

Approved

April 16, 2014

Conservation Commission Meeting Minutes

Town Hall

Attendees: Terry Gips, Trudy Vermehren, Ginie Page, Lauren McKean, John Portnoy, Ed Simpson and Cary Rea

4:00 - Business Meeting & Conservation Agent's Report

Mail:

Notification of Public Hearing – Open Space Committee, May 21, 5:30 pm, Sr. Center – updating the open space and recreation plan

Vegetation Control Service Inc. – NSTAR Electric – supplemental map for right-of-ways for 13 private properties with private residential wells. John Portnoy reported cutting of trees was completed during the winter months, so it appears that there is nothing left to herbicide, at least for the current growing season.

Pamphlet from the Association to Preserve Cape Cod

Meeting Minutes: Ginie Page moved the April 2, 2014 meeting minutes as amended; seconded by John Portnoy; passed 4-0.

Agent Greenberg-Lemos reported 5 trees will be planted in a grove at Hamblen Park on Tuesday, April 22, 2014.

King Phillip Road – Safe Harbor: Gordon Peabody stated he was looking for feedback regarding King Phillip Road. He stated the road maintenance for the past 30 years has been conducted by an individual from Chatham and the town has also widened the roads in the area during snow plowing. There are 54 association proper owners as well as shell fishermen driving over the roads. Gordon suggested there be a maintenance plan put in place so that there will be no further violations. There are areas where vegetation has been removed and he recommended native plantings be added to the area. There also needs to be a storm water management plan to handle road runoff from both the town and the private road. Currently runoff is directed into the adjacent coastal wetland (Sewall's Gutter). . Gravel has been put on the road; it needs to be removed. Peabody will review the history of the previous maintenance performed. Peabody stated it will be important for the town and the neighborhood association to work together to control runoff. He will file a NOI accompanied by a management plan.

Fertilizer Regulation: Three proposed regulations for regulating fertilizer application on lawns were considered: a State law, a town bylaw and a Board of Health regulation. Models of the latter two were drafted by the Cape Cod Commission. There has been a one year extension, until December 2015, for determining which regulatory program to adopt. State will keep records when and where fertilizer is applied. Agent Greenberg-Lemos stated Bill Clarke, from the County Extension Service, will provide education on the use of lawn fertilizer for homeowners. Trudy Vermehren stated that the biggest concern, relative to the protection of surface water quality, is the use of fertilizers by untrained homeowners who think more fertilizer is better, rather than by landscape professionals. Homeowners also often apply an herbicide with lawn fertilizer. Curt Felix of the Waste Water Committee, stated the chemicals (pesticides) are the issue and the fertilizers do not contribute as much to water quality. Wellfleet's major concern is lawn fertilization along freshwater pond shorelines. Agent Greenberg-Lemos will check to see if there is any way Wellfleet could restrict fertilizers/pesticides application within the 100' buffer zone of ponds, waterways, and wetland resources.

Jurisdictional Opinion: Stuart, 70 Arey Lane, remove one dead pine tree. Agent Greenberg-Lemos stated she made a site visit and the pine is a threat to the house. Ginie Page moved to approve the Jurisdictional Opinion; seconded by Cary Rea; passed 7-0.

Agent Greenberg-Lemos provided a chart/map of town owned land.

Ed Simpson discussed an article in the newspaper regarding Chatham's Cons Comm jurisdiction regarding lands subject to flooding.

Public Hearings 5:00 pm:

Berliner, 305 King Phillips Rd., Map 35, Parcel 197, NOI, remove pitch pines and re-vegetate (Cont'd from 04/02/14). Frank Corbin and George O'Riley (sp?) provided a plan identifying the trees to be removed and the plants to be used for the revegetation. O'Riley stated there will be fewer trees removed than originally proposed. The commissioners were concerned with the amount of trees to be removed and the disturbance to the slope, specifically removal of existing wildlife habitat and woody vegetation which currently captures nitrogen entrained in discharging groundwater before it reaches sensitive coastal waters.. There are a projected 175 plants to be used for mitigation with 186 trees removed. Corbin stated the area will not be irrigated and therefore he cannot use plants larger than 1-gallon size. The commissioners recommended more replacement plants, especially including woody species like bear (scrub) oak, clustered to offset the loss of so many trees. It was also recommended some trees be pruned instead of removed. The revised plan did not identify the turtle areas. The commission requested a revised site plan identifying the turtle corridors, the trees to be removed, a management plan with a three-season planting plan, square footage of area

disturbed, and identification of all plants within the 50' and 100' buffer zone. Terry Gips moved to continue to May 7, 2014; seconded by Ginie Page; passed 7-0.

Donald, 0 Bayview, Map 35, Parcel 39, NOI, extend existing timber bulkhead (Cont'd from 04/02/14). At the request of the applicant, Terry Gips moved to continue to May 7; 2014; seconded by Trudy Vermehren; passed 7-0.

Terry Gips closed the public hearings at 5:55 pm and reopened the business meeting.

Curt Felix of the Comprehensive Waste Water Committee stated he feels other boards need to get involved with the waste water plan. In order to meet the Clean Water Act, the project requires management and monitoring. He stated several Boards could be a part of this. A letter will be forth coming with models from other towns and Felix wanted to give a heads up to the commission because Wellfleet's program is not expected to be a conventional system. He is hoping a strategy plan and management plan will be ready to go before a town meeting in a year or so. He explained the levels of nitrogen from various areas. He stated that coastal water, and not ground water and pond water, quality are the focus of current planning. . Felix stated the Town has agreements with Truro and Eastham and will share responsibility with them. Felix stated if the strategy plan can be submitted as soon as possible, it may be less risk to the town in terms of taxes.

Ed Simpson stated he received a letter from the National Seashore regarding the responsibility of land owners within the park for protecting federally listed shorebirds/endangered species. There was discussion regarding ownership of properties based on the constant erosion along the marine cliffs and where the National Seashore land starts. Lauren McKean stated letters were sent to all private property owners within the National Seashore. She stated it is difficult to identify ownership of property along the eroding marine scarp. The US Fish & Wildlife Service, under the Endangered Species Act, requires that Critical Habitat for beach-nesting birds is fenced.

Trudy Vermehren stated she has had conversations with people in town regarding the Farmers' Market and the Penny Patch area.

Trudy Vermehren moved to adjourn the meeting at 6:25 pm; seconded by Terry Gips; passed 7-0.

Respectfully submitted,

Christine Bates, Committee Secretary