

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

The following hearings were continued as noted:

41 Marsh View Road, David/Susan Epstein: At the applicant's request, the hearing was continued to May 21, 2008

159 Tide Mill Lane, Robert/Jennifer Stello, CWP 08-: At the applicant's request, the hearing was continued to May 21, 2008

19 Cowyard Lane, John/Lesley Nicholson, SE 10-2418: At the applicant's request, the hearing was continued to May 21, 2008; William Riley, Esquire stated that the proposal will be withdrawn at that time

1107 Main Street, Minot Acres, LLC Gregory Edson-applicant, SE 10-2435: At the applicant's request, the hearing was continued to May 21, 2008

Lime Hill Road, Lucy Buckley-owner, Gregory Edson, Minot Acres LLC-applicant, SE 10-2424: At the applicant's request, the hearing was continued to May 21, 2008

Pcls M3 & M2 Hardings Beach Road, Kenneth Mulvaney-applicant, Heirs of Charlotte Mulvaney-owner, SE 10-2400: At the applicant's request, the hearing was continued to May 21, 2008

Salt Marsh Way to House #112 Salt Marsh Way, Keyspan Energy Delivery: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed installation of 2" gas main extension along Salt Marsh Way and including House 112 Salt Marsh Way. Brad Malo of Coastal Engineering Company represented the applicant and returned the abutter notification cards. He stated that the new gas main will be installed in the existing gravel road surface, in the middle, within the right of way. The resource areas are shown on the plan; photographs of the existing site were shown at the table. The plow method of installation will be used; the trench will be 18"-24" wide and 2-1/2 -3 ft deep. The separation of utilities will be maintained, there is already electric and water lines installed.

From previous filings and construction, a hay bale line is already installed. An existing culvert is at elevation 8.0 up closer to house #112. The Ground elevation in the area is 12.0 ft; the gas main will end up above the culvert.

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

Eastward Road to House #192 Eastward Road, Keyspan Energy Delivery: The hearing was opened for an RDA for the proposed installation of 2" gas main extension from the main on Eastward road, crossing roadway up to and including House #192 Eastward Road. Brad Malo of Coastal Engineering Company represented the applicant and returned the abutter notification cards. The proposed work is within the 100-yr flood zone up to the natural gas generator at #192. Photographs of the site were displayed.

The “mole” method of installation will be used here, as opposed to the trenching method. All disturbed areas will be restored.

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

75 Holway Street, Joan Anne Barsamian, SE 10-2337: The hearing was opened for a proposed request to amend existing Order of Conditions under SE 10-2337 to include fence, deck, stairs, driveway and hardscape/landscape modifications at 75 Holway Street. John Schnaible of Coastal Engineering Company and David Hawk of Hawk Designs represented the applicant. Mr. Schnaible had supplied the Commission with a plan of what has been previously approved on this site. The dwelling is currently under construction and Mr. Hawk reviewed the landscape proposal.

A new deck, hardscape and a change in the driveway to include a turnaround area are proposed. The turnaround is modest in size according to Mr. Hawk and will provide room for only two cars.

The Commissioners agreed that the plan was very “busy” for such a small lot and that there was a lot of activity proposed in the flood plain, in the AO zone, and in the 0-50 ft No-Disturb Zone to the coastal bank. The deck, landing, walkway and a portion of the new driveway are in the 50-100-ft AURA to the coastal bank. The selection of plant material, although there were a lot of ornamental grasses, appeared to be satisfactory, with a few minor changes.

William Litchfield, Esquire represented the Whalen family, abutters to the project site. They objected to the alleged addition of fill for the new driveway area in the Flood plain.

From the audience, Norm Pacun, who stated that he represented abutters Merselises and Pollacks, reviewed the history of the lot noting that there was never any lawn or amenities in the yard. He alluded to the increased activity on the lot possibly affecting the stability of the coastal bank.

Letters dated May 5 and May 6 from the Merselises and Pollacks respectively, objecting to the proposal, were read into the record.

