

Present: Paul Chamberlin, Jay Putnam, Carol Scott, Corinne Johnson, John Geiger, Barbara Waters, Associate Members Peter Donovan, DeeDee Holt and Keith Hutchings, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Commissioner Billie Bates was absent.

The following hearings were continued:

- ◆ **20 (Lot 4) Kendrick Harvest Way, Eastward Homes, SE 10-2494:** At applicant's Request, hearing was continued to March 4, 2009
- ◆ **30 Bridge Street, Vose, Hen Coop Point Trust, SE 10-2487:** At the applicant's request, hearing was continued to March 18, 2009

31 Westward Ho Drive, Charles U Daly: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed installation of block retaining wall and dry-laid patio on southwest side of dwelling at 31 Westward Ho Drive. Christine Daly was present with Contractor Bob Liska; Mr. Liska returned the abutter notification cards. A porch addition on the southwest side of the dwelling had recently been approved. The Order of Conditions for the construction of the sunroom has expired; a Certificate of Compliance has not been issued because the mitigation plantings have not been completed.

On the landward side of the dwelling, the 12-ft x 15-ft patio will be dry laid-block over shells or stone base. Additionally, a block retaining wall on two sides of the patio (underneath the deck and down the western side) will begin at 42" high and taper to grade level. Approximately 20 yds of fill will be necessary to level the area for the patio; there will be no contour changes or extensive grading.

In a letter dated February 4, 2009, Sarah Turano-Flores, Esquire, representing abutter Nick Lippis, objected to the submission of an RDA rather than a NOI for the project. Ms Turano-Flores was present to object to the fact that the application did not contain sufficient evidence; she favored the finding of a Positive Determination and requiring the submission of a Notice of Intent application since the proposed work was within 100-ft of the top of the coastal bank.

The Commission agreed to continue the hearing to February 11, 2009 for receipt of a site plan showing the jurisdictional lines of the Commission and details of the proposal.

59 Barcliff Avenue, Leslie Borkoski, SE 10-2385: The hearing was opened for a request to Amend an existing Order under SE 10-2385 to include proposed clearing the first 15-ft of the outer Adjacent Upland Resource Area for invasive vine removal at 59 Barcliff Ave. Lindsey Allen of J Brown Landscaping represented the applicant and returned the abutter notification cards.

She stated that the invasive vines would be removed from the top of the hillside to prevent them from encroaching on existing, manicured lawn areas and existing arborvitae. The existing stone wall would delineate a portion of the work; additionally the first 15-ft beyond the wall on the pond side of the house would be mowed after clearing of vines is completed. Any bare ground areas would be planted with native plant material to enhance the wildlife habitat.

The existing pathway will be mowed in a winding fashion to minimize erosion. Wood chips for additional erosion control would be allowed.

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

381 Pleasant Street, Harry Peden, Jr, SE 10-2524: The hearing was opened for an NOI for the proposed demolition of existing dwelling; proposed construction of new dwelling and relocation of driveway at 381 Pleasant Street. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. Using the standards developed by the DEP to define the coastal bank, the plan shows the coastal bank defined by the Flood Plain contour at 11.0 ft. Discussion ensued regarding the location of the coastal bank under the local regulations. Mr. Clark maintains that since the slope is very flat and fronts a parking lot with no observable break, no true bank exists. The Chair stated that the Commission has considered the first observable break above the flood plain contour, elevation 11.0 ft, to be the delineation of the coastal bank. On this site, the break occurs right after the 10-ft contour, which puts the coastal bank at the edge of the property line. The No-Disturb Zone would then be located underneath the deck and stairs. It appears that there is an active fox den on the street side of the property which will affect the time of year that the project will be allowed.

The existing three bedroom dwelling and a shed will be replaced with a new, three bedroom dwelling on an enlarged footprint in a slightly different location. The deck and new porch will be supported by concrete pile foundations; the deck will be 7-8 ft off the ground with stone underneath. A

total of 994 sq ft of increased coverage in the outer AURA to the coastal bank includes the proposed increases in the dwelling, deck, patio and driveway. The Chair noted that the calculations on the plan show 57.9 % permanent disturbance in the outer AURA. The dwelling is limited to where it can go due to the location of the new septic system in the northeast side of the lot.

Phil Cheney was present to review the proposed landscape plan. The Commission felt that too many trees would be removed for view even before the house was constructed. Several trees will be removed for the construction of the dwelling. The landscape plan shows re-vegetation using replacement trees and the addition of understory shrubs in the No Disturb Zone (NDZ). This area will be allowed to naturalize.

