

Present: Chairman Paul Chamberlin, Vice Chair Jay Putnam, Carol Scott, Corinne Johnson, John Geiger, Billie Bates (left at 8:15 PM) , Associate Members Keith Hutchings, DeeDee Holt and Peter Donovan, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Commissioner Barbara Waters has resigned.

The following hearings were continued:

27 Strong Island Road, Richard/Joan Drury: At the applicant's request, the hearing was continued to April 15, 2009.

43 Holway Street, S H Central Park North Family Limited Partnership, SE 10-2528: At the applicant's request, the hearing was continued to May 6, 2009.

Pcls S13 & S14 Billings Road, James/Brenda Sears & Harding's Beach Shores Association c/o James McNulty: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed planting of beach grass from the bottom of the dune out to upright posts at Pcls S13 & S14 Billings Rd. Darren Eldredge of Cape Caretakers represented the applicants, he returned the abutter notification cards. The work as proposed will be completed as soon as possible, no additional sand will be brought in. The grass culms will be planted in rows 1 ft apart along the area shown on the plan.

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

10 Cove Hill Circle, Kenneth/Elizabeth Sommer: The hearing was opened for an RDA for the proposed roof addition over existing steps and proposed roof modifications including dormer at 10 Cove Hill Circle. John Schnaible of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. The lot is impacted by a salt marsh to the south, most of the property is in the 100-yr Flood Zone and a coastal bank exists along most of the eastern and northern edge of the property although the bank delineation is somewhat disconnected.

It was noted that a landscape plan for this property had been approved in 1994, much of what was permitted then in areas now defined as the NDZ would not be permitted today due to changes in the regulations. The lot is developed to within 15-ft of the salt marsh on the southeast side of the dwelling; there is well fertilized lawn in this area and an underground irrigation system in the lawn areas. The Commission agreed most of the lot is not wildlife friendly and the enormous amount of lighting on the water side does not lend it self to wildlife habitat.

The project involves roof modifications over the existing brick walkway and the raising of the ridge line on the landward side. The Commission questioned the extent of the limit of work; Mr Schnaible stated that the debris fence was planned to capture any windborn debris from the roofs and was wide because the existing brick walk should not be used for heavy material storage and heavy construction traffic. The work on the water side will be completed from inside the building.

The proposal is scheduled on ZBA agenda for April 23, 2009; **it was moved, seconded and voted for a Negative Determination with the following conditions:**

- ◆ **The sono tubes are hand dug**
- ◆ **Should excavation be required, the applicant will file a Notice of Intent**
- ◆ **The applicant be requested to limit the amount/time lighting on the water side is used**

39 Eliphamets Lane, Ross Dowd/Marnie Hrones: The hearing was opened for an RDA for the proposed construction of a screened porch and proposed shed attached to dwelling at 39 Eliphamet's Lane. Stephanie Sequin of Ryder & Wilcox Inc represented the applicant and returned the abutter notification cards. The western edge of the property is within the 100-year flood zone, A8. The existing shed on the eastern side of the dwelling will remain in the NDZ to the flood plain.

The proposed shed attached to the dwelling will be partially in the NDZ to the flood plain; it will be supported on sono tubes, with some decorative lattice work around the concrete tubes.

The Commission noted that there is an existing wooden fence and gateway surrounding the whole property, in the flood plain, although not shown on the plan. Ms Sequin stated that there is a vegetated buffer/fence along the perimeter of the property.

Mitigation will be required for the increased permanent disturbance in the resource area (NDZ). Because the fencing goes all the way to the ground, planting mitigation in a ratio of 1:1 will be required. Discussion ensued regarding the best location for the mitigation.

The hearing was postponed on ZBA agenda to April 9, 2009; **the Conservation hearing was continued to April 8, 2009.**

56 Stage Island Rd, Susanne Wamsler Redetzki, SE 10-2496: The hearing was opened for a request to amend an existing Order of Conditions under SE 10-2496 to include the proposed installation of a sewage disposal system at 56

Stage Island Road. Stephanie Sequin of Ryder & Wilcox Inc represented the applicant and returned the abutter notification cards. The original Order of Conditions was issued in December 2008; the leaching portion of the septic system was across the street on a lot owned by an abutter. It was since discovered that the easement did not apply to the applicant's lot; the revised plans show the leaching system on the applicant's own property between the house and the road.

