

Present: Chairman Paul Chamberlin, Vice Chair Jay Putnam, Carol Scott, DeeDee Holt, John Geiger, Billie Bates(7:20 PM), Conservation Agent Kristin Andres and Secretary Mary Fougere.

Although he was re-appointed to an Associate position, Keith Hutchings had not been sworn in by the Town Clerk.

The following hearings were continued as noted:

- ▲ **125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2486:** At the applicant's request, the proposal was withdrawn.
- ▲ **51 Old Queen Anne Road, James/Jane Audibert, SE 10-2553:** At the applicant's request, the hearing was continued to July 15, 2009
- ▲ **37 Chatharbor Lane, Cramer, SE 10-2548:** At the applicant's request, the hearing was continued to September 16, 2009
- ▲ **325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534:** At the applicant's request, the hearing was continued to August 5, 2009

56 Stage Island Road, William Hester-applicant, Suzanne Wamsler-Redetzki-owner: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed clearing of vegetation within a 3-ft wide right-of- way for beach access at 56 Stage Island Road. Joyce Williams of J K Williams Design represented the applicant and returned the abutter notification cards. The plan of reference was from Heather Wright Landscape Design, dated May 20, 2009. The easement is appurtenant to the Town of CHATHAM property (under the management of the Conservation Commission) and Mr. Hester's property.

Ms Williams stated that the site plan shows a 3-ft wide easement on the Redetzki property from Stage Island Road to MHW on Stage Harbor. The applicant owns Lot 105 across Stage Island Road (there is no house on Lot 105) and has deeded right of access over the easement to the shore. Mr. Hester would park on his property and use the easement to bring a dinghy into the harbor. Currently, Mr. Hester has a mooring in Stage Harbor.

The applicant proposes to clear the pathway of woody shrubs and prune overhanging limbs within the 3-ft right of way. No grading is proposed and all the debris (including the existing debris pile) will be removed from the site. Poison ivy within the pathway would be chemically treated; all the work would be completed with hand tools. There is no intent to remove marsh grasses, just woody species.

Commissioner Geiger and Chamberlin questioned whether the staking in the field was accurate. The stakes at high tide were well into the water.

Sam Streibert, representing Suzanne Wamsler-Redetzki, spoke in favor of the application providing there is no grading or mowing. He stated that the shore area is very shallow for bathing and he hoped that parking would be contained on the applicant's property.

The proposal will *require a Special Permit and is scheduled on the ZBA agenda for August 13, 2009.* **It was moved and seconded for a Positive determination because of the potential for the establishment of a dinghy beach, the use of chemical treatment and the desire for future maintenance of the pathway. The vote was 5-0-in favor of the motion; Commissioner Bates abstained from the vote.**

400 Old Comers Road, Judson Escalante: The hearing was opened for an RDA for the proposed laundry room expansion at 400 Old Comers Road. Sean Riley of Coastal Engineering Co Inc represented the applicant and returned the abutter notification cards.

Mr. Riley reviewed the very modest proposal to add 30 sq ft to an existing laundry room; the addition was 64-ft from the top of the inland bank.

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

784 Orleans Road, Ryder's Cove Landing- Town of Chatham: The hearing was opened for an RDA for the proposed installation of two dinghy "tie-up" rails and a dinghy storage rack at Ryder's Cove Landing. Coastal Resources Director, Ted Keon represented the applicant and returned the abutter notification cards. The proposal as described will help to manage the chaos of dinghies that are currently lining up everywhere at the Ryder's Cove Landing. Similar solutions to dinghy storage have been tried at Cow Yard Landing and at Battlefield Road as a result of increased numbers of dinghies. Both tie-up solutions have been quite effective to date. Photographs of the site were circulated at the table.

At Ryder's Cove, a dinghy rack storage system is also proposed. Two tie-up rails are proposed; one will be about 20-ft in length and the other about 60-ft; the rack will be installed above them landward of the landing closer to the old MCI property. No Special Permit is required for the project.

Mr. Keon noted that this area will have dredge materials deposited in the fall of 2009; it may be necessary to dismantle the racks and then re-install them. It was hoped that the existing eroding bank will benefit from controlling the location of the dinghies.

It was moved, seconded and vote4d for a Negative Determination.

