

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



## Eastham Conservation Commission

### AGENDA

Conservation Commission Meeting  
6:00 P.M., Tuesday, June 13, 2023

**Commissioners Present:** Janet Benjamins, Charles Wagner, Gregg Douglas, Mike Harnett, Emily Beebe.

**Agent Present:** Keith Johnson

**Also Present:** Bob Perry, Edward Molyneaux, Gordon Peabody, Caitrin Higgins, Shana Brogan, Patty, Tracy, Jimmy Shae.

**6:00 PM:** Meeting opened by Janet Benjamins and executed roll call.

Wagner - YEA  
Douglas - YEA  
Harnett - YEA  
Benjamins - YEA

### PUBLIC HEARING

**Continuation of Notice of Intent filed by Gary and Shirley Brothers.** Applicant proposes to construct a stone revetment at property located at 165 Shurtleff Road, Map 10, Parcel 240.

The Conservation Chair opened the **Request for Determination of Applicability filed by Steve and Kim Schwartz** due to the representative have technical difficulties.

Bob Perry Represented the applicant and discussed the continuation with the Commissioners.

The Conservation Agent discussed the elevation of the revetment and questioned if a peer review should be requested.

Commissioners felt that a peer review is not needed, another Commissioner discussed the pre-1978 bylaw pertaining to revetments, Greg Bermans report, homeowner knowing the bylaw when purchasing the property and continued to discuss this with the Commissioners and Representative.

Emily Beebe joined the meeting.

The Conservation Chair agrees with the bylaw concerning the revetment and suggested the proposed project be continued.

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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>

The Representative inquired if another review would help the Commissioners understand the 1978 rule and continued discussion with the Commissioners.

The Conservation Agent stated that we are waiting for the recommendation from DEP concerning the pre-1978 rule.

A Commissioner stated what Greg Berman expressed during the site visit and recommended the revetment be approved.

The Conservation Chair discussed the revetment, not voting tonight, and getting more information prior to voting.

Commissioners continued to discuss Regulations, peer review process, pre-78 bylaw, requesting other commissions findings concerning the gap, a gap wall definition, and erosion with the Representative and Commissioners.

The Conservation Chair requested the Representative work with the Conservation Agent concerning a peer review.

The Representative requested a continuation until July 11, 2023

Mike Harnett **MOVED** to continue until July 11, 2023. Gregg Douglas **SECONDED, ALL IN FAVOR.**

Wagner - YEA  
Douglas - YEA  
Harnett – YEA  
Beebe - YEA  
Benjamins - YEA

#### **REGULATORY DETERMINATIONS**

**Request for Determination of Applicability filed by Steve and Kim Schwartz.** Applicant proposes water service installation at property located at 65 Huckleberry Lane, Map 07, Parcel 352.

The Conservation Agent recommended approval with a positive determination 2B, 5 and a negative determination 3 with standard water conditions.

Mike Harnett **MOVED** to approve. Charles Wagner **SECONDED, ALL IN FAVOR.**

Wagner - YEA  
Douglas - YEA  
Harnett - YEA  
Benjamins – YEA

The Conservation Chair opened **Continuation of Notice of Intent filed by Gary and Shirley Brothers.**

#### **ADMINISTRATIVE MATTERS**

**Extension Permit Request filed by Edward Molyneaux, SE 19-1437** for maintenance of a vista view easement at property located at 10 Drake Circle, Map 17, Parcel 538.

Edward Molyneaux presented his extension permit.

The Conservation Agent discussed the request with the Commissioners and recommended approval.

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

**Wagner - YEA**  
**Douglas - YEA**  
**Harnett – YEA**  
**Beebe - YEA**  
**Benjamins - YEA**

Certificate of Compliance filed by Gordon Peabody – SE 19-1823 for restoring the ponds edge and replacing the ground steps with a raised stairway at property located at 80 Lawton Road, Map 14, Parcel 045.

Gordon Peabody presented the Certificate of Compliance and discussed the project with the Commissioners.

The Conservation Agent discussed the project and recommended approval.

Emily Beebe **MOVED** to approve. Mike Harnett **SECONDED, ALL IN FAVOR.**

**Wagner - YEA**  
**Douglas - YEA**  
**Harnett – YEA**  
**Beebe - YEA**  
**Benjamins - YEA**

Plan Change Request filed by Jeremy Schaub, SE 19-1831. Applicant proposes to remove 5 Oak Trees at property located at 120 Lawton Road, Map 14, Parcel 050.

Caitrin Higgins Represented the applicant and discussed the plan change with the Commissioners.

The Conservation Agent stated that the trees are in significant decline and agrees with the proposed mitigation of 1 to 1 and recommended approval.

A Commissioner questioned the type of tree and continued to discuss this with the Commissioners and Representative.

