Concerning reporting and feels that C and D refer to Condition 22 and feels it should reference Condition 37. The Commissioners and Representatives also discussed the conflict reference of the Condition. The Town Administrator stated that their office would take on some of the reporting. Nicole Paine requested the deadline to be changed to the end of February and was decided the deadline would be March 1 of each year.

Recreation Reporting and discussed only being concern with interactions between the trucks and public, safety issues and stated any fund reporting will not be necessary.

The Commissioners discussed adding the width of the corridor and the buoy markers to the Order of Conditions and adding a sign explaining the area. The Conservation Chair stated that the following needs to be changed, January 21st to March 1st and removing C.

40 – Change the date within A to March 1st, questioning leaving the Order of Conditions opened and allow Conditions to change. The Conservation Chair suggested keeping A and removing B and C and rephrasing D – and to have all parties meet to discuss proposals and needed changes.

Karen Strauss **MOVED** to continue until March 8, 2022. Janet Benjamins **SECONDED, ALL IN FAVOR.**

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

REGULATORY DETERMINATIONS

Request for Determination of Applicability filed by Linda Tragakis. Applicant proposes water service installation at property located at 490 State Highway, Map 21, Parcel 078.

The Conservation Chair stated that the Conservation Agent recommended approval.

Karen Strauss **MOVED** to approve under a Negative Determination for reason number 3 with standard water line conditions. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

Benjamins – YEA
Bryan – YEA
Durkin - YEA
Strauss - YEA

Filipowski –YEA

Request for Determination of Applicability filed by Christina Klee. Applicant proposes to repair the central section of beach stairs at property located at 45 Longstreet Lane, Map 10, Parcel 341A.

Jeff Klee represented his request and discussed his proposed project with the commissioners.

The Commissioner inquired on the percentage of the stairway that needs to be fixed, cutting the wood outside the resource area, and not using pressure treated wood.

Karen Strauss **MOVED** to approve under a Negative Determination for reason number 2 with Conditions concerning no pressure treated wood and cutting outside the resource area. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

ADMINISTRATIVE MATTERS

Request for an Extension Permit for SE 19-1744 for repair to the existing stairway located over the coastal bank at property located at 55 Bay Shore Lane, Map 13, Parcel 136J.

Karen Strauss **MOVED** to approve a 3-year extension. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

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

Request for Certificate of Compliance for SE 19-1253 for maintenance of stone revetment and nourishment of coastal bank at property located at 21 Gail's Way, Map 07, Parcel 572.

The Conservation Chair recommended a continuation until March 8, 2022.

Karen Strauss **MOVED** to continue until March 8, 2022. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

Request for Certificate of Compliance for SE 19-1636 for remodeling and constructing a garage addition to an existing dwelling, installation of a septic system, driveway expansion and the construction of a deck at property located at 135 Eldredge Drive, Map 1, Parcel 057.

The Conservation Chair recommended a continuation until March 8, 2022.

Karen Strauss **MOVED** to continue until March 8, 2022. Thomas Durkin **SECONDED, ALL IN FAVOR.**

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

Administrative Review filed by Gail Bedoukian. Applicant proposes to remove overhanging tree branches at property located at 18 Horton Way, Map 07, Parcel 493A.

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

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

Continuation of Administrative Review filed by Jon Mason. Applicant proposes to remove 5 trees at property located at 20 Cedar Lane, Map 21, Parcel 059.

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

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

Violations

3 Nans Way

The Conservation Chair read the violation to the Commissioners. Peter Stagakis represented the violation and advised the Commissioners that they received permission by the Building Inspector and continued to discuss the violation with the Commissioners. Jason Ellis also represented the violation and discussed the house, demolition, and issues with the house. The Representative discussed installing a work limit with silk fencing and straw waddles, and a Notice of Intent, which will be filed for the Violation work and for what is being proposed.

The Commissioners inquired on how the house was torn down without talking to the Conservation Agent, the prior approved Request for Determinations for two additions, and concerns over the piles of excavated material on the site. The Representatives stated the piles are outside the buffer zone and offered to cover them to prevent the dirt from blowing around the area.

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

Consideration of Possible Warrant Articles for Spring 2022 Town Meeting.

1. Amendment to Section 13-A) – New Docks and Piers
2. Addition of Waiver provisions

The Conservation Chair read the proposed Amendments and waiver provisions and discussed them with the Commissioners. The Commissioners discussed flexibility in considering new wood materials for future proposed projects.

Karen Strauss **MOVED** to approve the proposed changes to the Section 13-A. Suzanne Bryan **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Bryan – YEA

Durkin - YEA

Strauss - YEA

Filipowski –YEA

The Conservation Chair read the draft Waiver provisions to the Wetlands By-law and discussed the proposal with the Commissioners. The Conservation Chair stated if approved, the changes to the By-law would be voted on at the Town meeting.

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

Benjamins – YEA

Bryan – YEA

Durkin - YEA

Strauss - YEA

Filipowski –YEA

The Conservation Chair stated that Joanne Buffington asked if the Town Boards Chairs have a common meeting and extended the invitation to all the Commissioners. The Conservation Chair continued to discuss this with the Commissioners.

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

Benjamins – YEA

Bryan – YEA

Durkin - YEA

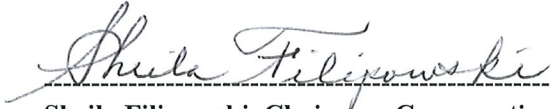
Strauss - YEA

Filipowski –YEA

Respectfully Submitted as prepared by,



Amy Blakesley



Sheila Filipowski, Chairman Conservation Commission