

Present: Chairman Jay Putnam, Paul Chamberlin, John Geiger, Vice Chair DeeDee Holt, Carol Scott, Billie Bates, Bob Lear, Conservation Agent Kristin Andres and Secretary Mary Fougere.

The following hearings were continued:

325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534: Continued to January 20, 2010 to set a Special Meeting date

184 Mill Creek Road, John Gillis, SE 10-2567: At applicant's request, hearing continued to Jan 20, 2010

268 Old Harbor Road, John/Kathryn Hamill: The hearing was re-opened for a Request for Determination of Applicability (RDA) for proposed removal of invasive plants; proposed re-establishment and maintenance of meadow and native plantings; proposed improvement and maintenance of existing paths at 268 Old Harbor Road. Tim Kent/ Tim Kent Landscaping represented the applicant. He stated that the area had been staked for viewing and that additional abutters had been notified.

It was moved, seconded and voted for a Negative Determination with the following conditions:

- **A photographic record will be submitted to the Commission after mowing**
- **Any native plantings of substantial height and size will be saved**
- **Prior to the mowing, Mr. Kent will meet with Conservation Agent**

52 Nickerson Lane, Stratford Wallace, Trustee, 52 Nickerson Lane LLC, SE 10-2598: **The hearing was opened for a Notice of Intent (NOI) for the** proposed Request to Amend existing Order of Conditions under SE 10-2598 to include drainage structures and roofline changes at 52 Nickerson Lane. John Schnaible of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. An Order of Conditions was issued December 22, 2009 for the demolition of the dwelling and reconstruction of same. Subsequently, the project was approved by the Board of Health. Since then the applicant has changed his ideas for the second story; the proposed changes will require review by the Zoning Board of Appeals (ZBA).

On the southerly side of the house, 134 Sq ft of decking will be added and a second floor bedroom. The driveway will be pervious and drywells have been added. The drywells were added because the roof line changes and the elimination of the trench drain on the old driveway warrant additional storm water controls.

A three hundred sq ft of mitigation area has been shown on the plan; the mitigation along the top of the revetment will be at a width of 10-ft. Commissioner Bates asked that the mitigation be extended to meet up with existing vegetation on the southern side of the lot. Mr. Schnaible explained that even though the applicant mows some of that area, he does not own the adjacent parcel. It is owned by the Harding Shores Association. The Commission expected that the mitigation area will be allowed to naturalize.

The hearing was continued to January 20, 2010.

70 Queen Anne Road, Queen Anne Inn, Inc, SE 10-2305: The hearing was opened for the proposed Request to Amend existing permit under SE 10-2305 to include reconfiguration of the parking area including a driveway to upper level; carport and re-location of sidewalk along Queen Anne Road at 70 Queen Anne Road. J Thaddeus Eldredge of Eldredge Surveying & Engineering represented the applicant and returned the abutter notification cards. The existing Order of Conditions was issued April 25, 2007. Proposed changes to the site include within 100-ft of the storm water retention basin(wetland):

- Reconfiguration of the parking area including driveway to upper level
- Installation of a carport
- Re-configuration of the existing sidewalk and a wall along the proposed driveway to the upper level

There will be a reduction of pavement within the 100-ft AURA and the site will be compliant with the DEP Storm waters Standards, once the new drainage structures are installed. Currently, there are no drainage structures on site. The area shown in green (area where pavement will be removed) on the plan will be planted with an appropriate seed mixture and native plants.

The proposal will be heard by the ZBA but there has no date has been determined for that hearing.

The Commission asked for the calculations of existing permanent disturbance vs proposed disturbance within the area of jurisdiction. The plan shows the calculations for the whole site.

The hearing was continued to February 3, 2010.

676 & 684 Orleans Road, Frederick Bearse, SE 10-2605: The hearing was opened for a Notice of Intent (NOI) for the proposed Shorefront Protection at 676 & 684 Orleans Road. Roy Okurowski of Coastal Engineering Company Inc represented the applicants and returned the abutter notification cards. He stated that since the new breach in North Beach the resulting higher tides are causing severe erosion along many beaches. At this site there is serious undercutting of the bank with loss of trees and plants. The applicants would like to preserve what is left of the bank in its location by installing fiber rolls wrapped in coir matting, not MiraFlex as proposed elsewhere. This area is not subject to severe wave action and Mr. Okurowski feels that the coir matting will suffice to stabilize the bottom of the bank.

The applicant intends to keep the fiber rolls covered with sand, to that end the access way on the eastern side of the property(as shown on the plan) will be re-vegetated as soon as possible after each time nourishment is required to be put on the fiber rolls. Referring to the design of the fiber roll installation, Commissioner Geiger noted that the rolls are placed from property bound to property bound with little area left for end scarping, except on abutting properties. The abutter to the east has a shed precariously situated and end scour onto his property may endanger the shed even more. Mr. Okurowski agreed that the ends could be tapered to stay within the applicants bounds.

