

A quorum was present. Those in attendance included Vice Chairman Jay Putnam, Carol Scott, Eric Hilbert, Richard Woodward, Nat Mason, Associate Members Billie Bates, Joseph Manteiga and Ira Seldin, Conservation Agent Kristin Andres and Secretary Mary Fougere. Those people not present were Commissioners Paul Chamberlin and Corinne Johnson.

Linnell Lane: Stan Humphries of LEC Environmental and William Riley, Esquire were present representing Linnell Lane property owners Kindlers and Doyles in their quest for an Emergency Certification for erosion control. Commissioner Eric Hilbert was recused from the discussion. Mr. Riley had provided the Commission with current photographs of the site and a Request for Emergency work, dated February 5, 2008.

Mr. Humphries reviewed the history of the site, noting that there is an Order of Conditions in place for the renourishment of the barrier beach. The state and federal permits for the project are not ready yet. In the meantime, storms have lowered the level of the barrier beach, sand is washing into the marsh and the roadway (Linnell Lane) is flooded on occasion. A letter dated February 6, 2008 from Kevin McDonald, Director of Community Development, communicated that the periodic flooding of Linnell Lane poses an imminent threat to public health and safety. The Emergency Request is comprised of two parts and the proposed work would start as soon as possible:

- The installation of a helical anchored, sand-filled coconut fiber roll along 250 linear feet of barrier beach, which would remain in place until the dune restoration project permits are in place
- The installation of a temporary 800+ linear feet of sand filled coconut fiber roll along the seaward side of Linnell Lane. The fiber rolls would remain in place until the roadway can be elevated and re-located. Currently, the zoning bylaw is undergoing a re-write process and the applicants were hopeful that there will be provisions passed at town meeting that will allow property owners to raise roadways out of the flood plain for better access.

Mr. Riley stated that the Kindlers and the Doyles felt that without prompt action, their dwellings were at risk. He noted that the Kindlers would post a bond for the removal of the sand-filled fiber roll should it prove to be a failure. Commissioner Putnam stated Mr. McDonald, in his letter, is not ordering a specific action to protect the homes; under the Chatham Wetlands Protection Bylaw, as he interpreted it, Emergency Certifications should not be issued unless the governing body directs applicants to conduct specific work to protect property. Although Mr. McDonald acknowledged a potential threat to property, he did not direct any repair.

The Commission was reluctant to allow additional work on the barrier beach since there has been no review by NHESP and DEP. Mr. Riley stated that under the DEP regulations, the applicants can bypass the local Conservation Commission and apply for an Emergency Permit directly to DEP. Therefore, he suggested that the Commission only consider the roadway repairs under the Emergency Request; he withdrew the proposal for barrier beach enhancement.

Discussion ensued regarding the installation of the sand-filled fiber roll along the roadway of Linnell Lane. Since the new break in North Beach, the flood waters have been lapping at Linnell Lane more frequently. The goal of the repair under the Emergency Certification is to maintain the top of the berm to elevation to 7.0. The sand berm will rise as it goes to the Doyle property and will follow the existing topography. Retreating waters from wave and flooding action over the berm will be drained by pipes with one-way flow valves.

From the audience, David Lyttle of Ryder & Wilcox expressed concern with the anchoring system and the integrity of the design and Mrs. Mottur questioned the time frame and procedure for removal, should the fiber roll system fail. Mr. Lyttle has been working with abutters to the Kindlers and Doyles and has had a chance to review the proposal. Commissioner Woodward felt that the large holes in the coir roll would not hold the large amount of sand being proposed ; thereby endangering the marsh. Commissioner Putnam questioned whether the flow velocity from the backwash pipes would erode the existing, well vegetated bank.

It was moved and seconded for approval of the Emergency Request. Commissioners Scott and Mason voted for approval, Commissioners Putnam and Woodward voted against the proposal. The motion failed, with a vote 2-2.

