

Eastham Conservation Commission



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

MINUTES

Conservation Commission Meeting 6:00 P.M., Tuesday, July 12, 2022

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

Agent Present: Keith Johnson

Also Present: David Lyttle, Dave Bennett, Alison Alessi, Jay Paul, Cameron Larsen, Martin and Ellen Ridge, Benjamin Zehnder, Jason Ellis, Gary Bluestein, Charles Wentz, Benjamin Fairbanks, Tim Brady, John Duarte.

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

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

Conservation Commissioners Annual Re-Organization Election of Officers.

The Commissioners discussed delaying elections until a later date and requested to continue the discussion until the end of the meeting.

PUBLIC HEARING

Notice of Intent filed by Warren and Erica Thaler. Applicant proposes to remove an existing 4-bedroom dwelling, site restoration and landscaping at property located at 35 and 45 West Road, Map 04, Parcel 533 and 535.

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

The Conservation Chair inquired on the patio material, how many square feet would be covered with the material, placing the patio close to the bank. The Commissioners also inquired on

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abandoning the septic system, the process used to remove vegetation, the site plan scales, landscape plan details, size of the setbacks of the bank and impervious area, a no disturb area, and runoff from the patios. The Commissioners continued to inquire on stabilization of the bank area, removing the septic system, pervious walkways and patio, a narrative and legend concerning the planting plan, drywells and runoff, coastal bank versus coastal dune.

The Representative discussed the patio, plants being described on the plan, pine grove being dead, limit of work, the area that will stay impervious, removing the septic system versus abandoning, the site plan scan, the patio location and storm water issues, and supplying a planting plan narrative and full size plans. The Representative stated the patio will be made using blue stone and will be pervious.

The Representative requested a Continuation until July 26, 2022.

Emily Beebe **MOVED** to continue until July 26, 2022. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Notice of Intent filed by Howard and Jennifer Salomons. Applicant proposes to construct a single-family dwelling at property located at 580 Dyer Prince Road, Map 19, Parcel 43D.

David Lyttle represented the applicant and reviewed the proposed project with the Commissioners. The Representative requested a continuation until July 26, 2022 due to not yet receiving Natural Heritage and Endangered Species Programs response.

The Commissioners like the proposed project and discussed moving the septic system outside the 100-foot buffer zone.

Emily Beebe **MOVED** to continue until July 26, 2022. Charles Wagner **SECONDED, ALL IN FAVOR.**

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

Notice of Intent filed by Martin and Ellen Ridge. Applicant proposes to raze and rebuild a single family home at property located at 150 Crosby Village Road, Map 14, Parcel 213.

Dave Bennett, Alison Alessi, Jay Paul, Cameron Larsen, and the applicants represented and reviewed the proposed project with the Commissioners.

The Conservation Chair inquired on the square foot coverage of the dwelling within the buffer zone, what landscaping is proposed in the area where the house was located, and how many trees would be removed. The other Commissioners inquired on the sequencing of the project, the proposed nonnative grass mix, the grassy slope going to the pond and requested more detail on this area, nonnative plant restrictions.

The Representatives stated that 20 trees would be removed with a mitigation of 43 shrubs. The Representative continued to discuss the grass area going to pond, planting nonnative plants outside the buffer zone, the proposed dwelling being a total of 3600 square feet and offered to get the square footage within the buffer zone, the septic system, and submitting a site plan showing the correct setbacks and update the landscaping plan. The Representative stated that 2200 square feet of the dwelling would be in buffer zone, preserving the grass that is there currently,

The Conservation Chair inquired on mitigation and was advised mitigation includes 21 Trees and 43 Shrubs. Another Commissioner requested an access plan showing the path to the pond.

Karen Strauss **MOVED** to continue until July 26, 2022. Charles Wagner **SECONDED, 5 IN FAVOR, 1 NOT IN FAVOR.**

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

Notice of Intent filed by Jacqueline Matson. Applicant proposes house reconstruction with foundation, construct a deck, an addition, invasive plant management, mitigation plantings and site improvements at property located at 764 State Highway, Map 21, Parcel 63H.

The Applicant requested a continuation until July 26, 2022.

Emily Beebe **MOVED** to continue until July 26, 2022. Karen Strauss **SECONDED, ALL IN FAVOR.**

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

Notice of Intent filed by Scott and Angela Fillion. Applicant proposes to remove remains of existing dwelling and construct a new dwelling, farmers porch and additions, install new septic tank and water service installation at property located at 3 Nans Way, Map 07, Parcel 516.

Jason Ellis represented the applicant and reviewed the proposed project with the Commissioners.