The Commission observed that the entire yard slopes right to the bank, the existing bank is quite steep, the existing lawn is fertilized right to the top of the bank and there are a lot of invasives on the bank. The invasives do not provide root mass to hole the bank material, so the existing bank is in need of nourishment. There is a healthy marsh in front of the property. Several Commissioners questioned whether the applicant would consider some re-grading of

the bank, nourishment and planting sufficient vegetation to make a thick vegetative area. This approach would nourish the toe of the bank and treat the bank as a whole. It was not evident that there had been erosion at the top of the bank. This property is also located in the ACEC and the permitting of structures on beaches should be a last resort. The alternatives analysis did not sufficiently address this alternative.

Mr. Okurowski felt that re-grading and nourishment and planting would not work here because in re-grading the bank to a stable 2:1 slope, about 10-ft of lawn area will be lost. Currently, the rack line is above the toe of the bank and scarp line. Obviously, the water reaches quite high during higher tides but the damage is at the toe of the bank.

In a comment letter to the Commission dated January 4, 2010, Coastal Resources Director Ted Keon expressed that the higher water levels have resulted in a re-adjustment of shoreline profiles, typically manifested by profile retreat, as on this site, throughout much of the embayments. The severity of profile adjustment to the 2007 inlet will be related to different factors and is site specific. This re-adjustment is generally not constant and the shoreline will stabilize once it achieves a new dynamic equilibrium position with the new water levels.

Further, Mr. Keon does not feel that it is obvious that a quasi-structural fiber roll solution is necessary at this time. If conditions continue to worsen and begins to pose a more immediate threat to existing infrastructure, then a more significant stabilization approach may be appropriate. Commissioner Paul Chamberlin stressed that the Commission is interested in protecting the applicant's property, however it cannot ignore Mr. Keon's comments since he observes the entire coastline on a regular basis and can focus on the natural processes of an area, rather than being site specific.

The hearing was continued to February 3, 2010.

132 Shore Road, Willard/Bonnie Daggett, SE 10-2609: The hearing was opened for an NOI for the proposed removal of invasive privet and replanting with native vegetation; proposed removal/replacement of two at-grade steps at 132 Shore Road. David Clark of Clark Engineering LLC, Peter Polhemus of Polhemus Savery DaSilva and Landscape Architect Clara Batchelder represented the applicant; Mr. Clark returned the abutter notification cards. The existing conditions (L-O) plan was reviewed, showing the area of proposed work. The removal of invasives and re-planting with native grasses is proposed at the top of the revetment within the 50-ft No-Disturb Zone (NDZ) to the coastal bank.

Ms Batchelder reviewed the proposed planting plan, L5a, explaining that a 6-ft strip of existing lawn will be removed for the new planting areas. Commissioner Scott felt that the plan using perennials and grasses was more of a garden than a shrub habitat that could be naturalized to enhance habitat; she felt that the choice of plants should contain more native plants rather than perennials. She asked that native grass seed mixtures be used in the NDZ after the plantings are completed. There should be no additional bluegrass- mix sod although sod is available with native grasses instead of blue-grass blend. There are native bayberry shrubs in the invasive plant area that should be preserved. Ms Batchelder stated that the perennials she had selected will naturalize the area over time and seed themselves. Commissioner Geiger suggested planting native bayberry and beach plum around the periphery of the gardens. Commissioner

Putnam stated that it is difficult to find any habitat on the existing site, the entire lot has been groomed. The addition of native plants, even some grasses will begin the restoration of habitat. There will be no expansion of the existing irrigation system.

Two sets of existing timber steps will be replaced by a single set of bluestone steps.

The hearing was continued to January 13, 2009 for revised planting plans.

334 Morris Island Road, William// Joan Guiney, SE 10-2608: The hearing was opened for an NOI for the proposed removal of invasive plant species and Leyland Cypress; proposed pruning bayberry; proposed construction of bluestone path and re-establishment of parking area at 334 Morris Island Road. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. Mr. Clark had supplied a narrative and photographs describing the work proposed in each area of the property. The bulk of the work is proposed on the Stage Harbor side of the dwelling, as shown on the Landscape Sketch from Yds, Inc, owner George Malone.

According to the revised maps, the Flood plain impacts the lot at elevation 9.0 ft and there is a coastal bank within the Flood Zone on the southwestern side of the house. The flood plain contour goes through the yard near the deck. In this mulched area on the water side, the applicant would like to add bluestone stepping stones, dry laid. Commissioner Lear noted that the area where the stepping stones are proposed is fragile beach area. They extend from the driveway on the north side of the house around to the southern side and are at the top of the coastal bank. Additionally, the applicant proposes to trim the existing bayberry and remove invasive porcelain berry vine.

