

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

The following hearings were continued as follows:

10 Sedge Lane, Hill & Dale Nominee Trust, Sandra Glass-owner; Scott Glass-applicant, SE 10-2408: Continued to March 5, 2008

79 Barcliff Avenue, Minglewood Homes-applicant, John/Elizabeth Gardner-owners, SE 10-2384: Continued to March 5, 2008

Pcls M3 & M2 Hardings Beach Road, Kenneth Mulvaney-applicant, Heirs of Charlotte Mulvaney-owner, SE 10-2400: Continued to March 5, 2008

72(Lot 85) SeaMist Lane, BBW, LLC, E 10-2409: Continued to March 5, 2008

62 Briggs Way, Mary Anselmo: The hearing was re-opened for a Request for Determination of Applicability (RDA) for the proposed demolition of existing dwelling and proposed construction of new dwelling with Associated landscaping at 62 Briggs Way. Rob Calderaro of Gregory Lombardi Designs represented the applicant and returned the abutter notification cards. He stated that the existing dwelling on the northern side of the lot will be demolished and a new dwelling will be constructed. The entire new dwelling will be outside the 100-ft setback to the top of the coastal bank. The new elements being proposed within the 100-ft setback are native plantings and limited dry-laid hardscape. The lot slopes steeply in some places down to a revetted coastal bank.

The existing lawn area totals 5372 Sq ft, of which 4466 sq ft will remain. When the landscaping is completed there will be a net reduction in fertilized lawn area of 906 sq ft. New landscape and hardscape within the 100-ft setback to the coastal bank will consist of 200-sq ft of hardscape and 600-sq ft of plantings.

Currently the lawn area is mowed aggressively right to the edge of the top of bank/slope. The Commission would like to see a vegetated buffer at the top of the bank and asked if the client would be consider less mowing in the 50-ft No-Disturb Zone(NDZ)

Mr Calderaro felt that the applicant would be amenable to a meadow-like area within the NDZ but would like to retain some of the landscaped areas under SE 10-2165 that is, the native vegetation restoration area below the top of the SLOPE

It was moved, seconded and voted for a Negative Determination.

83 Holway Street, Charles & Maribeth Kane-owners, John Cullinane-applicant, SE 10-2231: AND 81 Holway Street, John L Whelan, SE 10-2230: The hearings were opened for proposed requests to Amend existing Orders of Conditions under SE 10-2230 and SE 2231 to include proposed repairs to an existing rock revetment at 83 and 81 Holway Street. Roy Okurowski of Coastal Engineering Company Inc represented the applicants and returned the abutter notification cards. The application for this project included current photographs of the project site. The project proposes the permanent repair and shoring of a pre-existing rock and cable concrete revetment.

Mr Okurowski stated that the existing revetment that was modified under the Order of Conditions issued June 28, 2006 is losing sediment from changes to offshore bathymetry, affecting the sub-base materials below the rocks on the lower portion of the structure. As a result, there has been some movement causing displacement of the armor stone and subsequent settlement of the cable concrete mats. Two years ago the revetment and the toe of the revetment collapsed, the concrete cable system was installed to stabilize the top of the slope and keep the top of the bank from collapsing. The fabric is also deteriorating and is gone from the bottom of the revetment and sand is leaking out, although the erosion seemed to stabilize for a period of time. Mr Okurowski feels that the submarine coastal face is being undermined by the encroachment of the channel due to coastal process. Repair at this time is required to maintain the existing revetment and to extend the useful life of the structure. The proposed work would involve installation of steel sheeting just below the cable concrete mats, as shown in the photographs. The sheets will act as a cutoff wall to minimize potential loss under the existing mats. The sheeting will also act as an armored bulkhead if additional erosion continues to occur in the channel. The physical appearance of the revetment will not change from its current appearance, as the sheets will be driven in to below grade. It was noted that the steel sheets are approximately 60-ft long and are installed using a hydraulic hammer mounted on a crane. The plans show that the steel will go from a height of +10 to a depth of -30.

The Chairman stated that he has seen this type of construction in two areas of town, one on Billings Road and one on Quasson Road, at the end of Main Street. The Quasson Road installation of sheet piles resulted in a large portion of the bank on the northern, seaward side of the steel breaking off and washing away. Mr Okurowski did not feel that in this situation that would occur because this project is designed for a 15-ft reveal of the bulkhead and rock would be brought in at that point and placed in front of the bulkhead.