The proposed septic system is a standard Title 5 design. The limit of work is marked on the plan along the roadway; the access for the installation will be from the roadway, All excavated material will be hauled away and the installation should take approximately 3-4 days. The land will be restored and re-vegetated.

From the audience, abutter Mr Hester had no objections to the proposal.

The septic design will require a variance from the Board of Health; the proposal is scheduled on the BOH agenda on April 27, 2009. **It was moved, seconded and voted to close the hearing.**

20(Lot 4) Kendrick Harvest Way, Eastward Homes Business Trust, SE 10- 2494:

The hearing was re-opened for a request to amend the existing Order under SE 10-2494 to include removal of invasive vines and other vegetation and proposed pruning of dead limbs from existing trees at 20 Kendrick Harvest Way. Seth Wilkinson of Wilkinson Ecological Design represented the applicant. He had submitted a land management plan dated March 24, 2009 with photographs marked to show proposed work. Now that the house is framed and the windows are in, the applicant is ready to establish the view windows overlooking the bog area. The view corridors will be shared with adjoining lot. He stated that the goal of the plan is to restore the native plant community within the upland buffer zone and manage view corridors.

Invasive plant species will be selectively eradicated over time and native plants will be supported in order to restore biodiversity. Herbicide treatments will be applied as dictated by weather. Mr Wilkinson felt that invasive plant management will be a critical objective because state recognized invasive species threaten both biological diversity and the wildlife habitat on this parcel. To date, Mr Wilkinson does not have a contract to go ahead with the proposal.

Mr Wilkinson reviewed the specifics of the three-year plan, as detailed in the narrative and the plan submitted with the proposal. Discussion ensued regarding the removal of trees; Mr Wilkinson estimated that 8oaks and three pitch pines would be removed, he stressed that many of those are small,

spindly trees. Several large pitch pines will be preserved for wildlife habitat. The Commissioners noticed that those pines were flagged for removal in the field and felt that an on-site meeting would clarify the extent of proposed work on the existing trees, vines and invasives.

The hearing was continued to April 8, 2009 with an on-site meeting scheduled for 3 PM, on April 8 right before the meeting.

15 Lady Slipper Lane, John/Alice Reed-applicants, Reed Revocable Living Tr Agreement of April 5, 2004-Alice Verret-owner, SE 10-2538: The hearing was opened for a Notice of Intent (NOI) for the proposed construction of an addition and attached garage; proposed relocation of septic tank and pump chamber at 15 Lady Slipper Lane. Stephanie Sequin of Ryder & Wilcox Inc represented the applicant and returned the abutter notification cards. A salt marsh is located on the northwest side of the property, the 10-ft contour marks the 100-yr flood elevation and the coastal bank follows the top of the slope and where the slopes are less than 10:1, the top of the bank is shown.

A corner of the existing deck is within the 50-ft buffer to the coastal bank. The proposed deck will remain a foot outside the NDZ, the rest of the addition and the garage are in the outer AURA to the coastal bank.

The leaching portion of the septic system will remain; the tank and pump chamber will be re-located further east of the addition. The existing addition will be approximately 5-ft higher than the house; a full foundation (the crawl space will result as the grade of the land goes up) be poured. The Commissioners noted that the area where the addition is proposed is a heavily mulched area and the ground is quite soggy.

Several oaks in the outer AURA will be removed. A planting plan has not been developed to date. Ms Sequin supplied calculations showing comparisons of existing coverage vs proposed coverage in the resource areas.

It was moved, seconded and voted to close the hearing; the vote was five(5) in favor to close, one (1) opposed.