The proposal will require a Special Permit from Zoning Board of Appeals (*ZBA*) and is scheduled for February 26, 2009. **The Commission continued the hearing to February 18, 2009 for the following:**

- ◆ **The applicant to consider reducing the footprint/eliminating the patio**
- ◆ **Inclusion of the coastal bank, under the local regulations, on the site plan**
- ◆ **Consideration that lawn areas will be un-irrigated & unfertilized in perpetuity**

20 Woods End Drive, Arthur/Regina Hanrahan, SE 10-2523: The hearing was opened for an NOI for the proposed construction of a 12-ft x 12-ft deck on pier foundation at 20 Woods End Drive. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. A variance request has been included with the application.

The proposed work lies within the NDZ to the Flood Plain contour associated with an old bog to the east of the property, elevation 10.0 ft. The southwest corner of the lot is impacted by the outer AURA to the flood plain as well. There is no tree removal proposed, the new deck will be supported on sono tubes and a siltation fence will be installed for erosion control. Gravel will be installed underneath the deck for erosion control; currently the storm water run-off goes directly to the bog.

Mitigation/restoration plantings are proposed on the northern side of the property and will be contiguous with existing wildlife habitat. Currently there is well maintained lawn area in close proximity to the resource area. The applicant has agreed to remove the brush pile on site.

The applicant would like to include pruning for view enhancement in the application, since he has been doing trimming and pruning without benefit of a valid wetlands permit.

The proposal will require a *Special Permit from ZBA*; the Conservation hearing was continued to March 4, 2009.

346 Bridge Street, Russell/Anna Gail Campanelli, SE 10-2525: The hearing was opened for an NOI for the proposed demolition of existing dwelling; proposed construction of a new dwelling and relocation of driveway at 346 Bridge Street. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. A deck was permitted last year but never constructed. The Historical Commission has imposed a 9-month demolition delay for the project; the applicant is seeking to work with the Historical Commission on maintaining the streetscape with the dwelling design.

The Flood Plain impacts the southern portion of the lot as well as the outer AURA to a BVW. The existing structure and driveway covers 38.5 % of the outer AURA to the Flood Plain. The applicant proposes a 453 sq ft increase. The Commission requested mitigation to enhance the protection of the BVW by increasing the buffer to the guesthouse. The existing brush pile will be removed. The NDZ to the Flood Plain is already developed by the guesthouse.

The Commission questioned whether the lower parking area could be pervious surface to minimize the use of asphalt and to mitigate storm water from the paved driveway. Mr. Clark was amenable to the suggestion and would consult with his client. .

*Will require a Special Permit from ZBA; a landscape plan will be provided.
The Conservation hearing was continued to March 18, 2009.*

282 Stage Island Road, John/Pamela Farrell, SE 10-2512: The hearing was re-opened for an NOI for the proposed removal of existing dwelling, proposed construction of new dwelling with connection to existing septic system; proposed grading and landscaping and proposed construction of elevated timber steps at 282 Stage Island Rd. No one was present to represent the applicant. Ms Andres stated that the proposal was approved by the Zoning Board of Appeals (ZBA); however the proposed stairway and kayak rack were not included in the ZBA application. **The Commission agreed to close the hearing. The stairway and kayak rack would not be permitted at this time. It**

was noted that should the applicant propose to permit these structures in the future, the Order of Conditions could be amended, providing it does not expire.

Strong Island, Jay Cashman-applicant, Chatham Conservation Foundation Inc-owner, SE 10-2516: The hearing was re-opened for an NOI for the proposed house renovations including reconstruction of existing dwelling, addition of second story and deck; proposed cleanup of waste area; proposed improvement of existing access across beach; proposed meadow restoration at east end of island and proposed trail maintenance activities at Strong Island. No one was present to represent the applicant; in light of the need for an on-site visit to the Island in warmer weather, and receipt of a request for continuance from the applicant, **the hearing was continued to April 1, 2009.**

Strong Island, Jay Cashman-applicant, Chatham Conservation Foundation-owner, SE 10-2519: The hearing was re-opened for an NOI for the proposed seasonal pier construction at Strong Island. No one was present to represent the applicant. The Commission has asked for a zoning determination from the Zoning Officer. In light of the need for an on-site visit when the weather is warmer and receipt of a request for continuance from the applicant, **the hearing was continued to April 1, 2009.**

64 Far End Lane, Rogers-Koch, SE 10-: The Zoning Board of Appeals (ZBA) had requested comment. Commissioner Johnson was recused from the discussion on the comment letter. The Chair read the following drafted comment letter.