94 Main Street, Peter Lacaillade, SE 10-2491: The hearing was re-opened for a Request to Amend existing Order of Conditions under SE 10- 2491 to include proposed removal of North American beach grass and replace with seed mixture at 94 Main Street. William Riley, Esq. represented the applicant. He stated that the construction of the house and pool were permitted without a condition for mitigation. The applicant planted beach grass at the top of the revetment when there was no beach below the revetment. His client would be happy to plant additional beach grass on the new beach if they could plant a grass seed mixture/native species plantings in the location of the present beach grass, in an effort to create some lawn and eliminate tick habitat. Additionally, his client would agree to remove the beach grass if the beach disappears.

The Agent noted that the original permit mentioned by Mr Riley for the construction of the dwelling was amended to re-locate the pool fence and under the amended permit, the current mitigation area was established by the architect. The applicant had wanted the pool fence seaward of its original location and the Commission permitted the new location if the applicant agreed to plant the area at the top of the revetment with native plant material, beach grass was chosen at that time.

The Commission agreed that the mitigation area was established in good faith and that there was no valid reason to change. **It was moved, seconded and voted to close the hearing. It was moved, seconded and voted to deny the Amendment Request.**

Mill Creek Estuary Channel, Town of Chatham-owner, Director of Coastal Resources-applicant, SE 10-: The hearing was opened for a Notice of Intent (NOI) for the proposed dredging of Mill Creek channel; proposed habitat restoration and proposed beach nourishment at Mill Creek Estuary Channel. Coastal Resources director, Ted Keon, and Peter Markunas from Woods Hole Group represented the applicant ; Mr Keon returned the abutter notification cards.

Per Mr Keon, there is currently a long spit of material that has grown to the outward end of the old jetty system and is bypassing the end of the coast. Over the course of decades, a number of groins and jetties were built along the coastline in Harwich and Chatham to address erosion. The groins and jetties were very effective in stabilizing the channel but have become ineffective in allowing sand to migrate to shorelines, especially Cackle Cove Beach and other south facing beaches of Chatham. The negative

consequence is the denial of sediment to these shorelines down gradient of the groins due in part to shoals that are building up outside the Mill Creek Channel. The current channel flow is also preventing sands to cross the shoals and nourish the beach, This area was an active shellfish area, primarily for quahogs, the town has abandoned the seeding of this area. Mr Keon referred to a number of aerial photos included in the Notice of Intent that showed the sand spit and shoaling (Figures 7, 14, 15 & 16) .

The goals of the project are as follows:

- ▲ Re-establishment of the original tidal channel for tidal flushing and navigation; in response to questions from the Commission, Mr Markunas saw no benefit in shortening the existing jetty because he felt sand flow would only be restored temporarily.
- ▲ Re-establishment of tidal flow through the channel to restore tidal flushing of Mill Creek estuary and Taylor's Pond to pre-shoaled conditions
- ▲ Elimination of the shore parallel tidal flows along the eastern shoreline
- ▲ Re-establishment of stable dune and beach form along the eastern shore line, East Jetty beach would then become prime shorebird feeding habitat
- ▲ Extension of the off-shore shoal to meet the landform on shore to eliminate the shore parallel tidal flows and the creation of a tidal pool and inter-tidal feeding habitat
- ▲ Perform by-pass dredging on the western side of the western jetty to restore trapping capacity of the jetty system. Maintain and enhance existing shorebird nesting and feeding habitat through beach slope regrading, widening of the upper beach face and vegetation removal of portions of the existing vegetated dune area.
- ▲ Utilize dredge material for beach nourishment along adjacent Town Beaches currently permitted under existing Town Beach nourishment permits

The area has been identified as endangered species priority habitat. Mr Keon has spoken the Division of Fisheries and Wildlife office, Natural Heritage Program noting that the beach restoration should provide increased available area for plover nesting. The final grading would be completed by heavy machinery since a goal of the project is to move the beach profile landward.

Mr Keon stated that Shellfish Warden Stuart Moore is in favor of the dredging proposal since the formation of the shoal has damaged the area that was a viable, alive ecosystem including shellfish. (quahogs)

From the audience, abutter Matthew Snipe questioned how much beach will be removed to obtain the 1:10 slope.

This permit will identify Pleasant Street and Forest Beach as potential disposal sites. A Water Quality Certification from DEP will be necessary.