The Conservation Chair inquired on the original footprint. The Commissioners inquired on the mitigation plan, requesting addition vegetation, additions doubling the footprint of the house, where the foundation originally sat prior to demolishing the house, questioning where the mitigation would be placed.

The Representative discussed the existing foundation, removal of the existing house and foundation, the planting plan showing vegetation that will tolerate the wind and salt conditions, and the pavers being set in sand.

Benjamin Zehnder represented the applicant and requested approval.

Gary Bluestein, abutter, stated concern on the enlarged footprint, second floor being added, and centering the house on the property, drainage from the roof slopping towards the abutters property.

A Commissioner stated that drywells are already shown on the plans should prevent run off.

The Representative discussed the abutters concerns.

Charles Wagner **MOVED** to approve. Emily Beebe **SECONDED, 5 IN FAVOR, 1 NOT IN FAVOR.**

Beebe - YEA

Benamins – NEA

Cossitt - YEA

Strauss - YEA

Wagner - YEA

Filipowski –YEA

The New Commissioners, Emily Beebe and Joanne Cossitt, are unable to vote due to not being present at previous meetings for the following Continuations:

Continuation of Notice of Intent filed by Catherine Dulac. Applicant proposes to remove existing timber steps, construct stone steps, a retaining wall, construct a wall near the driveway, place stepping-stones around the house, stone steps into the back of house, remove a pine tree, rebuild front stoop entrance, French drains for downspouts and plant native vegetation at property located at 835 North Sunken Meadow Road, Map 01, Parcel 048.

Charles Wentz represented the applicant and reviewed the continuation changes to the proposed project with the Commissioners.

The Commissioners inquired on the request to update to the resource area on the plan, the staircase being placed in the original footprint and changing the retaining wall to a line of stones, and questioned the removal of the oak and mitigation, and the response from the Natural Heritage & Endangered Species Program.

Karen Strauss **MOVED** to approve with standard landscaping conditions, additional condition for flush cutting the oak tree and updating the site plan. Charles Wagner **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Strauss - YEA

Wagner - YEA

Filipowski –YEA

Continuation of Notice of Intent filed by Michael Enos. Applicant proposes after the fact filing of mitigation for unapproved site work at property located at 90 Log Cabin Road, Map 07, Parcel 163.

Benjamin Fairbanks represented the applicant and stated the applicant reviewed the draft conditions and requested clarification on moving the stones with the Commissioners.

The Commissioners inquire about the koi pond, a non-disturb area, and certifying the vernal pool, and the 10-foot section of stone.

A Commissioner inquired on the process of certifying the vernal pool.

Karen Strauss **MOVED** to approve with conditions discussed. Charles Wagner **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Strauss - YEA

Wagner - YEA

Filipowski –YEA

ADMINISTRATIVE MATTERS

Continuation of Plan Change Request for DEP SE 19-1753. Applicant proposes to install a 250-gallon propane tank underground at property located at 385 Harmes Way, Map 01, Parcel 112.

Tim Brady, Ben Zehnder and John Duarte representative and discussed the continuation with the Commissioners and requested to install the tank prior to the regulation change and approving the plan change.

The Commissioners inquired on how the dwelling was previously heated and was advised it was propane. The Commissioner inquired to why the propane was not included at the time of raising the house.

The Commissioners discussed regulations versus by-law and approving this request today with the representatives.

Some Commissioners stated they are not comfortable approving prior to public comment and continued to discuss this with the Representatives.

Karen Strauss **MOVED** to allow the tank to be installed and if the regulation does not pass the tank will have to be removed. Charles Wagner **SECONDED, 2 IN FAVOR, 1 NOT IN FAVOR.**

Benjamins – NEA
Strauss - YEA
Wagner - YEA
Filipowski –YEA

Plan Change Request For DEP SE 19-1815. Applicant proposes to remove 4 small caliper black locust, 1 black cherry and two hanging limbs and plant additional native shrubs at a 1 to 1 mitigation at property located at 65 Huckleberry Lane, Map 07, Parcel 352.

The Conservation Agent recommended approval.

Commissioner Emily Beebe is no longer in attendance.

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

Benjamins – YEA
Cossitt - YEA
Strauss - YEA
Wagner - YEA
Filipowski –YEA

Request for Certificate of Compliance for DEP SE 19-1816 for replacing an existing retaining walls with boulder retaining walls, replace wooden front stoop with stone stoop at property located at 265 Corliss Way, Map 21, Parcel 40.

The Conservation Agent discussed the project and recommended approval.