A feasibility study and an alternatives analysis was developed and considered prior to the submission of this filing. Mr Okurowski considers the installation of the steel sheeting to be the best solution to stabilize the bank and assure that the houses and the bank will remain in place. Doing nothing or to simply pick the mats up and have a contractor re-set them and fill under them would keep current revetment in its current state but the erosion underneath would still occur. A more standard approach would involve building the

rock revetment down to the toe of the channel—this would involve millions of dollars and the permitting is quite difficult and lengthy.

Installing additional concrete mats to the bottom of the revetment was also considered; since the rocks at the bottom of the revetment are still somewhat volatile, this would not solve the problem, and the permitting is difficult, expensive and the installation is cost prohibitive. Another possibility was grouting which involves the use of concrete injected into the revetment structure but this would be a messy process. Mr Okurowski will provide an alternatives analysis in writing, at the request of the Commission.

The Commission expressed concern that the scope of the project is beyond what was originally permitted, therefore should not be considered under an Amendment. Several members felt that this project is substantially different than what was considered in the original order and is essentially a new project. As such, it should be considered under a new Notice of Intent application where the application would be reviewed by the DEP. Mr Okurowski noted that he will submit the proposal to the coastal processes/marine department of DEP, the project is above Mean High Water. Attorney William Litchfield, representing the applicants, expressed that this project is the same as what was proposed originally. There has been a lot of changes in the channel and postponing the project application would serve no purpose since the experts feel that this proposal is the best available method to protect the dwellings.

In response to questions; Mr Okurowski stated that water pressure from rain infiltrate is a minor factor in the installation of vertical sheeting; there is no trans flow that has the potential or the drive to put pressure on the sheeting. The water would simply flow around.

Commissioner Hilbert questioned whether there are any on-going studies concerning the changes in the channel. Mr Okurowski noted that the channel has a finite depth due to gravity and flow. During his diving studies, there has actually been very little change to the stones that have fallen into the channel. There is concern on the part of the applicant that there would be additional damage to the revetment should channel flow and direction be substantially changed and/increased due to ongoing changes in North Beach. Commissioner Woodward questioned what the time frame would be should the applicant be required to file an NOI.

A comment letter from Robert Barsamian, undated, was read into the record. He questioned the need and the method proposed and expressed concern of potential impact to his revetment which abuts the project site on the south side.

It was moved, seconded and voted to deny the Amendment Request and to require a Notice of Intent filing.

11 Crest Circle, Mark/Jane Sherman, SE 10-: The hearing was opened for a Notice of Intent (NOI) for the proposed construction of a screened porch and outdoor stairway at 11 Crest Circle. David Lyttle of Ryder & Wilcox Inc represented the applicant and returned the abutter notification cards. As the plan shows, there is marsh and flood plain contour marking the top of the coastal bank within 22 ft of the proposed sun porch. Mr Lyttle acknowledged that there had been incremental, increased development of this property with the previous owner; the entire lot falls under the jurisdiction of the Commission. Mr Lyttle did not provide an alternatives analysis as required for projects within the 50-ft NDZ under the local regulations.

After a review of the proposal the Commission felt that a revised plan was necessary showing the following:

- * The existing patio and wall on the north side
- * The proposed limit of work seems extensive; the north east side of the existing house is a well-wooded area and it did not appear that the scope of the project would require such a large work area
- * Two to one mitigation must be provided for the proposed increased disturbance in the No-Disturb Zone (NDZ)

The hearing was continued to March 19, 2008.

325 Fox Hill Road, Chatham Yacht Club, c/o Bonnie Rosenthal, SE 10-2412: The hearing was opened for an NOI for the proposed maintenance of existing, permitted shorefront protection and scarp control at 325 Fox Hill Road. Carol Scott recused herself from the proceedings. Mark Burgess of Coastal Engineering LLC represented the applicant and returned the abutter notification cards. He stated that this project is the same as the project that was approved in 2002 under SE 10-1773. Primarily, this is a nourishment project and all the proposed work is above MHW and the AHT and is on the face of the scarped slope and coastal beach. .