Removal of invasives (including Japanese Knotweed, Russian Olive and Porcelain berry) is proposed around the dwelling. Six existing Leyland Cypress will be removed. The Commission agreed that the removal of the invasives on this site will require substantial re-planting to restore habitat, particularly areas along the property lines.

The hearing was continued to February 3, 2010; an on-site visit would be scheduled prior to that date.

155 Mill Creek Road, Dennis Linnane-applicant, Thelma Young-owner, SE 10-2607: The hearing was opened for an NOI for the proposed demolition of existing dwelling & proposed reconstruction of new dwelling at 155 Mill Creek Road. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The property abuts Eel River and the existing dwelling is very close to the top of the coastal bank. The Board of Health continued their review of the proposal until the Commission has reviewed the plans.

The improvements to the site with the demolition/rebuilding of the existing dwelling include:

- Relocation of the new house further back from the top of the coastal bank, the footprint will be increased in the 0ft -50ft inner AURA over the existing dwelling by 400 sq ft. Some of the increase will be driveway
- Replacement of the existing cesspool septic system with a nitrogen removal septic system

- Sixteen hundred sq ft of mitigation planting is proposed on the coastal bank and, invasive burning bush hedge will be removed and the area of the hedge will be planted and the large oak near the new deck will be saved (if possible)

There will be some tree removal for the installation of the septic system; the Commission asked that trees be included in the landscape plan. A retaining wall on the west side of the dwelling (under the deck) is proposed and there will be a drive-under garage.

From the audience, Ferne Pasternak asked that the applicant take care to preserve the root systems of a 40-ft pine and a large oak. Both trees are located along the common border of Pasternak-Linnane; this area is very steep and since most of the lot will be cleared for the construction, Mr. Pasternak wanted to insure that these trees would be protected. It was noted also that several old taxus (yew) plants are holding the silty-clay material on the bank in place.

From the audience, Steve Hecht would like to see a landscape plan to insure that their existing view of naturalized vegetation on this site will be restored after construction.

In an email dated January 6, 2010, abutter Mr. Mccausland expressed his concern that storm water controls will be provided to mitigate any run-off into Eel River.

The hearing was continued to February 3, 2010 for receipt of a revised plan showing the location of the IA technology (Circulaire) of the septic system.

125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2583: The hearing was re-opened for an NOI for the hearing under Massachusetts Wetlands Protection Act for proposed demolition of single family dwelling and sheds; proposed construction of new dwelling, garage and bunkhouse at 125 Stage Harbor Road. David Clark of Clark Engineering LLC represented the applicant; he stated that the proposal was withdrawn at ZBA; **at his request, the Conservation hearing was continued to February 3, 2010.**

87 Battlefield Road & Pcl L3 Battlefield Road, James/Regina Shakin & Morss Lippincott owner-applicants, SE 10-2610: The hearing was for an NOI for the proposed vista pruning and proposed tree removal at 87 Battlefield Road and Pcl L3 Battlefield Road. David Lyttle of Ryder & Wilcox, Inc represented the applicant and returned the abutter notification cards and circulated a project narrative. He stated that the applicant has just built a new home on Lot 6. There is a view easement across the adjacent Lippincott property.

The applicant would like to remove three dead pines and a locust. Several existing oaks will be pruned as well to establish a view window to the south of the dwelling. The trees to be removed are in the outer AURA to the flood plain in the corner of the lot impacted by the 100 yr flood zone. It was agreed that the applicant would leave one "snag" for wildlife. The applicant has provided mitigation in the form of native shrub plantings for the tree removal.

The Commission agreed that since locusts are invasive, nitrogen fixers, it may be necessary for a management plan in the future to remove the locusts and restore habitat at this locale.

The Hearing was continue to January 13, 2010 for a revised plan showing the location of the view window that the applicant would like to maintain in the future.

75 Squanto Drive, Douglas/Cheryl Gorman, SE 10-2592: The hearing was re-opened for an NOI for the proposed removal of existing dwelling and garage and proposed construction of new dwelling and garage and proposed re-location of existing septic tank at 87 Squanto Drive. Stephanie Sequin of Ryder & Wilcox, Inc, William Riley Esquire and Landscape Designer Eunice Burley represented the applicant. Ms Sequin presented revised plans; the revisions were in response to concerns of the ZBA. The revisions are as follows:

- Reduction of footprint of the proposed dwelling
- Moving the garage doors to the side of the house rather than facing the street
- Change in the location of the driveway in the 100-ft buffer; the driveway surface will be pervious using stone, shell or pervious asphalt, per MR. Riley

The new, proposed revisions will increase the permanent disturbance in the outer AURA to the coastal bank by 980 sq ft, primarily because the driveway must be relocated to accommodate the new location of the garage door. Coverage in the inner AURA will be decreased by 43 sq ft. Mitigation has been provided at a 1.7:1 ration, this figure does not include the area where the existing driveway is located.

