

A quorum was present. Those in attendance included Chairman Paul Chamberlin, Eric Hilbert, Richard Woodward, Jay Putnam, Nat Mason, Associate Members Ira Seldin and Billie Bates, Conservation Agent Kristin Andres and Secretary Mary Fougere. Commissioners Corinne Johnson and Carol Scott and Associate Member Joseph Manteiga were absent.

The following hearings were continued as follows:

80 Stage Harbor Road, Town of Chatham –owner, Town of Chatham Parks & Recreation Department-applicant, SE 10-2135: Continued to February 20, 2008

185 Balfour Lane, Edward H Wohl, SE 10-2353: Continued to March 5, 2008

75 Holway Street, Robert Barsamian, SE 10-1693: Continued to March 5, 2008

Lot 7A Uncle Albert's Drive Extension, John Schumacher, SE 10-2396: Continued to February 6, 2008

43 Holway Street, S H Central Park North Family Limited Partnership, SE 10-2249: Continued indefinitely

306 Bridge Street, Margaret Gibson, SE 10-2383: Continued to February 6, 2008

149 Deep Hole Road, Gary Terry, SE 10-2294: Continued to March 5, 2008

94 Juniper Lane West, Gilbert Wilson /Margaret Wilson-Grey, SE 10-2402: Continued to March 5, 2008

172 Meadow View Road, 172 Meadow View Road Realty Trust, James/Janet Heatley: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed construction of an addition at 172 Meadow View Road. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. He stated that the proposed 300 sq ft addition was outside the 100-ft buffer to the adjacent pond but inside the AURA to the Flood Plain; this filing is under the local bylaw.

The applicant will install a crawl space foundation and will install a hay bale siltation barrier on the pond side. The Commissioners questioned whether it would be necessary to construct a retaining wall on the south side of the addition; Mr. Clark stated that there was no intent to do so.

The Commissioners felt that mitigation for the increased permanent disturbance in the 50-ft No-Disturb Zone (NDZ) would best serve the resource area with increased plantings in a gap on the west side. The vegetation should be made contiguous with the existing vegetation. **It was moved, seconded and voted for a Negative Determination.**

63 Woodland Way, Mary Carroll, SE 10-2263: The hearing was opened for a proposed request to amend an existing Order under SE 10-2263 to reduce the size of the already permitted deck and to construct a proposed patio at 63 Woodland Way. Gregory Handren represented the applicant and reviewed the partial landscape site plan and sketch submitted with the application. He stated that the re-contouring that has occurred from the ongoing construction of a new dwelling has created a slight hill on the southern side of the dwelling. The edge of the proposed patio was staked in the field. The applicant had submitted a landscape plan in March 2007 to satisfy Special Conditions # 6 and #7 of the original Order of Conditions. The applicant has

stopped mowing to the top of the coastal bank as agreed to during the hearings for the original application. This proposal only addresses changes to the plan up near the house.

The proposed new patio will be constructed on a slab foundation with an 18-inch retaining wall with a stone veneer surrounding it. There was no drainage provided and the Commission questioned whether the applicant would consider a pervious surface patio.

The hearing was continued to January 23, 2008.

37 Bucks Lane, Kathleen Wilson, SE 10-2225: The hearing was re-opened for a proposed request to amend an existing permit under SE 10-2225 to include alterations to the approved landscape plan. David Clark of Clark Engineering LLC and Philip Cheney were present for the applicant. Mr. Cheney reviewed the colorized, revised landscape plan reflecting changes to other proposal from the last hearing. The Chairman noted that the reason the Commission favored the original proposal was because the new dwelling would be farther from the resource area and the original landscape plan showed naturalized areas.

The revised landscape plans show a change from the patio access to the deck using stepping stones set in sand and a small cluster of stones set in sand on the western side of the dwelling that will be used for a sitting area. The plantings between the house and the dunal area will be bayberry and low growing bearberry and will be allowed to naturalize.

The Commission felt that the revisions to the plan were acceptable with the following conditions:

- * The plants along the stepping stone pathways will be allowed to naturalize and will be planted in groupings, not rows
- * Different variety plant species will be added to the plan
- * Since the areas of planting will be allowed to naturalize, no mulch should be added

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

24 Windmill Terrace, Jeffrey Chandler/Hayne Chandler, SE 10-2279: The hearing was re-opened for a Notice of Intent (NOI) after re-advertising for proposed expansion of a dwelling via the demolition of an existing dwelling and proposed construction of a new dwelling at 24 Windmill Terrace. David Handren of Handren Brothers builders represented the applicant. He noted that the proposal had been approved by the Zoning Board of Appeals (ZBA) on December 6, 2008.