The following proposals were continued as follows:

62 Briggs Way, Mary Anselmo: Continued to Feb 20, 2008

72(Lot 85) SeaMist Lane, BBW, LLC: Continued to February 20, 2008

80 Bridge Street, Stage Harbor Marine, Andrew Meincke: Continued to March 5, 2008

Stage Harbor Channel/Hardings Beach, SE 10-2405: The hearing was opened for a Notice of Intent (NOI) for the proposed maintenance dredging from entrance to Stage Harbor at Stage Harbor Channel/Hardings Beach. Coastal Resources Director, Ted Keon, re-presented the Town of Chatham. Stage Harbor is a previously and actively dredged area; the Town of Chatham is seeking to re-permit the continued maintenance dredging of the Federal navigation project at Stage Harbor. The project will enable continued maintenance dredging by the US Army Corps of Engineers (USACOE) of up to 150,000 cu yds of clean sand from the entrance of Stage Harbor Channel. This application is seeking approval for dredging by the Corps' hopper dredge Currituck with sub-aqueous disposal in the previously utilized disposal site offshore at Hardings Beach. The Currituck is expected to dredge in the Spring of 2008 and the work will take approximately 1-2 weeks. A larger, more comprehensive permitting package is being developed for future maintenance dredging utilizing various dredging methods with options for both beach nourishment and sub-aqueous disposal.

In accordance with the DEP requirements for dredging, information has been provided to the Commission to address Historic dredging, Spill data, proposed dredging and disposal methods and Aquatic Resources/Estimated & Priority Habitats.

In his presentation Mr. Keon addressed concerns expressed in the following letters:

- Division of Fisheries & Wildlife (NHESP), dated January 28, 2008- The proposal will not adversely affect the actual Resource Area Habitat under the WPA and will not result in a prohibited “take” of state listed rare species under MESA.
- South Coastal Harbor Plan Committee, dated February 5, 2008- wrote in support of the project
- Division of Marine Fisheries, dated January 30, 2008 –In their letter, expressed concerns regarding shellfish habitat, horseshoe crab spawning and proximity to mapped eelgrass beds.
- Chatham Shellfish Department, dated February 6, 2008-wrote in support of the proposal and explained that the area is not an area of horseshoe crab spawning
- Department of the Army, dated February 6, 2008-agreed with Chatham Shellfish Constable that horseshoe crab spawning areas are not located on the project site and wrote in support of the proposal, noting,that there is no presence of eelgrass

From the audience, Thomas King, Commodore of the Stage Harbor Yacht Club, spoke in favor of the project.

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

27 Stage Neck Road & Battlefield Road, Edward Hibben-applicant, Julia/Edward Hibben-owners, SE 10-2407: The hearing was opened for an NOI for the proposed construction of a gravel driveway at 27 Stage Neck Road & Battlefield Road. David Lyttle of Ryder and Wilcox Inc and William Riley, Esquire represented the applicant; Mr. Lyttle returned the abutter notification cards. He stated that the proposed work will be conducted on two parcels of land, one owned by Julia Hibben and the other owned by Edward Hibben. The lot lines were established over fifty years ago and Mrs. Hibben will grant an easement over her lot to her son to construct the driveway.

Due to the topography of the lot, it will be difficult to build a dwelling closer to the roadway. During construction of the driveway to the west of the wetland, it will be necessary to remove approximately nine significant trees. One 18-inch significant oak will be saved located immediately west of the wetland. The Commission noted that the large wetland had a clear bank around it and was very well defined. There was a smaller, isolated wetland further on the lot that appeared to have standing water in it and may be a vernal pool. There is a 100-ft No-Disturb zone to a vernal pool under the local bylaw and therefore the applicant would have to seek a variance and provide alternatives analysis or rebut the presumption that the isolated vegetated wetland is a vernal pool.