86 Plum Daffy Lane, Whitaker Qualified Personal Residence Trust, SE 10-2537: The hearing was opened for an NOI for the proposed removal of trees and proposed pruning of established views at 86 Plum Daffy Lane. David Clark of Clark Engineering represented the applicant and returned the abutter notification cards. He stated that the property is for sale and the applicants would like to remove trees and prune for view enhancement. Photographs of the site were circulated; all the trees that would be removed were flagged in

the field. The removal of nine pines (5 of which are dead) and one oak is proposed. The applicant is planning to plant ten trees as mitigation for the removal of the trees in the NDZ and the outer AURA.

The Commissioners noted the following:

- ◆ Although view windows are allowed, some of the trees proposed for removal are healthy and not leaning towards the house
- ◆ Three of the pines are in the No-Disturb Zone to the coastal bank and the large oak obstructs most of the view; pruning this oak would serve no purpose
- ◆ Some of the topped pines on the bank are dead as a result of repeated cutting
- ◆ The entire east side of the property is heavily tree-d and filled with vegetation, the west side of the lot may benefit from a shrub border

The hearing was continued to May 6, 2009.

4 Port View Road, Stello Construction-applicant, Piper Realty Trust-owner, SE 10-2539: The hearing was opened for an NOI for the proposed construction of deck additions; proposed slope restoration and footpath improvements; proposed mitigation plantings at 4 Port View Rd. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The proposal involves the replacement of an existing deck and expansion to the north of same by 560 sq ft. The work will tie the outdoor living space on the property together.

Additional sono tubes will be required, a total of 20 will be needed ; the applicant proposes to re-vegetate the old footpath and bare areas on the bank, transplant the existing cedar tree and bayberry in the proposed footprint of the new deck and add timber steps in the existing southern pathway and remove the existing stairway on the south side of the deck.

The Commission agreed that the bank in this area has well established vegetation and a mass of bayberry that should not be disturbed. The proposed deck is quite large and some felt the stairs should be re-configured and/or relocated to minimize impact to the bank. Mr Clark questioned whether an elevated staircase would be considered.

From the audience, abutter Steven Hecht spoke against the proposal. He showed photographs of the existing, well vegetated coastal bank on this property extending to his property. His concerns were twofold; he felt that the stairs to the water should be installed in the existing pathway and the deck stairs be moved to the southwest corner to minimize additional traffic on the

bank. He also recommended irrigation of any mitigation plantings since the winds on the site are constant. Essentially, staying off the bank and irrigating the plantings will insure vegetation growth.

In a letter dated March 28, 2009 abutter Jack Gillis wrote in favor of the proposal.

The proposal is scheduled on ZBA agenda for April 9, 2009; the Conservation hearing was continued to April 22, 2009, Mr Clark would provide revised plans one week prior to the meeting.

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. An On-Site was held on March 27, 2009. Photographs taken during the site visit were circulated at the table. William Riley, Esquire and Engineer Bob Cummings represented the applicant. Mr Cummings had submitted revised packets including a plan dated January 10, 2009 showing the colorized resource areas. The plan of reference for the discussion was a septic design plan dated May 20, 2008 revised November 7, 2008.

Discussion ensued on the various aspects of the construction. It was generally agreed that the existing foundation installed circa 1936 will not be adequate to comply with the current building code and although not proposed, it will probably be necessary to install a new foundation.

The footprint of the existing dwelling is shown on the plan. The construction activities are itemized above; installation of a gunnite pool was added to the project description, although the pool location is outside the jurisdiction of the Commission. The discussion was limited to the house area and construction details. Discussion ensued regarding the use of the alternate roadway in an area that floods for possible use during construction; use of this roadway is not part of this application.

The hearing was continued to May 6, 2009 for receipt of the following:

- ◆ Revised plan showing limit of work
- ◆ Location of staging area for construction materials
- ◆ Details of construction including excavation, foundation detail, type of vehicles & equipment to be used

- ◆ Details for the large stone patio, it is proposed in an area that is not level. The Commission questioned whether it could be re-located to save the existing cedars and obtain a better view
- ◆ Creation of air strip
- ◆ Pool construction details, although outside the jurisdiction of the Commission, the pool appears to be in the area of a steep bank
- ◆ Septic system construction details, polyethylene septic tanks will be used
- ◆ Plan for disposal of debris
- ◆ Plan for access road during heavy traffic use and protection of resource areas

In summary, the Commission agreed that getting as much activity away from the top of the bank would be desirable.