Mr. Hawk stated that they would revise the plan by removing the patio, keeping the walkway and eliminate some additional hardscape. The proposal will be heard by the ZBA; **the Conservation hearing was continued to May 14, 2008.**

811 Fox Hill Road, Alec/Johanna Murray, SE 10-: The hearing was opened for an NOI for the proposed removal of existing retaining walls, staircase and garden; proposed construction of new retaining wall and lawn area and new plantings at 811 Fox Hill Road. Dan Gordan and Dan Dobra of Dan Gordon Associates represented the applicant. The proposal involves work completely within the 100-ft setback to a coastal bank to Crow’s Pond within the

Pleasant Bay ACEC. The existing antique dwelling is located outside the wetland delineations to the coastal bank. The Commission reviewed the Existing Conditions plan NOI-1 dated April 22, 2008 and the Proposed Conditions plan NOI-2 with same date.

The existing terraced garden covering 558 sq ft will be removed and re-graded with natural grasses and will be allowed to naturalize. There is very little flat space to the south and the east of the dwelling, this proposal will create some level area.

The Commission questioned whether the top of the bank was accurately depicted on the plan. Under the local bylaw, the top of the coastal bank is defined by the first observable break above the flood plain contour. The top of the bank definition under the State regulations is shown correctly on the plan. Contour 11.0 ft and the top of the bank are the same on the east side.

The wooden retaining wall containing a lawn area to the south of the dwelling will be removed and replaced by a dry-set stone retaining wall covering 169 sq ft and 134 sq ft of dry set paving stones. The lawn area to the front and west of the residence will be extended within 50-100-ft setback area. In order to create lawn expansion, it will be necessary to fill and re-grade approximately 15-ft into the NDZ to the coastal bank. The slope below the wall will be 2:1. A variance Alternatives analysis proposed two alternatives.

The Commission were concerned that the mitigation plantings are not contiguous with the resource area. There are areas further down the coastal bank that could benefit from additional native plantings; the Commission was concerned that there is a large amount of proposed activity in the 50-100 AURA to the coastal bank, new contours proposed around the new retaining wall area substantial.

The hearing was continued to June 4, 2008.

43 Holway Street, Sylvia Habib, SE 10-2249: The hearing was re-opened for an NOI after re-advertisement for the proposed demolition of a portion of an existing dwelling and the proposed construction of an addition at 43 Holway Street. David Clark of Clark Engineering LLC represented the applicant. He stated that the proposal is the same proposal as two years ago, the project will be presented at the Zoning Board of Appeals (ZBA); no date has been set to date.

The Conservation hearing was continued to July 2, 2008.

110 Old Salt Works Road, Goodrich Chatham Realty Trust, Joseph Marzilli, Trustee, SE 10-2445: The hearing was opened for an NOI for the proposed dune restoration on barrier beach at 110 Old Salt Works Road. Peter Markunas of Woods Hole Group represented the applicant and returned the abutter notification cards. He stated that the Commission had approved dune restoration on the southeast side of the property and that work was completed in January 2008. That project was an attempt to re-establish the dune while remaining

landward of MHW. The Commission did not allow fiber rolls at that time because it was felt that they prevent dune migration. The project was completed as approved without the use of fiber rolls; two weeks after the re-establishment of the Bassing Harbor barrier beach, the dune continues to be aggressively attacked from the easterly direction. The area along the southeast side is not doing well. Mr. Markunas had filed an ENF for the proposed work since the proposal is within the Pleasant Bay ACEC prior to the filing of this Notice; a Negative EIR was received and did not prohibit the use of fiber rolls for this project. The EIR suggested that a monitoring, maintenance and replenishment plan be included as part of the proposed project. A Chapter 91 license will also be necessary since work is proposed below MHW.

The storm in April 2207 caused a new breach in North Beach. The new breach is to the west and just south of the applicant's property. The daily wave attacks have accelerated the degradation of the east facing Fox Hill Barrier Beach. (Not shown on plan). The new wave and current patterns have greatly impacted the easterly point of the southerly facing barrier beach (shown on the plan) This project proposes to repair damage caused by the new breach, by re-construction of the eastern tip of the Bassing Harbor Barrier Beach and fortifying it with vegetation and a buried, staked row of fiber rolls on its eastern end.