Mike Harnett **MOVED** to approve with conditions stated. Charles Wagner **SECONDED, ALL IN FAVOR.**

**Wagner - YEA**  
**Douglas - YEA**  
**Harnett – YEA**  
**Beebe - YEA**  
**Benjamins – YEA**

**The Conservation Chair opened Town of Eastham Administrative Reviews together.**

Administrative Review filed by Town of Eastham. Applicant proposes to install split rail fence to delineate parking area at properties located at 615 Samoset Road, Map 14, Parcel 090.

Administrative Review filed by Town of Eastham. Applicant proposes to install split rail fence to delineate parking area at properties located at 1150 Herring Brook Road, Map 13, Parcel 080.

Shana Brogan represented the Applicant and discussed the proposed projects with the Commissioners.

A Commissioner inquired about the fence proposed at Jemima Pond and wanted to make sure there is a gap large enough to bring a boat through and requested it to be a Conditions.

Mike Harnett **MOVED** to approve both Administrative Reviews with the Condition for Jemima Pond. Emily Beebe **SECONDED, ALL IN FAVOR.**

**Wagner - YEA**  
**Douglas - YEA**  
**Harnett – YEA**  
**Beebe - YEA**  
**Benjamins - YEA**

Administrative Review filed by Lewis Sage. Applicant proposes to cut down 1 Pine Tree at property located at 380 Crosby Village Road, Map 14, Parcel 197.

The Conservation Agent discussed the proposed project, recommended mitigation with something similar in kind chosen off of our native plant list and recommended approval.

Mike Harnett **MOVED** to approve with the condition for mitigation as stated. Charles Wagner **SECONDED, ALL IN FAVOR.**

**Wagner - YEA**  
**Douglas - YEA**  
**Harnett – YEA**  
**Beebe - YEA**  
**Benjamins - YEA**

### Violations

490 S. Sunken Meadow, Map 19, Parcel 43F

The Conservation Agent discussed the Violation and talked about the property owner wanting to clean up there property, no enforcement orders yet issued and will continue to work with the owners for a resolution.

A Commissioners requested a site plan showing what activities were done and should a Notice of Intent be requested. The Conservation Agent stated the resource areas on the property.

The property owner discussed the violation and property with the Commissioners.

The Conservation Agent requested a deadline for information and was advised that August 8, 2023 meeting with a deadline of July 21, 2023.

### Agent Question

The Conservation Agent discussed the Chair and that that he will be leaving his Agent position with the Commissioners.

### Liaison Reports

The Commissioners discussed their liaison reports.

### Education & Training Updates

The Commissioners discussed Education & Training Updates.

### Minutes

3-7-2023 Regulation Meeting Minutes

5-9-2023 Minutes

5-23-2023 Minutes

Mike Harnett **MOVED** to approve the minutes for 3-7-2023, 5-9-2023 and 5-23-2023. Charles Wagner **SECONDED, ALL IN FAVOR.**

Wagner - YEA

Douglas - YEA

Harnett – YEA

Beebe - YEA

Benjamins - YEA

### Other Discussion

Request to re-top one third of the driveway at property located at 10 Bens Way, Map 01, Parcel 074.

The Conservation Agent discussed the proposed request with the Commissioners.

Jimmy Shae advised the Commissioners of the area and what is being proposed.

A Commissioner stated and Request for Determination would be appropriate for this proposed project.

Conservation Land Use Regulations. (Votes maybe taken.)

The Conservation Agent discussed the proposed changes to the regulations with the Commissioners.

Patty stated that she doesn't agree with 4.16 and discussed why with the Commissioners.

Commissioners agreed that the proposed 10-foot leash is excessive, agreed with the three dogs per walker, and requested a hold concerning dogs on leash from June 15<sup>th</sup> to Labor Day until after the survey is completed. The Commissioners continued to discuss assessment data availability, the paths, checklists, removing 4.8 concerning launching kayaks off season within Great Pond, continuing the regulations until more information concerning pond access is known but agreed that something needed be done concerning public safety. Patty stated that dogs should be on leash when going through the cross walk and around that

area due to coyote dens and ticks. Tracy discussed dogs under voice control, kayaks and canoes being launched within conservation areas and over regulations.

The Conservation Chair stated that the Commissioners are in favor in waiting for a vote until the survey information has been received in the fall.

**The Conservation Chair requested to continue this until after the survey information has been received and tabled the vote until September or October.**

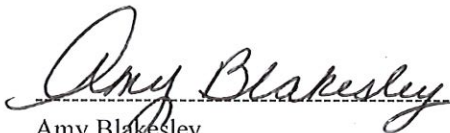
The Conservation Agent requested two Commissioners to join in the interview process for a new Conservation Agent.

**Commissioner Beebe left the meeting.**

The Conservation Chair requested a motion to adjourn.

Mike Harnett **MOVED** to adjourn. Charles Wagner **SECONDED, ALL IN FAVOR.**

**Harnett - YEA  
Douglas - YEA  
Wagner - YEA  
Benjamins - YEA**

  
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Amy Blakesley

  
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Janet Benjamins, Chairman Conservation Commission