The proposed work consists of:

- * Installation of one row of fiber rolls along approximately 60-ft of the base of the scarp
- * Filling the eroded areas fronting the scarp and the beach
- * Filling the eroded area behind the drift fence
- * Restoration of the boat ramp with hardening material, if required
- * Grading the fill to slope and taper to meet surrounding grades
- * Planting of beach grass and indigenous vegetation on the slope behind the drift fence

The existing boat ramp will be used for access to the project site and NHESP and the DEP have responded to the proposal. The fill will be brought in and spread by a small front end loader or tractor. A letter dated February 15, 2008 from the Division of Fisheries and Wildlife was read into the record.

The Commission expressed their concern that there was a lot of debris, including evergreen branches, logs, pipes etc piled along the rack line. Mr Burgess agreed that it would be removed.

Should maintenance need to be provided, an on-going condition would be desirable once the Order is closed out with a Certificate of Compliance.

From the audience, Roy Terwilliger confirmed that until Hurricane Noel hit, there was very little erosion. It is important to keep the beach in good condition for the young people who participate in the sailing programs during the summer.

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

25, 55 & 69 Linnell Lane & 116 Old Wharf Road, Robert/Pamela Kindler-applicants, Margeret McCarthy, Paul/Gayle McAdams, Richard/Nancy Doyle & Robert/Pamela Kindler-owners, SE 10-: The hearing was opened for an NOI for the proposed construction of earthen berm along 810 ft of the ocean-side, 810 ft of Linnell Lane. Sarah Turano-Flores, Esquire represented the applicants, the Kindlers and the Doyles. She stated that although Linnell Lane passes in front of the McAdams and the McCarthy's, they are not included as applicants. She stated that the project was being undertaken by her clients and that there is no intent to encumber the deed of properties not owned by her clients. Commissioner Eric Hilbert recused himself from the hearing. In a letter dated February 19, 2008, Kathleen Higgins, Esquire representing Margaret McCarthy, felt that the project should be modified into two separate proposals since any Order of Conditions for roadway work will encumber the properties along Linnell Lane. In a letter dated February 20, 2008, John Griffin Jr of Edwards Angell Palmer & Dodge, LLP verified that the McAdams were not applicants in this matter.

Photographs were circulated showing the salt marsh flooding at high tide. The water is now getting higher and there was no evidence of significant erosion on the eastern side of the roadway. The road layout extends from Old Wharf Rd up to the Doyle property. The layout is 33 ft wide up to the McAdams property and then narrows to 20-ft .

Approximately half of the road layout hangs over the marsh. The intention of the project is to remain in the road layout on the upland side of the coastal bank. Under the Zoning Bylaw, the roadway cannot be changed by adding fill in the flood plain. None of the work will be in the salt marsh. The width of the traveled way will not be narrowed and will be maintained. In response to a question from Nat Mason regarding the width of the existing roadway, Ms Flores stated that the roadway shifts within the road layout so that there is room between the roadway and the marsh to install the coir envelope and not affect the existing roadway width that is currently used.

A previous project involved dune and beach nourishment immediately seaward of an existing dwelling and the salt marsh. As depicted on the J M O'Reilly plans dated

February 1, 2008, the proposed area of fill will cover approximately a .86 acre area. The project requires a total of 6,000 cu yds of fill material that will supplement the existing coastal dune and beach. The proposed coir envelopes will be constructed on site and adjusted as needed. A narrative dated February 20, 2008 from Netco details the construction of the coir envelopes. After the coir rolls are installed, the material will be protected from UV light by planting. The contractor was present to answer questions concerning the installation of the coir envelopes and noted that this type of project has been tried on NAntucket and on First Encounter Beach in Eastham but only as toe reinforcement for a coastal bank. . Helical or duckbill anchors will be used on this site to anchor the coir instead of wooden posts.

Alternatives have been considered. Rebuilding the road in a more landward location is a more permanent solution, however the road would have to be moved outside the layout and this would require reconfiguration of the subdivision plan, agreement by all the abutters to proceed with this solution and Planning Board approval. There is on going discussion at the zoning bylaw re-write meetings to consider a change in the existing bylaw that would allow filling in the flood plain.

The narrative provided by Stan Humphries from LEC Environmental lists the resource areas and explains how the project meets the performance standards. A narrative from J M O'Reilly & Associates, Inc details the drainage calculations for the pipes that will be installed along the coir envelope to allow flood waters to drain from behind the coir roll. Commissioner Putnam questioned whether there would be chronic erosion from the water where the pipes drain.