Commissioner Jay Putnam felt that the installation of fiber rolls on a dune is an apparent conflict. Dunes are supposed to be allowed to migrate and the fiber rolls should be placed where the land transitions from dune to LSCSF. Currently erosion is right at the applicant's fence and the stakes in the field were located where the land transitions. It appears that the applicant is dumping sand into the ocean to get the elevation up. Mr. MArkunas stated that the fiber rolls would be installed as shown on the plan. The additional details of sand, the creation of a 1:10 slope re-vegetation were discussed

The hearing was continued to June 18, 2008 for the following:

- ◆ **Comment letter from Division of Marine Fisheries**
- ◆ **Comment from Chatham Shellfish Constable Stuart Moore**
- ◆ **Comment from NHESP**

Shore Road & Claflin Landing, Chatham Bars Inn-applicant, CBI Operations LLC-owner: The hearing was opened for an NOI for the proposed addition of water and electric lines to pier at Shore Road and Claflin Landing. Howard Wayne, Esquire and Roy Okurowski of Coastal Engineering Company and represented the applicant; he returned the abutter notification cards. The proposal involves the addition of utilities to the approved pier in Aunt Lydia's Cove; General Manager, Paul Zuest, felt the proposed work is necessary for customer service. According to Mr. Wayne, the Harbormaster felt it was necessary to have the area lit for after-dark boat arrivals and to have water available for fire safety.

The proposal involves the temporary alteration of approximately 1000 ft of coastal beach to bury two, small conduits at a depth of 4-ft. The work would begin at the pool area and

proceed along the existing path area; all work would be above MHW. A work protocol was submitted with the filing application. A Ditch-Witch machine will trench the area.

Mr. Zuest stated that the ZBA had approved the installation of the pier with the understanding that the pier will not be used as a docking facility for hotel guests' private boats. The utilities are necessary to provide better accessibility for staff and clients and to better enable drop off and pick-up of clients. There will be a gate at the end of the pier and a sign, all activity near the pier will be shut down at nightfall. The connection for the utilities is at the base of the float; the lighting will be low voltage and will reflect downward onto the float and pier.

After some discussion, the applicant agreed to remove the four proposed light fixtures from the float and to install sensor device so that lighting is not on during the night. The Inn has beach security that will patrol the area.

The hearing was continued to June 18, 2008; Mr. Okurowski will provide specifications of the light sensor and the low voltage lighting.

602 Old Harbor Road, North Chatham Realty Trust, Christopher Janien Trustee, SE 10: The hearing was opened for an NOI for the proposed shorefront protection at 602 Old Harbor Road.

594 Old Harbor Road, Howard Van Vleck, SE 10-: The hearing was opened for an NOI for the proposed beach nourishment at 594 Old Harbor Road.

592 Old Harbor Road, Heirs of Eleanor B Steindler, Frank Steindler, SE 10-: The hearing was opened for an NOI for the proposed beach nourishment at 592 Old Harbor Road.

42 Harbor View Lane, Keith/Janet Sherin, SE 10-2421: The hearing was re-opened for an NOI for the proposed shorefront protection at 42 Harbor View Lane.

54 Harbor View Lane, John/Doon Foster, SE 10-2422: The hearing was re-opened for an NOI for the proposed shorefront protection at 54 Harbor View Lane.

620 Old Harbor Road, Paul/Patricia Gannon, SE 10-2419: The hearing was re-opened for an NOI for the proposed shorefront protection at 620 Old Harbor Road.

Pcls M01 & 5 Old Harbor Road, Hollis Kahn c/o W Roamer Realty Trust, SE 10-2420: The hearing was re-opened for an NOI for the proposed shorefront protection at Old Harbor Rd.

Roy Okurowski of Coastal Engineering Company Inc represented the applicants for the cluster of proposals mentioned above. He stated that the properties are all located in North Chatham; each proposal differs slightly. Since the last hearing, the applicants have decided to remove the vinyl sheeting from the proposal. Most of the projects to be heard will consist of fiber roll installation and beach nourishment and re-vegetation. Mr. Okurowski also said that except for the Nicholson proposal, which will be withdrawn according to Mr. Riley, there are no hard solutions proposed.

The Chair encouraged Mr. Okurowski to supply evidence during the hearings that there is evidence of a problem.

Mr. Okurowski noted that Coastal Engineering will be working with the Town of Chatham to obtain tide change data and he will be discussing the implementation of a trigger point system during the hearings.