The hearing was continued to July 15, 2009 for receipt of the following information:

- ▲ **Comment letter from NHESP**
- ▲ **File number from DEP**

Hardings Beach, Ridgevale Beach & Cockle Cove Beach, Town of Chatham-owner, Town of Chatham Park & Recreation Department-applicant, SE 10-: The hearing was opened for an NOI for the proposed seasonal removal of seaweed and debris from designated areas of Hardings Beach, Ridgevale Beach and Cockle Cove Beach. Park & Recreation Director Dan Tobin represented the applicant and returned the abutter notification cards. The town has recently purchased a new beach raking machine in the hope that it could be used on three of the most popular beaches, HARDings Beach, Ridgevale Beach and Cockle Cove Beach.

Mr Tobin stated that heavy seaweed has been raked and removed with a York Rake machine, the new machine sifts the sand to eliminate smaller debris such as cigarette butts and shell pieces. Hardings The

new beach raking machine will be used at HARDings Beach on a regular basis after training exercises have been held.

Due to significant erosion at Cockle Cove and Ridgevale, it will be difficult, almost impossible for the new machine to access the beach areas; there is a plan to rake these beaches currently but the erosion is severe at the access points. Tidal change influences the access as well. An Audubon Monitor will be on site since there are nesting plovers between Ridge Vale and Cockle Cove.

The disposal sites will remain the same as they have in the past, although the Commission asked that the dump sites be moved seaward to eliminate the overflow of stockpiled seaweed into marsh areas, particularly at Cockle Cove but also at the other beaches.

The hearing was continued to July 15, 2009 for receipt of the following:

- ▲ **File number from DEP**
- ▲ **Comment on the proposal from NHESP; a training session has been scheduled prior to July 15, 2009. The Commission did not object to Mr Tobin's scheduling of the session since the meeting had been scheduled to accommodate the work schedules of people involved with beach cleaning**

Off Salt Marsh Way & Off Anne Blairs Road, Edgar/Sarah Ackerman-applicant, Ackerman Big House, LLC & Ackerman Little House LLC-owners, SE 10-: The hearing was opened for an NOI for the proposed removal of two existing houses, one garage, one shed and two dirt driveways; proposed renovation of existing garage; proposed construction of new dwelling, deck, loggia, patio and landscaping; proposed removal of invasives and proposed replanting with native materials and proposed selective pruning off Salt Marsh Way & Anne Blairs Road. David Lyttle of Ryder & Wilcox and William Riley, Esquire represented the applicants; Mr Lyttle returned the abutter notification cards. He noted that the proposal will not require Zoning Board of Appeals review for the new construction. ZBA approval was granted June 25, 2009 in the form of a Special Permit to allow the applicant to keep the existing garage on an unimproved lot. The parcel consists of three lots, all of which are buildable; photographs and aerial shots of the existing site conditions were included in the NOI application. The project will require a Variance for work in the AURA. A Variance justification and Alternatives analysis were included with the application as well as calculations for lot 3 & 4 of existing building coverages vs proposed building coverages. A sheet itemizing the existing disturbance vs the proposed disturbance for each wetland area was included in the Gregory Lombardi Design portion of the application.

The project is extensive, there are several areas of Commission jurisdiction since there are four wetland resource areas affecting the lot; they include a vernal pool, a large BVW to a ditch system, a BVW on the western side of the lot, a Riparian Zone to the ditch (presumed to be a river on the entire side of the lot and the associated AURAs to all the wetland resource areas. The applicant proposes to save as many trees as possible.

There is no work proposed on Lot 2. The existing dirt driveway access will be eliminated and the roadway will be maintained as a walking pathway only. A new driveway entrance will be created on Lot 4 and an existing dwelling will be removed. Lot 4 will be used for lawn area, driveway access and garage access. There is no new construction proposed on Lot 4, there will be a second story added to the existing garage. .

The largest lot, Lot 3, will be the site of the new dwelling, an existing dwelling and shed will be removed. Most of the new dwelling is outside the jurisdiction of the Commission, the dwelling is expansive and a portion of the dwelling will fall within the 200-ft Riparian Zone. Mr Lyttle noted that the applicant could alter 7060 sq ft of the Riparian Zone under the regulations, only 700 sq ft will be altered in this proposal.

Rob Calderero of Gregory Lombardi Designs reviewed a series of Landscape Design sheets L1.01 and sheets 1-4. He stated that most of the mitigation was proposed in the area of the vernal pool. A detailed

landscape plan will be provided later in the construction process. Additionally a "*Selective Invasive Species Management and Pruning Strategy*" was included in the application. The Commission felt that more detail was needed to determine the extent of Invasive Species Management for this property.

The Commission questioned the need for such an expansive deck (overlook) extending into the Riparian Zone and asked that a construction diagram be submitted showing the re-grading for the deck and the construction materials to be used.