In a narrative dated February 19, 2008 Arlene Wilson of A M Wilson Associates Inc hired by the abutter McAdams, commented on the following:

- * The proposed work will occur in more than one resource area, LSCSF and Coastal Bank. The NOI text describes the site as being in a Barrier Beach; Ms Wilson feels this is not true
- * The McAdams have not granted any easements for work to occur outside the road layout on their property
- * There may be Riverfront area since the tidal creek flowing out of the Salt Pond to the east appears as a dark blue line on the USGS topographic map, indicating the creek is a river
- * Linnell Lane does not extend to the Doyle property, consequently the last 310 linear ft of proposed coir roll is not to protect a Private Way over which several home owners have rights, but rather to protect a driveway, parking area and lawn for a single house

From the audience Carol Maloof and Gayle McAdams addressed concerns regarding the impact of the ditch maintained by Mosquito control. David Lyttle of Ryder & Wilcox, Inc stated that he has been working with the McAdams to prepare a Notice of Intent for raising the roadway.

The hearing was continued to March 19, 2008 to allow the applicants to address the concerns expressed during the meeting.

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 & Wilcox was present for the applicant. In a letter dated February 13, 2008 Mr Lyttle requested a variance for the construction of the gravel driveway within 100-ft of an isolated wetland which exhibits some of the characteristics of a vernal pool.

The Commission re-iterated that under the local bylaw, an isolated wetland is presumed to be a vernal pool; therefore there is a 100-ft No-Disturb Zone and there are two options for the applicant, rebut vernal pool presumption with evidence or provide alternatives analysis for variance consideration.

The Commission felt that the construction of a driveway at this time was unnecessary since there is no proposal for a structure at this time. Since a driveway is generally considered an accessory structure to a dwelling, the destruction to habitat is not justified by the construction of a driveway that leads to nowhere. Mr Lyttle stressed that the applicant was concerned that he would be denied a wetlands permit allowing construction should the regulations change in the future. The portion of upland between Battlefield Road and the large wetland in the middle of the property provides a limited site for building. According to Mr Lyttle, the southwest upland portion of the lot which would be accessed by the construction of the proposed driveway is the only spot where a dwelling and the septic system could be sited to maintain 100-ft from the resource areas.

Mr Lyttle stated that the destruction of a number of healthy trees could be avoided during driveway construction by moving the proposed drive 10-ft closer to the isolated wetland.

Letters dated January 27, 2008 and February 7, 2008 from Rosemary Morris, who is opposed to the driveway construction, were read into the record. Letters from abutters Maureen Vokey, Libby, Allen, Jen and Tom Mottur were also read into the record. From the audience, Allen Mottur objected to the construction of the driveway at this time.
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The hearing was continued to March 19, 2008.

17 Sky Way, Hunter Family Trust, Richard/Susan Hunter, SE 10-2404: The hearing was re-opened for an NOI for the proposed construction of an elevated timber stairway to provide access to White Pond at 17 Sky Way. David Lyttle of Ryder & Wilcox represented the applicant. The proposal is scheduled on ZBA agenda for February 28, 2008. Chairman Chamberlin drafted a letter to be submitted to the ZBA. The Commission will review the letter and consider it at the meeting on February 27, 2008.

The hearing was continued to March 12, 2008.

Sears Rd to 212 Sears Rd, Keyspan Energy Delivery, SE 10-2410: 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. A file number had been received from DEP; **it was moved, seconded and voted to close the hearing.**

25 Skippers Way, Susan Seibert, SE 10-2386: The hearing was re-opened for an NOI for the proposed construction of addition and a deck addition to an existing single-family dwelling; proposed removal of an existing deck at 25 Skippers Way. The proposal received approval from the ZBA on Feb 14, 2008; **it was moved, seconded and voted to close the hearing.**

80 Stage Harbor Road, Town of Chatham-owner, Town of Chatham Park & Recreation Department-applicant, SE 10-2135: The hearing was reopened for a proposed request to amend an existing Order of Conditions under SE 10-2135 to include planting and landscaping at 80 Stage Harbor Road. DPW Director Dan Tobin and Barbara Cotnam and Ann O'Brien were present representing the project.

