

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

**31 Westward Ho Drive, Charles U Daly:** The hearing was re-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. Contractor Bob Liska and Mrs. Daly were present to review the site plan submitted after the last hearing. The site plan included

- \* The wetlands jurisdictional lines
- \* The size and location of the additions previously permitted by the Commission under an RDA
- \* The dimensions of the proposed patio and retaining wall
- \* Photographs of the existing site were submitted at the table

The Commission noted that under SE 10-1964, the applicant had submitted a mitigation planting plan that has not been completed to date. Several Commissioners were adamant that additional mitigation plantings would be required for this new proposal, even though it was filed under an RDA. Special Conditions requiring mitigation would be written into an Order under a Notice of Intent. The Commission questioned the applicant on her willingness to add plantings in a 1:1 ratio, of adequate size and density, along the top of the coastal bank and make the new planting area contiguous with the area already designated for plantings under SE 10-1964. The applicant agreed to this condition.

**It was moved, seconded and voted for a Negative Determination with the conditions that the applicant complete mitigation plantings as described above and complete the planting under SE 10-1964 by May 31, 2009.**

**Enforcement Order re: 69 Morris Island Road. Clark, SE 10-2308 & SE 10-1937:** Greg Clark was present in response to an Enforcement Order issued in 2008 for non-compliance and requiring additional mitigation plantings at 69 Morris Island Road. Mr. Clark had completed the demolition and reconstruction of a dwelling with hard-scape under SE 10-1937 and the Amended SE 10-1937.

Under SE 10-2308, a portion of the permitted work involved the removal of dense vegetation serving as wildlife habitat and habitat corridor to the wetlands across Morris Island Road. Ms Andres had spoken with the contractor and viewed the plantings in Spring 2008. Subsequent to the meeting with the contractor, Ms Andres emailed the applicant informing him that the density of plant material was inadequate and that the Commission expected a more substantial planting to replace the habitat lost in the removal of invasives and cedars. Subsequently, the Commission issued an Enforcement Order in November 2008.

Mr. Clark said he disagreed with the Agent's assessment of the plantings; he felt that he had followed the landscape plan approved by the Commission and complied with the requirements of the Order.

Discussion ensued regarding the adequacy of the plantings. Ms Andres circulated photographs of the area and several Commissioners have viewed the site over the last several months. The Commissioners expressed their disappointment that the thicket had not been restored as expected in a timely fashion and as had been discussed during the hearing process and again as directed in the Enforcement Order.

**The Commission agreed that the planting density is inadequate; the area along Morris Island Road needs to be planted as soon as possible to restore the wildlife habitat, the area must then be allowed to naturalize in perpetuity. It was moved, seconded and voted to renew the Enforcement Order, extending the planting deadline to May 31, 2009. Commissioner John Geiger abstained from the vote.**

**23 Oyster Pond Lane:** William Riley, Esquire was present with contractor Paul Dole to discuss the Stop Work Order issued by Ms Andres when it was discovered that the existing boathouse at 23 Oyster Pond Lane had been re-built. Ms Andres circulated photographs of the area where boathouse restoration had been completed without benefit of a valid wetlands permit or a building permit.

Mr. Dole addressed the project stating that the original work was to have been minor repairs to some rotting boards and shingles. Once the work was started, it became apparent that most of the structure was in poor condition. Mr. Dole continued to replace and repair the boathouse on what he asserted was the existing footprint. There was minor excavation in order to replace an existing, rotting retaining wall along one side of the boathouse. Mr Dole said the slope of the bank was right up against the walls. Mr. Dole stated that a site plan from Coastal Engineering Company, Inc did not accurately depict the size of the pre-existing boathouse. He re-iterated that he had replaced much of the existing boathouse following the footprint of the existing structure. The existing structure is supported on cinder blocks; the building department will require support structure that will meet the current building code; to fulfill this requirement, the installation of helical piles will likely be proposed which would create less disturbance to the marsh area.

The Chair noted that the boathouse is in a wetland resource area and the work will require the filing of a Notice of Intent. Additionally, the applicant will file a building permit this week. The Zoning Officer will review the building permit to determine if the proposal will have to be heard by the Zoning Board of Appeals. Mr. Riley acknowledged that it may be necessary to remove some of the new flooring to verify the existing footprint.

The applicant will file a Notice of Intent in time for the March 4, 2009 hearing date and a building permit application will be submitted as soon as possible. The Commissioners found it un-necessary to impose a fine since the applicant has been responsive in a timely fashion.

**North Beach/Coppedge Fuller:** William Riley, Esquire was present to update the Commission on the status of the Coppedge/Fuller camp after the Emergency Certification was issued to re-locate the camp to the Hammatt property. He stated that a Notice of Intent will be filed by February 17 for the March 4, 2009 hearing date, as required by the Emergency Certification The Commission found this acceptable.

**59 Barcliff Avenue, Borkoski, SE 10-2385:** It was moved, seconded and voted to approve the partial site plan (prepared by Clark Engineering LLC), colorized to show areas of work. **Additional Special Conditions were written.**

**282 Stage Island Rd, Farrell, SE 10-2512:** It was moved, seconded and voted to approve the Ryder & Wilcox plan dated November 11, 2008 revised January 27, 2009 for the demolition and reconstruction of a dwelling at 282 Stage Island Road. **An Order of Conditions was written.**

**Approval of Minutes:** The minutes of January 21, 2009 and January 28, 2009 were approved as amended at the table. The minutes of January 26, 2009 were approved as written.

**Filing Fees:** Ms Andres addressed the possibility of imposing a cap on local filing fees in response to a request from Attorney Riley. Currently, the state filing fees are based on the size of a project, with a cap of \$2000.00. Town filing fees are relatively half of the state fee schedule; however, there is no cap on local filing fees. The Commission agreed that a public hearing on the local regulations would be necessary to incorporate a cap on the local fee schedule. Ms Andres has contacted other towns and found that none of the area towns had caps.

Bill Riley said that Eastward Ho! Country Club will be submitting a Notice of Intent for proposed work along a substantial amount of their shoreline. Commissioner Carol Scott identified herself as a member of the club. The state filing fee will be capped at 2000.00 for this project; since the project fee will be based on linear feet, the local fee could be several thousand dollars.

**It was moved and seconded to cap the local fee for this project at \$1000.00. After some discussion, Commissioners Scott and Johnson voted in favor of the motion; Commissioners Chamberlin, Putnam, Waters and Geiger were opposed. The motion did not carry.**

**It was moved and seconded to accept \$2000.00 as the local fee for the project. The vote was unanimous to approve the motion.**

**Zoning By-law Re-write: Commissioner Geiger commented that the Planning Board recently discussed a proposed amendment to the Zoning Bylaw for this town meeting that would exempt municipal projects from dimensional requirements. Ms Andres stated that there are several parcels of land recently purchased with Land Bank funds that could benefit from this zoning relief in order to provide public access on McCoy Tree Farm, Valley Farm acreage and Sylvan gardens. Parking areas are needed. Since currently, sideline and frontage setbacks must be observed for parking areas to be created, the parking areas would be located quite far into the individual parcels.**

Currently these projects would require the ZBA to grant a variance, however it would be difficult to prove hardship for creation of access under a variance request.

**Adjournment: It was moved, seconded and voted to adjourn the meeting at 5:50 PM.**

Respectfully submitted,  
Mary Fougere, Secretary