The hearing was continued to July 15, 2009.

346 Bridge Street, Russell/Anna Gail Campanelli, SE 10-2525: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling; proposed construction of a new dwelling and relocation of driveway at 346 Bridge Street. Sam Streibert of Streibert Associates represented the applicant. He reviewed the landscape plan that had been submitted to the Commission prior to the hearing.

Mitigation had been provided; the existing mercadem will be replaced by a chip-seal driveway and the mitigation plantings will be part of a naturalized area. The mulch will be removed from the existing pathway.

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

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. *Bob Cummings/EMS Services & William Riley, Esq represented the applicant. He noted that Mr Cashman has retained an attorney from Boston, Richard Nylan, Esquire, who provided a letter that was read into the record and handed to the Commission.*

The letter addresses the Waterways regulations from 1978 that would control the application for an Amnesty License from Mr Cashman. Mr Nylan offers that the Amnesty application is consistent with the 1978 regulations in his narrative. . Per Mr Riley, this is not a pier for a property owner who simply owns a pleasure boat and wants to access a mooring. This application would provide safe and reasonable access to the island home, there has been people inhabiting the island for decades.

In support of the application, the applicant has completed three eelgrass surveys and the Shellfish Warden has indicated there is no eelgrass in the area. Mr Nylan disagrees that the landform at the end of the pier is a dune and indicated that there has not been objections to the pier. Mr Riley stated that the applicant has provided undated, unsigned photographs of the pier and oral testimony that the pier has been in use since 1991. Commissioner Bates questioned whether there were any aerial views to support the claim. The Chair stated that these questions regarding the dates the pier was in use were asked many years ago and applicants have not provided the answers to date. An Alternatives Analysis has not been provided.

Commissioner Geiger was not satisfied that the current proposal was the best place for a pier. The proposed pier is 124 ft long; he compared an old photograph supplied by the applicant showing seven sections (approximately 10 ft long, supposedly in the location of the proposed pier. The photo was of interest because it did not show dune, although there is a dune on the site currently. Additionally, Commissioner Scott stated that the dune (shifting sand, according to Mr Cummings) has never been located in front of the boathouse.

A letter from David Doherty, President of the Conservation Foundation, in support of the application for a pier was read into the record.

Mr Cummings asked that the Commission decide tonight on the application so they can move to the next step in the permitting process. The Commission did not agree that the applicant has provided data that will be necessary for DEP such as location of MHW, location of the end of the pier on the landward side (the 6-ft contour) and dated, scientific evidence of the existence of the pier.

The Commission agreed that they have not received the information that they have repeatedly asked the applicant to provide. New information was provided at the table which the Commission has not had a chance to review. Mr Cummings expressed the frustration of his client at the lack of progress.

The hearing was continued to July 15, 2009 for receipt of the following:

- ▲ **Receipt of aerial , dated photographs- The Commissioners were reluctant to approve an Amnesty application for a pier that may /may not have been in the water during the dates in question**
- ▲ **Location of MHW**
- ▲ **Mr Cummings requested that the Agent call the Waterways office**

Certificates of Compliance were signed for the following projects:

- ▲ 355 Morris Island Rd, Bohman, SE 10-
- ▲ 62 Chase St etc, Olmsted/Griswald, SE 10-2472
- ▲ 225 Champlain Rd, Staniar, SE 10-2213
- ▲ Shore Road, CBI, SE 10-2452:
- ▲ Shore Road & Claflin Landing, CBI SE 10-:

55 Linnell Lane, Kindler: The applicant would like to plant additional shrubbery along the perimeter as screening. The area to be planted is in the outer AURA of the Flood Plain resource.

It was moved, seconded and voted to approve the proposal under an Administrative Review; no additional filing is proposed.

159 Wilfred Road, Chase-Zoino: The applicant must replace the leaching portion of her property for a real estate sale. There is no change in the house and the work is necessary to replace a failed leach system.

The proposal was approved under an Administrative Review; no additional filing will be required.

North Beach camps: Ms Andres reported that the Coppedge Fuller camp is still in "dry-dock" at Ryders Cove and can stay there until July 7, 2009. All debris from the camps is supposed to be removed from the beach by July 3, 2009.

Assistant Conservation Agent: Ms Andres introduced recently hired Assistant Conservation Agent/Laboratory Technician, Lara Slifka.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 10:20 PM.

Respectfully submitted,
Mary Fougere, Secretary