The hearings were continued to a Special meeting on May 15, 2008 at 3PM; the Commission will hold an extra meeting to facilitate the applicant.

286 Shore Road & Claflin Landing, Chatham Barr Inn-applicant, CBI PC LLC-owner, SE 10-2433: The hearing was re-opened for an NOI for the proposed seasonal observation decks/shelters/walkways & beach maintenance at 286 Shore Road & Claflin Landing. Roy Okurowski of Coastal Engineering Company Inc represented the applicants. The Commission had not received a Beach Management plan; **the hearing was continued to May 28, 2008.**

69 Whistler Lane, William Ryan-applicant, Ryan Chatham Property Trust-owner, SE 10-2432: The hearing was re-opened for an NOI for the proposed shorefront protection and boathouse maintenance at 69 Whistler Lane. Mr. Okurowski represented the applicant. He stated that after consultation with the applicant, the proposal has been changed to the addition of one fiber roll, some nourishment and re-nourishment as needed. Sand seems to be accruing on this site of late. The proposal will all be completed above MHW and it was noted that should the dwelling become endangered, the applicant will be allowed consider rock revetment since the house was built prior to 1978.

It was moved, seconded and voted to close the hearing. Commissioner Johnson abstained from the vote.

65 Edgewater Drive, Susan Hamill, SE 10-2431: The hearing was re-opened for an NOI for the proposed construction of additions to a single family dwelling at 65 Edgewater Drive. David Clark of Clark Engineering LLC represented the applicant. The Commission had asked for mitigation for the increased disturbance in the NDZ; looking at the site there is very little area to plant. The area where the septic system was installed could be used and around it where there are bare spots. The paved driveway will be replaced with a shell surface.

The boardwalk has been removed from the proposal.

The limit of work seemed excessive; the staging area could be moved to the other side of the NDZ. The Commission felt that there was some debris that could be cleaned up on the west side that could be included in this project. The debris was part of some old sandbags that had deteriorated. Mr. Clark will provide a revised plan.

A letter from NHESP was read into the record.

The proposal must be heard by the ZBA; **the Commission hearing was continued to July 2, 2008.**

79 Barcliff Avenue, Minglewood Homes-applicant, John/Elizabeth Gardner-owners, SE 10-2384: The hearing was re-opened for an NOI for the proposed view pruning & maintenance of 4-ft wide pathway; proposed renovation to an existing boathouse, including foundation replacement where required at 79 Barcliff Avenue. David Clark of Clark Engineering LLC represented the applicant. **He stated that since the scope of the project has changed quite a bit, it would be best to re-notify the abutters for the June 4, 2008 hearing. The applicant now proposes an elevated walkway to the pond rather than maintenance of an existing pathway.**

105 Palmer Drive, Draper-Mackay Nominee Trust Broom Hill, Judith Mackay, Trustee, SE 10-2415: The hearing was re-opened for an NOI for the proposed construction of a garage addition and driveway at 105 Palmer Drive. William Riley, Esquire and David Clark of Clark Engineering represented the applicant. The Commission was in receipt of a landscape plan from Joyce Williams. The Commission had expressed their concern at a previous hearing that there was a lot of disturbance proposed in the NDZ to the wetland.

Mr. Riley stated that there is no alternative location for a garage due to the layout of the existing dwelling. The garage is 343 sq ft in a previously disturbed site and the applicant has submitted a plan showing 720 sq ft of mitigation in front of the house plus 720 sq ft of restorative plantings on the left side. He felt that on balance, the applicant had provided adequate mitigation and from a practical point of view, there is no other location for the garage. There will be no tree removal and the project proposed will create the least amount of disturbance to the site rather than put a garage on the opposite side.

A letter dated March 28, 2008 from abutter Eric Fahle was read into the record.

The hearing was continued to June 4, 2008.

39 Parliament Drive, Janet Raftery, SE 10-: The hearing was re-opened for an NOI for the proposed construction of addition in the area of an existing deck at 39 Parliament Drive. David Lyttle of Ryder & Wilcox represented the applicant; he returned the abutter notification cards.

The addition will add space to a living room; a crawl space foundation will be used for support. The addition is proposed in existing lawn area; an existing deck will be removed.