Mr. Lyttle would further investigate the location of the isolated wetland and conduct soil and vegetation surveys if necessary to establish the limits of the isolated wetland. **The hearing was continued to February 20, 2008.**

16 Cranberry Lane, William/ Joanne Crane-applicants, Cranberry Lane Nominee Trust-owner, SE 10-2406: The hearing was opened for an NOI for the proposed removal of existing garage & breezeway; proposed construction of addition and renovations; proposed installation of new septic system and abandonment of old system; and proposed construction of new driveway and abandonment of existing driveway at 16 Cranberry Lane. David Lyttle of Ryder & Wilcox Inc and William Riley, Esquire represented the applicant; Mr. Lyttle returned the abutter notification cards. There is an overgrown bog on the west side of Cranberry Lane and a wetland to the north of the property. A common driveway lies between the wetland to the north and most of the proposed work. The new septic system will be constructed using Innovative/Alternative technology, the entire septic system is over 100-ft from the wetlands to the west and to the north.

A large portion of the addition and the new driveway are in the outer AURA to the overgrown bog. The new construction will occur in already cleared Cape Cod lawn area; the new driveway surface will have a pervious surface; the old driveway impervious surface will be removed. A large oak tree north of the new driveway will remain. Mrs. Crane verified that additional trees had been removed after a storm in December 2006.

From the audience, builder Joseph Lanza confirmed that there will be some demolition involved. The storm water run-off from the new driveway will be directed off to one side of the owner's property; the Commission expressed some concern that storm waters will run into Cranberry Lane as well due to the slope of the new drive.

Joyce Williams will be designing a landscape plan to be submitted before closing the hearing. Abutter Kevin Driscoll wrote in favor of the proposal in an email dated January 31, 2008.

The proposal is scheduled on the ZBA agenda for March 6, 2008; **the Conservation hearing was continued the March 19, 2008.**

338 Bridge Street, James/ Mary Cooper-applicants, Mary L Cooper Trust of 2000-owner: The hearing was opened for an NOI for the proposed construction of an addition and proposed relocation of a portion of an existing driveway at 338 Bridge Street. David Lyttle of Ryder & Wilcox Inc represented the applicant and returned the abutter notification cards. The demolition of the existing deck and removal of the paved driveway on the east side of the dwelling are outside the jurisdiction of the Commission.

The new deck in the rear of the dwelling and the new driveway are located in the outer AURA to the 100-yr flood zone; the 50-ft and 100-ft delineations from the flood zone are shown on the plan. Existing fencing in the backyard marks the garden area; the applicant stated that all of the vegetation that had been planted as mitigation for a violation in October 2006 will need to be replanted. Much of the newly planted vegetation has been eaten by deer.

From the audience, abutter Anna Campanelli objected to the location of the existing driveway, stating that it is shown on the plan as being over the lot line.

Abutter Glen Shealey wrote in support of the proposal, in an email dated February 6, 2008. The proposal will require a Special Permit from ZBA. Commissioner Eric Hilbert was recused from the hearing; **the Conservation hearing was continued to May 7, 2008.**

Sears Rd to 212 Sears Rd, Keyspan Energy Delivery, SE 10-: The hearing was opened for an NOI for the proposed installation of 2-inch gas main along edge of existing paved roadway and proposed installation of 1-inch gas service to #212 Sears Road. Brad Malo of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. The proposal involves the installation of 1400 linear feet of gas main along the existing paved roadway. The paved roadway marks the location of the coastal bank along most of the project location.

On the westerly side of the roadway there is a wetland. At the closest point of the wetland to the roadway, the installation of the gas main will occur across the street(easterly, near driveway to house #155)) to avoid an existing water main. There are no proposed grade changes and all disturbed areas will be restored to original status once the project is completed. The hay bales will be removed as the project goes along and will not remain in place longer than necessary.

Although not specifically proposed in the application, Mr. Malo questioned whether the Commission would include the installation of the gas service to the house #212; the details of the installation are shown on the plan as well.

The applicant was not requesting confirmation of the resource areas delinations.

The hearing was continued to February 13, 2008 for receipt of a file number from DEP.

10 Sedge Lane, Hill & Dale Nominee Trust, Sandra Glass-owner; Scott Glass-applicant, SE 10-2408: The hearing was opened for an NOI for the proposed shorefront mitigation with mitigation at 10 Sedge Lane. Mark Burgess of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. The applicant has a piece of shorefront property that is eroding and he would like to stop the erosion. The dwelling is more than 100-ft from the top of the bank and the property is sandwiched between a property with an existing, steeper revetment to the west and a Conservation Foundation property with a boathouse and wooden ramp to the east.