A revised planting plan was provided by Ms Burley to accommodate the revisions to the plan. She stated that the removal of the invasives on this site can be accomplished by hand removal; the amount of invasives is not extensive

The hearing was continued to January 20, 2010.

Homestead Lane East, Hayden L Griswold, Jr Trustee & Marjorie C Griswold Rev Trust-owner/applicants, SE 10-2585: The hearing was re-opened for an NOI for the proposed construction of two additions to an existing dwelling at 14 Homestead Lane East. At the applicant's request, **the hearing was continued to February 3, 2010.**

594 Shore Road, G Warren// Victoria Chane, SE 10-2596: The hearing was re-opened for an NOI for the proposed seasonal pier at 594 Shore Road. No one represented the applicant. The Commission was in receipt of a memo dated January 5, 2010 from Coastal Resources Director, Ted Keon regarding tidal datum. **At the applicant's request, the hearing was continued to January 20, 2010.**

600 Fox Hill Road, Jonathan Seem, SE 10-2595: The hearing was re-opened for an NOI for the proposed bank and beach stabilization at 600 Fox Hill Road. Roy Okurowski of Coastal Engineering Company Inc represented the applicant and had supplied revised plans showing that the fiber rolls had been eliminated. The plan has been revised after the last hearing since there is low scarping on the site and lack of serious, visible erosion.

The proposal currently consists of the installation of approximately 100 cu yds of sand on the southern and eastern sides of the dwelling and planting of the nourished areas. All the sand will be placed above MHW. MR. Okurowski stated that the applicant would like to get the nourishment in this winter and plant in the early spring.

Pre and post-construction photos will be supplied to the Commission. The applicant will probably re-evaluate the site in a couple years. With this project completed, they will have a baseline survey; Coastal Engineering will use the same points of reference to establish the need for future nourishment or alternate erosion solutions.

From the audience, the abutter at 576 Fox Hill Rd stated that he had no objections to the proposal.

It was moved, seconded and voted to close the hearing.

20 Shore Road, Richard E Pinckert, Trustee under Indenture of Trust of Richard E Pinckert and Nell N Pinckert , Trustee under Indenture of Trust of Nell N Pinckert, SE 10-2593: The hearing was re-opened for an NOI for the proposed elevation of existing dwelling; proposed excavating and construction of new foundation; proposed construction of an addition and new driveway and trench drain; proposed installation of new tank and D-box; and proposed removal of existing driveway at 20 Shore Road **Although the applicant's representative had requested a continuance to January 20, 2010, the Commission continued the hearing to February 3, 2010.**

581 Riverview Drive, Theodora Casey, SE 10-2576: The hearing was re-opened for an NOI for the proposed pruning of oaks and pines for view at 581 Riverview Drive. J Thaddeus Eldredge of Eldredge Surveying & Engineering LLC represented the applicant. He stated that initially, the applicant had wished to gravely mow on an annual basis, the expansive area in the rear of the property up to the property line with the Conservation Foundation. Mowing had been completed for years without benefit of a valid permit. This work was in the Riverfront Area and the lot is impacted by the Pleasant Bay ACEC (marked in the field by a bench on the applicant's property) and the AURA to the Coastal Bank. Mr. Eldredge circulated a colorized plan showing The area the applicant would like to maintain for view.

This property was the subject of a violation for clearing of brush and dumping over the bank. The applicant has cleaned up the debris.

The Commission did not see the need for additional mowing at this time; several oaks have begun to sprout back and the area should return to a natural state if left alone. The Commission felt that they could approve maintenance of the view corridor as shown on the revised plan, however there is very little work that needs to be completed now. The view is well established and the mowed area is beginning to come back to its natural state. No tree removal is permitted.

It was moved, seconded and voted to close the hearing.

The Zoning Board of Appeals had requested comment on the following properties; **the Commission approved the draft comment letters that Commissioner Chamberlin had prepared.**

29 Manomock Rd, Chilton, SE 10-2599
206 Lime Hill Road, Daggett
52 Nickerson Lane, Wallace, SE 10- 2598
75 Squanto Drive, Gorman, SE 10-2592

Lot 6 Kendrick Harvest Way, Eastward Co, SE 10-2602: It was moved and seconded to approve the proposal for the construction of a new dwelling at Lot 6 Kendrick Harvest Way. **An Order of Conditions had been written; the vote was 6-1 in favor of the motion.**

Agent Report/Discussion

Adjournment: It was moved, seconded and voted to adjourn the meeting at 10:20 PM.

Respectfully submitted,
Mary Fougere, Secretary