The Chairman questioned whether the wall surrounding the mound over the leaching part of the new septic system would be built in the roadway. Currently the mound slopes down to the pavement and the plans call for a retaining wall between the street and the mounded septic system. There is no room for the wall at this point and if there is a vinyl barrier under the mound, any excavation of the mound may be damaging an active septic system. Mr. Handren stated that he would provide the Commission with an "As Built" of the septic plan and verify the location of the mound in the field prior to any excavation by a small machine.

The limit of work for the demolition of the house and the solid concrete patio could be tightened up after the excavation of same. The Commission also would like the applicant to utilize French Drains instead of the proposed drywells. Mr. Handren stated that the new contours will be able to handle the storm water run-off for the property.

A comment letter from abutter William Doggett, Jr dated January 4, 2008 was read into the record.

The hearing was continued to February 6, 2008 for the receipt of revised plans.

130 Chatharbor Lane, Harvey Ross, SE 10-2393: The hearing was re-opened for an NOI for the proposed repair and re-construction of approximately 32 feet on west end of existing, licensed stone revetment at 130 Chatharbor Lane. No one was present to represent the applicant however Ms Andres noted that NHESP has requested that the applicant file for a MESA review. Mr. Forns of Applied Marine has stated in previous hearings that the project does not fall within Priority Habitat and he is not going to file a MESA review.

Under the Wetlands Protection Act, the applicant has satisfied the required notification to NHESP; the Commission has no authority to enforce or enforce a MESA(MA Endangered Species Act)

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

Meadow View Road, Oyster River Hills Association c/o Patrick Shea, SE 10-2344: The hearing was re-opened for an NOI for the proposed construction of a potable well at Meadow View Road. David Clark of Clark Engineering LLC represented the applicant and circulated plans noting that the proposed well is along the ditch on the north-east side of the property. The ditch drains into the back waters of the Oyster River near Chatham Yacht Basin. An electrical service will be installed at the same time as the water line; a new pole will be installed as well.

The groundwater in this area is at elevation 6 and drops to elevation 5 to the south. For a seasonal, viable well, the well installer will have to drill quite deep. The meter pit is standard size and will contain a spigot. The plan shows hay bales along the entire excavation trench due to the sloping contours of the project site. The applicant originally stated that a pipe puller would be used; Mr. Clark stated that it will be necessary to use a small excavating machine.

The Commissioners would like to re-visit the site now that the plan is available. The hearing was continued to February 6, 2008.

Shore Rd at Claflin Landing, Chatham Bars Inn-applicant, CBI Operations LLC-owner, SE 10-2368: The hearing was re-opened for an NOI for the proposed installation of a pier, ramp & float at Shore Rd & Claflin Landing. Michael Ford, Esquire was present representing the applicant. He reviewed the ZBA decision of January 10, 2008 granting approval for the proposal with proposed conditions. The Commission was in receipt of a copy of the proposed conditions

which addressed the seasonality, access site, installation and the requirement for beach profiles for the project.

A comment letter dated January 9, 2008 from Shellfish Constable Stuart Moore was read into the record.

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

Pcls M3 & M2 Harding's Beach Road, Kenneth Mulvaney-applicant, Heirs of Charlotte Mulvaney-owner, SE 10-2400: The hearing was re-opened for an NOI for the proposed construction of a single family dwelling at Pcls M3 & M2 Harding's Beach Road. Terry Eldredge of Eldredge Surveying represented the applicant, he circulated plans and a handout; the plan of reference is sheet 2 of 4 entitled "Site and Sewage Plan", dated September 10, 2007.

The plans have been revised from the previous meeting in October 2007 to show the following:

- * *The location of the BVW and the 50-ft and 100-ft Adjacent Upland Resource Delineations (AURA) from same*
- * *The limits of the coastal marsh are shown on the plan*
- * *A coastal bank, as defined in the DEP Wetlands Protection Program Policies, does not exist on the property*

Discussion ensued regarding the presence of a coastal bank, as defined in Part II of the local regulations, Section 2.05. Since there is an additional defined resource area present on the lot under the local bylaw, it will be necessary for the applicant to demonstrate the location of the first break above the flood plain and show this landform on the plan as well. In this case, the top of the bank is probably up close to the street, but transects would help define the landform.