The project is within the No-Disturb Zone (NDZ) to a coastal bank, the exiting dwelling is 92 feet from the salt marsh and 57 ft away from the 100-yr flood zone elevation. Currently the

mowed, lawn area extends to the top of the bank. Mr. Lyttle has not shown mitigation, but questioned whether some of the lawn area could be used as mitigation.

The proposal will require a Special Permit from ZBA; **the Conservation hearing was continued until June 4, 2008 and Mr. Lyttle will provide a Variance Request for that meeting.**

39 Homestead Lane, Jay Poppleton, SE 10-2425: The hearing was re-opened for an NOI for the proposed construction of additions to a dwelling and proposed addition to a garage; proposed construction of retaining wall, steps and dry well; proposed removal of existing decks and proposed re-orientation of brick walkway at 39 Homestead Lane. David Lyttle of Ryder & Wilcox represented the applicant. The ZBA approved the project on April 17, 2008; Mr. Lyttle noted that the addition will be smaller and there were changes to the fence to allow wildlife to pass.

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

338 Bridge Street, James/ Mary Cooper-applicants, Mary L Cooper Trust of 2000-owner: The hearing was re-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. Commissioner Hilbert recused himself from the hearing. Ms Andres noted that the fence has been shown on the revised plan.

The proposal will be heard by the ZBA; **the Conservation hearing was continued to June 18, 2008.**

60 Hammond Hill Road, William T Young, Jr-applicant, J P Morgan Bank, Trustee-owner: The hearing was re-opened for an NOI for the proposed demolition of east and west wings down to foundation and proposed renovations and additions onto an existing dwelling utilizing the existing foundation at 60 Hammond Hill Road. David Lyttle of Ryder & Wilcox represented the applicant; he stated the proposal is scheduled on ZBA agenda for May 8, 2008; **the Conservation hearing was continued to May 14, 2008.**

99 Squanto Drive, Four Oceans Inc dba Chatham Yacht Basin, SE 10-2441: The hearing was re-opened for an NOI for the proposed zone of re-configuration and maintenance dredging at 99 Squanto Drive. Commissioner Corinne Johnson abstained from voting. **It was moved, seconded and voted to close the hearing.**

35 Oyster Pond Lane, Kenneth Nickerson/Katherine Devyst, SE 10-2403: The hearing was re-opened for an NOI for the proposal to include invasive plant management and re-planting with native species and for proposed demolition of existing single family dwelling and proposed construction of new dwelling with landscaping and Associated Utilities at 35 Oyster Pond Lane as previously advertised at 35 Oyster Pond Lane. **It was moved, seconded and voted to close the hearing.**

349 Old Queen Anne Rd, Richard/Sara Garvin-applicants, Sara L Garvin Realty Trust-owner, SE 10-2444: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling and proposed construction of new dwelling at 349 Old Queen Anne Road. Commissioner Johnson abstained from the vote. The proposal was approved by the Board of Health on May 5, 2008; **it was moved, seconded and voted to close the hearing.**

172 Meadow View Rd, Heatley: An addition was recently approved within the outer AURA to the Flood Plain contour. The property owner would like to install subsurface irrigation in the front of the house and provided a copy of the site plan showing the proposed location..

The Commission approved the proposal under an Administrative Review with the understanding that the applicant will keep the irrigation outside the 50-ft NDZ to the pond and plant native vegetation along the edge of the pond.

448 Old Queen Anne Road: The applicant provided photographs of two dead trees with vines that are proposed to be removed. The trees are close to the BVW and the Commission did not understand how the applicant would handle the project. It appeared to be a large undertaking for trees that did not impair view or endanger the dwelling.

The proposal was approved under an Administrative Review; the larger cherry could be trimmed as well.

Edgewater Drive: The applicant would like to install a pergola; the proposed work would include the installation of three sonotubes in the Flood Plain. The applicant does not need zoning relief.

The proposal was approved under an Administrative Review.

560 Fox Hill Rd, SE 10-2133: A one-year Extension Permit was signed.

560 Fox Hill Rd, SE 10-1911: A one-year Extension Permit was signed.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 11:00 PM.

**Respectfully submitted,
Mary Fougere**