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. An on-site visit was held on March 27, 2009 with several Commissioners and applicant representative Bob Cummings present. Photographs taken that day of the site were circulated at the table. William Riley, Esquire and Engineer Bob Cummings represented the applicant. The plan of reference is dated December 16, 2008. In a letter dated April 11, 2008, MASSDEP has outlined three permitting options for authorizing pier re-construction pursuant to the MGL chapter 91 waterways licensing program. The three options are as follows:

- ◆ Re-activating the amnesty license application-Mr Cummings submitted a packet of information supporting the Amnesty application
- ◆ Building new structures in compliance with categorical restrictions in ACEC
- ◆ Seek a variance

According to Mr Riley, the Building Inspector has considered the outstanding amnesty application significant to the zoning process. From an engineering perspective, the re-location of the pier to an area better suited for off-loading under this new application seems more appropriate. Approximately 40-50 ft of beach area will be open to a lot of foot traffic, however. In the area where the old pier ended, there appears to be a new dune forming in the off-load area. The bottom under water seems to be changing rapidly off-shore indicating there may be more changes to the beach in the future.

Deeper water can be reached at a shorter distance by locating the pier in the new location. The photographs show the stake where the proposed pier will be as underwater. Spot elevations shown on the plan were taken 2-3 ft away from each point. The applicant has submitted an eelgrass survey narrative dated December 18, 2008. The Commission questioned the accuracy of the

information due to the time of year the work was undertaken. Associate Keith Hutchings indicated there was historically a large eelgrass bed on the southwest side of the island, closer to the area of the old pier. He felt that the eelgrass appears to be coming back.

The new application has to conform to the ACEC regulations. The Chair questioned whether DEP would consider an application "blended" with some of the criteria listed above. Mr Riley stated that if the Conservation Commission would prefer one application over another, he felt that the DEP and the Zoning Board of Appeals would agree.

The ZBA hearing was continued to May 14, 2009; the Conservation hearing was continued to May 6 for receipt of the following information on the revised plan:

- ◆ *The location of the old pier*
- ◆ *The location of the dune forming in the area of the old pier as well as the resource areas and the 50 and 100-ft delineations from each resource area*
- ◆ *The "N" arrow*

10 Sedge Lane, Scott Glass, SE 10-2533: The hearing was re-opened for an NOI for the proposed Shorefront protection at 10 Sedge Lane. Roy Okurowski/Coastal Engineering Co Inc and William Riley, Esquire represented the applicant; Mr Okurowski returned the abutter notification cards. Revised plans have been provided to the Commission; the plan of reference is dated January 17, 2008 last revised March 23, 2009 and shows the proposed work being entirely on the applicant's property. Mr Okurowski stated that there is currently a vertical scarp indicating erosion and the wave action on the site have more energy due to higher tides. He supplied a tide data chart for the record, which he claimed showed an appreciable increase in tide, up to a foot. The Commission questioned the rate of erosion on the property, Mr Riley reminded the Commission that the rate of erosion is not required in the performance standards for coastal banks.

Mr Riley stated that the previous proposal included a rock revetment 12-13-ft in height along the entire bank. The applicant is now proposing the installation of rocks up to elevation 7.5 ft, fiber rolls on top of that and then re-nourishment both at the toe of the revetment and over the rolls. The sand cover will be replaced annually and maintained. Mr Riley noted that the structure as proposed will not cut off sacrificial sand feeding the eco-system and as presented, is a one time revetment for the next 50 years. Coastal Engineering has proposed to keep the toe of the revetment as shown on the plan with sacrificial sand below and above.