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

Benjamins – YEA
Cossitt - YEA
Strauss - YEA
Wagner - YEA
Filipowski –YEA

Administrative Review filed by the Town of Eastham. Applicant proposes to install a steel pipe bollard at property located at 631 Dyer Prince Road, Map 19, Parcel 120.

The Conservation Agent discussed the proposed project and recommended approval.

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

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Benjamins – YEA
Cossitt - YEA
Strauss - YEA
Wagner - YEA
Filipowski –YEA

Administrative Review filed by Glastonbury IV LLC, Peter Merrigan ET AL. Applicant proposes to stake out pathway, place Biomimicry to limit erosion and education signs concerning the pathway at property located at 165 Harmes Way, Map 01, Parcel 103.

The Conservation Agent discussed the proposed project and recommended approval.

A Commissioner discussed the resource areas not being mentioned and questioned what Biomimicry was and how far the cedar shims are driven in. The Commissioner stated that the path and signage could be approved at this time but the applicant will have to come back for additional approval using Biomimicry using a different application that allows feedback from The Natural Heritage & Endangered Species Program.

The Conservation Agent stated that the path and signage.

The Commissioners request more information on the proposed zigzag and size of the path.

Karen Strauss **MOVED** to approve the path as stated and educational signs. Joanne Cossitt **SECONDED, ALL IN FAVOR.**

Benjamins – YEA
Cossitt - YEA
Strauss - YEA
Wagner - YEA
Filipowski –YEA

Administrative Review filed by Tim Baker. Applicant proposes to vista prune bitter sweet at property located at 305 Mary Chase Road, Map 18, Parcel 074.

The Conservation Agent discussed the proposal and recommended approval

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

Benjamins – YEA
Cossitt - YEA
Strauss - YEA
Wagner - YEA
Filipowski –YEA

Administrative Review filed by Irshad Sideeka. Applicant proposes to plant 2 Eastern Red Cedar trees to replace the 1 removed tree at property located at 500 State Highway, Map 21, Parcel 077.

The Conservation Agent stated this is an after the fact proposal and recommended approval to be replaced in the fall.

The Commissioners discussed placement of the trees and a future Notice of Intent proposal and if adding the 2 trees planting to be done with the proposed mitigation, if approved. The Conservation Agent agreed.

Karen Strauss **MOVED** to approve. Joanne Cossitt **SECONDED, ALL IN FAVOR.**

Benjamins – YEA

Cossitt - YEA

Strauss - YEA

Wagner - YEA

Filipowski –YEA

Violations

Certified Violation Letter mailed to 10 Hatches Way, Map 14, Parcel 112 & 470 Samoset Road, Map 14, Parcel 114

- Alteration of existing vegetation within Conservation Jurisdiction.

The Conservation Agent discussed the violation and stated the owner was requested to attend the July 26, 2022 meeting.

Agent Question

No Agent Questions.

Liaison Reports

The Commissioners discussed their Liaison Reports.

Education & Training Updates

The Commissioners discussed their Education and Training Opportunities.

Other Discussion

The New Commissioners, Emily Beebe and Joanne Cossitt, are unable to vote due to not being present at previous meetings for the following:

Draft Order of Conditions for Notice of Intent filed by Sara Zobel & John Sheehan at property located at 715 Bridge Road, Map 19, Parcel 004.

The Conservation Agent discussed the Draft Order Conditions.

The Commissioner stated the no disturbed zone with delineation added to the Order. Nick Crawford stated that the no disturbed zone is shown on the landscape plan. The Commissioners continued to discuss the changes and edits.

Karen Strauss **MOVED** to approve with added Conditions as discussed. Charles Wagner **SECONDED, ALL IN FAVOR.**

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

Eastham Wetland Regulation Change to Section VI, 3, D – change to accept Propane.


The Commissioners discussed the regulation change stating to add onto the end of the regulation that propane is exempted, and discussed the process of changing the regulation.

A Commissioner inquired on the tank, how it would be monitored and stated concern over having the tanks inspected. The Commissioners continued to discuss changing the regulation and creating a procedure to monitor the propane tanks.

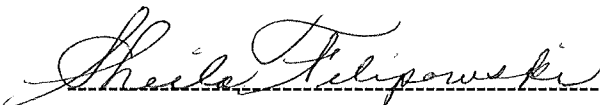
The Commissioners discussed roles and agreed on postponing the re-election until July 26, 2022.

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

Benjamins – YEA
Cossitt - YEA
Strauss - YEA
Wagner - YEA
Filipowski –YEA



Amy Blakesley



Sheila Filipowski, Chairman Conservation Commission