The Commission has reviewed the Ryder & Wilcox plan dated December 9, 2008 revised January 13, 2009 for the proposed elevation and slight re-location of an existing boathouse at the above address. Also proposed is the raising of the vehicle access way to the property to elevation 7.5 ft and beach nourishment seaward of the boathouse.

All proposed work is within the Coastal Flood Zone, elevation 11.0 ft, and within the 50-ft No-Disturb Zone (NDZ) to a salt marsh. The project area itself is already disturbed, essentially devoid of vegetation and at times of astronomical high tides, floods to an elevation of 6.5 ft. To avoid this periodic flooding of the boathouse, the applicant proposes to raise it on a system of twelve (12) piles to elevation 10.0 ft and to re-locate it slightly landward of its current footprint. The impervious, existing concrete slab and ramps will be removed and replaced with a wooden platform and seasonal ramps. The Commission finds the boathouse portion of the project to be a great improvement over existing conditions.

However, the Commission does have concerns about the extent of filling proposed by the applicant, not in the access driveway, but in close proximity to the salt marsh. Placing 2-1/2 ft of fill adjacent to a salt marsh can act as a barrier to the landward migration of the marsh and must be avoided (CWP 2.10 (1)). The Commission has asked the applicant to consider shifting the boathouse, or at least its parking area, farther to the east where there is already high ground, thus minimizing the need to fill near the salt marsh.

The Commission believes that this project can be conditioned to minimize adverse impact to the salt marsh and its adjacent flood plain

150 Stage Island Road, DMD Properties, SE 10-: The ZBA had requested comment. The Chair read the following drafted comments.

The Commission is reviewing the Clark Engineering LLC plan dated August 15, 2007 revised December 4, 23008 for the proposed construction of a 1500 sq ft dwelling and deck, a Title V sewage disposal system and a 829 sq ft driveway at the above address.

The property is impacted by the following resource areas:

- * Coastal bank
- * Coastal Flood Zone, elevation 9.0 ft
- * Isolated Wetland
- * Overlapping No-Disturb Zones (NDZ) for each resource area
- * Salt Marsh area fronting Stage Harbor

An additional siting constraint is the existing driveway and parking area along the northerly property line to which residents of Morris Island have deeded access.

The original plan submitted to the Commission showed a new driveway starting immediately south of the existing driveway entrance on Stage Island Road and proceeding parallel to Stage Island Road to a dog-leg turnaround at the west side of the proposed dwelling, passing through the NDZ to the isolated wetland. This is currently a heavily vegetated, undisturbed area on a steep slope providing a natural filter and moderator for storm run-off entering the wetland.

At the Commission's suggestion, the vehicle access to the proposed dwelling has been moved to the west side of the house where the only disturbance will be outside the NDZ to the wetland. This relocation not only removes a third side-by-side curb cut on Stage Island Road, but it makes use of the

existing, permanent access to the property, minimizing new disturbance to vegetated areas and provides for a garage-under without increasing the building footprint.

While the Commission continues to work with the applicant on required mitigation for substantial alteration of several NDZ's, it supports this change in the driveway location.

Mitigation Guidelines: It was moved, seconded and voted to approve the revised draft Mitigation Guidelines –Policy #04-101.

60 Squanto Drive, Daggett: It was moved, seconded and voted to approve the tree removal at 60 Squanto Drive under an Administrative Review. A photograph of the tree in question was circulated.

Pcl 18 Cedar Street, Sara Whiteley, SE 10- 2398: The Commission reviewed a revised site plan (Eldredge Surveying & Engineering plan dated October 16, 2007 revised January 26, 2009) showing the proposed dwelling moved closer to the street. This move will result in a reduction of 300 sq ft within the outer AURA to the BVW. There will be some increase in grading in the outer AURA but within same limit of work. The mitigation will remain the same.

The Commission agreed to accept an “as built” plan for the proposed changes.

325 Fox Hill Road, Eastward Ho! Country Club: In a letter dated February 3, 2009, William Riley, Esquire asked for a cap on local filing fees for an upcoming shorefront protection proposal at 325 Fox Hill Road.

After some discussion the Commission agreed that since the project seemed extensive and it may be necessitate consulting fees, therefore it may be more reasonable to have the applicants pay for a consultant rather than press for the fees. Commissioner Geiger asked the Agent to find out if other towns have caps on local fees.

The discussion was postponed to the work session on February 11, 2009.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 8:55 PM.

Respectfully submitted,
Mary Fougere, Secretary