This project involves the stabilization of the base of a coastal bank in order to protect property and a dwelling constructed in 1962; the site is within the Pleasant Bay ACEC. Fiber rolls had been permitted along the base of this bank in 1998. The top of the bank is an unstable, retreating vertical escarpment. The storm in 2007 removed all the beach sediment, leaving a "cobble" beach, and eroded the bank, completely removing any vegetation. The existing fiber roll installation is sporadic at best, is in a state of disrepair and no longer serves to protect the bank in any way. Mr. Burgess felt that this unstable condition will continue, provided the base of the

bank remains without protection. The intent of this project is to protect the base of the bank from erosion caused by episodic storm events, plant the bank and implement an annual nourishment program to maintain the beach profiles. The existing spartina plantings located above mean high water will be increased in an attempt to further stabilize the nourished profile.

The proposed project involves a combination of a rock revetment for slope stabilization and fiber rolls for protection against overtopping during storms. The rock revetment is proposed to be constructed up to the height of the flood elevation (12 NGVD). The sand cover is proposed to be placed annually.

Mr. Burgess reviewed the Alternatives Analysis, submitted with the application. **The Commission continued the hearing until February 20, 2008 for receipt of a narrative and time line reflecting the following information:**

- **Rate of erosion on the site**
- **Receipt of permission from the abutters to perform work on their properties**
- **Additional information including a plan from SE 10-1382, reflecting dates of fiber roll installation**
- **Time line reflecting maintenance of the fiber rolls**

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 applicants. During the last hearing, the Commissioners received revised site plans showing the change from overhead utilities to underground. The Commissioners have re-visited the site since the last hearing.

Mr. Clark did not anticipate draw-down problems with the level of the pond when the well is operational. Additionally, he will provide the Commission with revised plans showing the removal of the utility pole from the site.

Commissioner Scott noted that she was not present at the January 16, 2008 meeting; **it was moved, seconded and voted to close the hearing with the understanding that Mr. Clark will provide revised plans for the file.**

24 Windmill Terrace, Jeffrey Chandler/Hayne Chandler, SE 10-2279: The hearing was re-opened for an NOI after re-advertising for the proposed expansion of a dwelling via the demolition of an existing dwelling and proposed construction of a new dwelling at 24 Windmill Terrace. Steven Haas of Eagle Surveying Inc and David Handren of Handren Brothers Builders represented the applicant ; Mr. Haas returned the abutter notification cards. The revised plans show the following:

- The limit of work has been pulled closer to the dwelling. The demolition of the existing solid patio and the construction of the new patio will still e possible within the reduced limit of work.

- Drywells have been eliminated from the proposal to control roof run-off. "Conservation Notes" #3 on the plan directs the use of splash blocks at the base of the downspouts

In response to questions regarding the location of the wall around the septic leaching system, Mr. Haas verified that the septic system is installed and the vinyl barrier is in place. The retaining wall is outside the septic system; the wall is located approximately 6-ft off the edge of the right of way. It appears in the field that the pavement for the street actually encroaches on the applicant's property.

The Zoning Board approved the proposal on December 6, 2007;**it was moved, seconded and voted to close the Conservation hearing.**

10,14 & 16 Love Lane, Forest Beach Realty Trust c/o Bruce Bogardus, SE 10-2389: The hearing was re-opened for an NOI for the proposed removal of three existing buildings and proposed construction of 1-three family dwelling; proposed installation of new septic system at 10, 14 & 16 Love Lane. No one was present to represent the applicant. It was noted that the proposal will require a Special Permit from ZBA and that the proposal is not scheduled on ZBA agenda to date. **The Commission continued the hearing until April 2, 2008.**

101 Seapine Road, Mary Pelletier, SE 10-2377: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling and proposed re-construction of a new dwelling and utilities at 101 Seapine Road. David Hawk of Hawk Designs and Peter Polhemus of Polhemus Savery DaSilva represented the applicant. The plan of reference for this hearing is a Hawk Design plan dated November 28, 2008.