Ms Cotnam stated that she had revised their presentation and plan after the last meeting and provided Ms Andres with a narrative dated February 20, 2008 and a sketch plan detailing the changes. The Chairman noted the fundamental difference between the applicants and the Commission is that the applicants are concentrating on design as well as plant species and the Commission upholds environmental concerns in the selection of plant species. It was re-iterated that the original Order of Conditions required the exclusive use of native plants in the Oyster Pond area; the Commission hoped that this area would become an example of naturalized, native plantings.

Discussion ensued regarding the exclusive use of native species from the primary and secondary list of ornamentals provided by the Cape Cod Cooperative Extension Service. The applicants have continued to use some cultivars that are not on the suggested plant lists. In reviewing the revised proposal, Ms Andres felt that there were some species where the cultivars would be acceptable. The perennial list should include more native species, the varietal grasses are of native origin, but some were not native. Overall the perennial list is close to approval, if the applicants change a few plants.

Commissioner Hilbert stated that it is not the intent of the Commission to review and discuss the merits of every plant on the plan. Time does not allow this type of scrutiny for this plan or any other landscape plan. The Commission expects that applicants will use and understand the significance of using the Extension lists. The proposed removal of invasives, the split-rail fence installation and the proposed soil amendments are ready for approval. The Commission felt that a meeting with Ms Andres to finalize the plant list

is necessary. Mr Tobin was happy to help finalize the plant list.

The hearing was continued to February 27, 2008.

Scatteree Rd, Town of Chatham : The town would like to install a camera looking out to North Beach under the direction of Coastal Resources Director, Ted Keon. This would involve the installation of a light pole and some trenching to install utility lines.

The neighbors have installed a fence on town property which will have to be moved for the installation of the camera pole. Mr Keon will speak with the neighbors to re-locate the fencing.

The Commission agreed that the work could proceed under an Administrative Review.

213 Seapine Road, MacNaughton: The applicant would like to replace stone steps adjacent to the roadway. The project is within the buffer to a coastal bank but is on the street side of the dwelling, not the resource area.

The Commission agreed that the project could proceed under an Administrative Review.

26 Clafin Landing (Cottage 320),CBI Operations, Inc: The applicant proposes modifications to the existing cottage including replacement of stoop and some re-framing of an existing interior wall . The existing foundation will be used. The work will occur in a resource area and the Commission will be asked for comment by the ZBA.

The Commission agreed that since the work proposed is longer than the 7-day window of an Administrative Review and that new construction is proposed, it will be necessary to file an RDA. .

Lot 2 Crows Pond Road, Eastward Homes: Revised plans were circulated showing what was already approved and what has been built on Lot 2 Crows Pond Road. Eastward Homes has taken over the project and the existing structure is smaller. Calculations have been provided on the plan showing the differences.

The Commission agreed to accept the revised plans and agreed that an “as built” plan will suffice. An Amendment to the existing Order of Conditions will not be necessary.

92 Indian Trail, Lloyd: The property owner would like to move several foundation plantings to facilitate an area for the installation of vegetable and annual plants. The project consists of moving and relocating several overgrown plant species and eliminating the Leyland Cypress. A narrative and photographs have been submitted by Cape Organics outlining the details of the proposed work.

It was moved, seconded and voted to approve the work as described under an Administrative Review. No additional filing will be required.

158 Wapoos Trail, Younker: Ms Andres requested that the Commission re-consider the requirement imposed on the applicant to file an RDA for the maintenance pruning of oaks at 158 Wapoos Trail. The applicant has hired a professional tree company to prune several oaks on the coastal bank to create a view window. There is no alteration to the resource area and photographs of the site were circulated. A similar project had been permitted on Tilipi Run under an Administrative Review.

The Commission agreed after discussion that the project could proceed under an Administrative Review and that there would be no need for an additional filing.

72 Sea Mist Lane, BBW,LLC: The Commission agreed to conduct an On-site visit on March 5, 2008 at 10:00 Am to view the scope of the proposed work prior to the hearing scheduled for March 5, 2008 at 7:00 PM.

103 Wapoos Trail, Brown/George: Ms Andres reminded the Commission that Mr Brown is schedule to appear before them on February 27, 2008. She asked that Commissioners review the details of the violation prior to the discussion with Mr Brown.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 10:30 PM.

Respectfully submitted,
Mary Fougere, Secretary