Commissioner Geiger read the following from Part II-Regulations for Coastal Wetlands (3) Performance Standards

- (a) Any activity which is allowed on a coastal bank or within 100-feet of a coastal bank shall comply with the following regulations:
 - (1) No new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on or within 100-ft of a coastal bank, except that such a coastal engineering structure shall be permitted when required to prevent storm damage to buildings constructed prior to August 10, 1978.....
 - (b) the applicant demonstrates that no method of protecting the Building other than the proposed coastal engineering structure is feasible

Mr Geiger concluded that since 1(b) states that the applicant must demonstrate that there is no method of protecting the building then the intent of original paragraph 1 is that the engineering structure is allowed because the building is in danger.

Mr Riley stated that the applicant has installed fiber rolls in the past, the existing fiber rolls have deteriorated. Mr Riley stated that the performance standards in the wetlands regulations do not require the use of fiber rolls prior to the proposal to install rocks. Several Commissioners noted that the fiber rolls were not maintained with a sand cover over the years. Ms Andres addressed the Alternatives analysis submitted by Mr Okurowski; she noted that in researching the files there was no evidence of a permit for the installation of sand drift fencing. It also did not appear that the bank had been aggressively planted per Alternative #2 and 2A. Ms Andres has prepared a time line indicating the work proposed/completed by previous owners; the time line was submitted to the record.

Commissioner Geiger questioned the distance from the house to the bank; he indicated that the distance has not changed appreciably since his work on the property in the 1980's, the dwelling is still over 100-ft from the top of the coastal bank and not in imminent danger. Further, the bank has not eroded appreciably in all those years. The rosa rugosa he planted during that time is still intact and growing well. Mr Riley stated that the performance standards do not use the word "danger" when determining whether a dwelling will be adversely affected by erosion. This dwelling was built pre-1978 and qualifies for a permit to protect the coastal bank using a rock revetment.

A comment letter from Coastal Resources Director Ted Keon dated March 17, 2009 was read into the record.

The hearing was continued to April 8, 2009 to allow the applicant to provide written interpretation of the tidal data from an independent source.

23 Oyster Pond Lane, Anne Marie Wilkins, Trustee-applicant, Oyster Pond Realty Trust-owner, SE 10-2532: The hearing was re-opened for an NOI for the proposed re-building of existing shed and existing retaining wall at 23 Oyster Pond Lane. William Riley, Esq represented the applicant; his office failed to notify abutters, **therefore he asked that the Commission continue the hearing to April 15, 2009.** The proposal is scheduled on ZBA agenda for April 23, 2009.

North Beach, Roy Coppedge-applicant, William Hammatt, Esq-owner, SE 10-2531: The hearing was re-opened for an NOI for the "ex post facto" filing after issuance of an Emergency Certification for proposed relocation of building to abutting property at North Beach. William Riley, Esq represented the applicants; Keith Hutchings had taken recent photographs of the site that were circulated at the table. Mr Riley stated that currently, one end of the camp is on wheels, the other end on cribbing. He indicated that the contractor who moved the building in December felt it best to leave the camp on wheels for the winter. It is now necessary to have a plan in place to put the camp on pilings, as the weather moderates, the contractor will be able to do more and attaché the deck.

Commissioner Johnson expressed that the entire filing and on-going discussions are an attempt to justify what has already happened. There are on-going questions that have not been answered by the applicant including the following:

- ◆ Who monitors the camp and approves the location prior to the stabilization by installing pilings. Mr Riley stated that he would attempt to make arrangements to secure a monitor
- ◆ Associate Hutchings noted that there continues to be washovers in the area of the camp; Mr Riley stated that there is a web-cam near the inlet but he was not sure if it is still operational
- ◆ Will a building permit be issued for "locking down" the deck and allowing the owners to occupy the dwelling. If the dwelling is not considered habitable, will the camp be demolished?

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

68 Squanto Drive, Holzner: The applicant proposes to install a 4-ft x 3ft concrete slab for a generator platform at 68 Squanto Drive.

The Commission agreed that the concrete could be installed as shown on the site plan provided as long as there was no need to remove trees.

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

Respectfully submitted,
Mary Fougere, Secretary