The Commission had requested additional information from the previous hearing including:

- The location of the wood burning fire pit is close to habitat areas and has been moved further westward towards the dwelling
- Although calculations comparing the amount of hardscape and permanent disturbance in the inner and outer AURA's have been provided, the Commissioners requested that the information be provided in a better format
- Leylandi Cypress has been removed from the proposal
- The area on the southern property line where perennial clump grasses are proposed should not be cut annually; the Commission would like more woody, native shrubs to be used in this area and have the area naturalize

The proposal was approved by the ZBA on January 10, 2008; **the Commission continued the hearing to February 13, 2008.**

306 Bridge Street, Margaret Gibson, SE 10-2383: The hearing was re-opened for an NOI for the proposed construction of a guesthouse at 306 Bridge Street. David Clark of Clark Engineering LLC represented the applicant and reviewed the revised site plan. The applicant had provided a landscape sketch on January 16, 2008. Mr. Clark stated that the guest house has

been moved more landward from the flood plain AURA, however the Commission noted that the guest house is somewhat larger than the previous design and the driveway is larger. The driveway on the revised site plan is larger with a different configuration than the previous plan

It appeared that the landscape sketch did not accurately reflect the revised site plan. The area of undisturbed woods between the street and the new house was not accurately reflected, although Mr. Clark stated that the applicant had no plans for fertilized, irrigated lawn areas and would like to allow proposed plantings between the guesthouse and the street to naturalize.

After some discussion, it was moved, seconded and voted to close the hearing.

Lot 7A Uncle Albert's Drive Extension, John Schumacher, SE 10-2396: The hearing was reopened for an NOI for the proposed demolition of an existing dwelling and proposed construction of a new dwelling at Lot 7A Uncle Albert's Drive Extension. David Clark of Clark Engineering LLC and David Hawk of Hawk Design Inc represented the applicant. The revised site plan now reflects the location of the proposed pool and the Hawk landscape plan now reflects the 50 ft and 100-ft delineations from the BVW and the 200-ft delineation from the Riverfront. Additionally, the driveway has been re-configured so that the turn-around area is now inside the 100-ft AURA to the BVW. The limit of work has been increased to reflect the changes in the driveway.

Mr. Hawk stated that the applicant is removing a substantial amount of lawn area; a total of 1190 sq ft of hardscape has been added. Mitigation plantings have been proposed for 2922 sq ft of area.

The pool will be non-chlorinated and is proposed in existing lawn area. The pool enclosure fence will conform to state and local height requirements and is proposed around the immediate pool area and apron. The fence extends into the Riverfront area, as shown on the Hawk Design plan.

The Commission continued the hearing to February 13, 2008 for receipt of the calculations of permanent disturbance and proposed mitigation within the 0-50 setback to the BVW and the 50-100 ft setbacks to the BVW

83 Holway Street, 83 Holway Street Nominee Trust, William Litchfield, Trustee, SE 10-2346: The hearing was opened for an NOI for the proposed construction of additions to a single family dwelling at 83 Holway Street. David Clark of Clark Engineering LLC represented the applicant. He stated that the project has been downsized since the last meeting; the applicant is seeking approval for a second story deck only, no additions to the dwelling are proposed; therefore there is no requirement for the Zoning Board to review the proposal.

The applicant will install supplemental plantings from the recommended plant list. **It was moved, seconded and voted to close the hearing.**

Approval of Minutes: The minutes of January 2, 2008 and January 23, 2008 were approved as amended at the table.

73 White Pond Road, : The homeowner would like to remove two trees and the branch of another tree for view enhancement. Photographs of the trees were circulated at the table for review. The Commission approved the project under an Administrative Review.

25 Linnell Lane, McAdams: The applicant would like to put a large stepping stone at the end of the existing catwalk to provide better access to the road at 25 Linnell Lane. The Commission agreed that the placement of the rock was permissible under an Administrative Review, as long as there was no excavation into the bank.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 10:15 PM.

**Respectfully submitted,
Mary Fougere, Secretary**