- * *The proposed building has been moved a few feet closer to the street.*

Michael Ford, Esquire addressed the Conservation Variance Request presented with this application. He and William Litchfield, Esquire, representing the abutters across Harding's Beach Road, have worked together to create a view easement on the lot that will contain the proposed septic system. Mr. Mulvaney has agreed to restrict the site so that no buildings would be constructed in this area of the view easement. Mr Ford suggested that an additional Conservation Restriction benefiting the Commission, would improve the vista from the future public sidewalk project on the Mulvaney side of Harding's Beach Road.

The Commission felt that the applicant had not addressed the possibility of building a smaller house, eliminating the garage and had not provided calculations showing the amount of increased disturbance in the 50-ft and 100-ft AURAs. It had not been documented how far the adjacent non-conforming houses are from the roadway.

From the audience, abutter Richard Bulick questioned the size of the footprint of the proposed house and garage. Mr. Eldredge stated that the dwelling is only 1914 sq ft.

The hearing was continued to February 20, 2008.

79 Harding Lane, Gilbert Upson, SE 10-2394: The hearing was re-opened for an NOI for the proposed construction of elevated stairway and landings at 79 Harding Lane. David Lyttle of Ryder & Wilcox and William Riley, Esquire represented the applicant; Mr. Riley acknowledged that the proposal was *denied by ZBA on January 10, 2008*.

Mr. Lyttle questioned whether the Commissioners would be willing to visit sites in Orleans where he alleged at-grade timber steps have been installed successfully without causing increased erosion on coastal banks. He also supplied the Commission with names and addresses of properties in Chatham having the same steps. The Commission felt that visiting sites without active permits would constitute trespassing. Ms Andres had re-visited the site and was only able to get part way down the bank; after that the slope was so great making applicant's passage impossible on foot.

From the audience, William Litchfield, Esquire, representing abutters, stated that if the scope of the filing has significantly changed in that timber steps are being proposed on the bank, then the proposal should be re-advertised.

The hearing was continued to March 5, 2008.

87 Mooncussers Lane, Robin Hess Comfort: The hearing was re-opened for an NOI for the construction of sunroom addition and deck; proposed construction of detached garage/studio and connection to an existing septic system; proposed re-routing of water line and proposed expansion of an existing driveway at 87 Mooncussers Lane. The applicant was represented by William Riley, Esquire and David Lyttle of Ryder & Wilcox, Inc.

The proposal will require a Special Permit from ZBA; **the hearing was continued to March 5, 2008.**

79 Barcliff Avenue, Minglewood Homes-applicant, John/Elizabeth Gardner-owners, SE 10-2384: The hearing was re-opened for an NOI for the proposed view pruning & maintenance of 4-ft wide pathway; proposed renovation to an existing boathouse, including foundation replacement where required at 79 Barcliff Avenue. **The hearing was continued to February 20, 2008.**

Approval of Minutes: The minutes of December 19, 2007 and December 20, 2007 were approved as amended at the table.

110 Old Salt Works, Goodrich Chatham Realty Trust, SE 10-: A Certificate of Compliance was signed for the completion of the project under SE 10-

160 Mill Hill Road, Bridgewater/Town of Chatham, SE 10- : A Certificate of Compliance was signed for the completion of the work at 160 Mill Hill Road.

44 School Street, Fairbanks: Bartlett Tree Service had filed an after-the-fact Administrative Review allowing the removal of several dead and/or diseased trees at 44 School Street. The trees were in the AURA to the coastal bank to the marsh at Little Mill Pond.

The Commission agreed that the project was permissible under an Administrative Review and that no additional filing would be necessary.

64 Cranberry Lane, N Chatham: Bartlett Tree Service submitted an Administrative Review application for the proposed anchoring of a large tree, using 5-ft pilings and dead men anchors.

The tree service would dig holes in the ground and install the pilings in an attempt to support the large branches of the weight-y enormous tree at 64 Cranberry Lane.

The Commission agreed that the project could proceed under an Administrative Review and that no additional filing was necessary.

160 Mill Hill Road, Bridgewater/Town of Chatham: The old buildings have all been removed as part of the purchase agreement between the current owner and the Town of Chatham. Ms Andres noted that the area must be seeded or kept as a meadow but currently, there is no money available for the addition of topsoil and seed for this large area created by the removal of the buildings.

103 Wapoos Trail, Brown: Mr. Brown has received both the hand delivered Enforcement Order from the Chatham Police and the original letter sent by certified mail. He has until February 13, 2008 to appear before the Commission and present a restoration plan for the tree cutting. Ticketing will start on February 14, 2008 should there be no response.

185 Balfour Lane, Wohl: Ms Andres noted that the project had been denied by the ZBA at their hearing on January 10, 2008.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 9:25 PM.

Respectfully submitted,
Mary Fougere, Secretary