

Present: Chairman Jay Putnam, Paul Chamberlin, DeeDee Holt, Bille Bates, John Geiger, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Commissioner Carol Scott was absent.

**20 Shore Road, Richard/ Nell Pinkert:** The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed elevating existing dwelling, proposed excavation for a foundation, proposed construction of an addition, installation of new septic system, proposed construction of new driveway & removal of old and proposed construction of trench drain at 20 Shore Road. Terry Eldredge of Eldredge Surveying & Engineering LLC represented the applicant and returned the abutter notification cards. Mr. Eldredge submitted a narrative of his presentation.

There are two BVW's affecting this site, although neither wetland is on the applicant's property. The first BVW is located on the west side of Shore Road, The wetlands was identified and flagged in 1993, however a paved roadway separates the applicant's property from the wetland and the subject lot is lower than the existing street, so that any proposed work will not have an impact on the wetland via run-off. For these two reasons, a wetland consultant was not hired to update the delineation. Mitigation has not been provided.

A second BVW is located southeast of the applicant's lot; this wetland was identified and flagged in 1993, however it appears that this wetland has disappeared and the area is currently lawn area. This numbered, Conservancy District was obliterated; Mr. Eldredge was on site on Sept 16, 2009 and did not observe wetland vegetation in the area. In 1993 a test hole was dug on the applicant's lot; a peat layer was observed at elevation 7.4 ft, indicating that the lot and neighboring properties were filled over time, many years ago.

The Commission noted that FEMA maps show that the Flood Zone is at elevation 10.0 ft, however this delineation is not shown on the plan; the proposed project is in the AURA to the Flood Plain. The flood waters appear to come up the existing fence line and mitigation must be provided because of the NDZ to the Flood Plain.

Access to the building site will be via the old driveway until the dwelling is back on the foundation. The Commission questioned the extent of proposed work on the deck in the Flood Plain AURA and how much fill will be required for grading.

The proposal is scheduled on ZBA agenda for September 24, 2009; **the hearing was continued to September 23, 2009.**

**184 Mill Creek Road, John Gillis, SE 10-2567:** At the request of the applicant, **the hearing was continued to October 7, 2009.**

**42 Harbor View Lane, Keith & Janet Sherin, SE 10-2459:** The hearing was re-opened for a request to amend an existing Order under SE 10-2459 to include proposed relocation of garden shed, proposed addition of grass pavers to parking area, proposed installation of fire pit and proposed reconstruction of access stairs over coastal bank at 42 Harbor View Lane. David Hawk of Hawk Design had provided revised plans showing the following changes:

- ❑ The driveway has been slightly straightened to accommodate a smaller parking spot. Vegetation has been brought closer to an existing crabapple tree
- ❑ An information sheet on Grasspave, the proposed surface treatment for the new driveway, the storm waters will permeate and not run-off into the resource areas
- ❑ Over 100 native shrubs have been added to the inner and outer AURA to the BVW; some non-native plants will be used near the foundation but over-all, native species will be used in

mitigation areas; A chart showing the change in proposed mitigation plantings was provided to the Commissioner

- On the water (eastern)side, 30" has been removed from the slope which will allow run-off to be accommodated
- The stepping stones have been re-designed to go from the top of the stairway to the dwelling to the driveway, approximately 40 sq ft of hardscape has been added which is mitigated by the additional plantings. Mr. Hawk provided a revised calculation sheet for the hardscape

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

**39 Countryside Drive, Sara Young, SE 10--:** The hearing was opened for a Notice of Intent(NOI) for the proposed clearing of existing walkway to existing dock on Muddy Creek and proposed landscaping at 39 Countryside Drive. Donald Moore of Nobska Design represented the applicant and returned the abutter notification cards. He stated that this property is limited as to the amount of area to landscape due to the slope of the yard. There is no major excavation proposed, most of the work will be clearing of existing walkways and refurbishing the foundation plantings.

The old brick walk on the south side of the house will be re-installed; old rail ties will be removed.

On the east side of the dwelling some old stumps and vines have been removed to accommodate natural stone steps.

On the front of the house a front walkway will be re-done with natural slab stones out to the driveway.

There are remnants of an old pathway leading to an old dock. The path is overgrown, but does not seem to follow the direction as shown on the plan. In the field the path ends at an old ridge line of a borrow pit, the Commission felt that this may be an opportunity to change the course of the path for access to the old dock area, currently marked by an overturned skiff. A large pine and an oak at the edge of the bank may be protected by changing the path course.

**The hearing was continued to September 23, 2009 for receipt of a file number from DEP.**

**15 Windy Hill Way, Richard Scudamore-owner, Richard Roy-applicant, SE 10-2575:** The hearing was opened for an NOI for the proposed construction of pool and enlarging a deck at 15 Windy Hill Way. Terry Eldredge of Eldredge Surveying & Engineering represented the applicant and returned the abutter notification cards. He stated that the lot is a developed site with an existing dwelling, driveway, lawn etc. Construction of a new shed and installation of a leach pit are proposed outside the 100-ft setback to the BVW; the BVW is located northeast of the subject property and is an area known as the "Cedar Swamp".

All the proposed work is proposed within the buffer zone to the BVW. A portion of the pool, pool apron and the increased deck will increase the amount of hardscape in the " NDZ " designated by the Commission to the Conservancy District/BVW. There are no comparative figures of permanent disturbance with in the resource areas.

The Commission reviewed the Order of Conditions under SE 10-2248 issued for the construction of the new dwelling. Special Conditions #C14 specifies that all areas outside the original limit of work remain naturalized in perpetuity. It appears that some of this area is now being proposed for the pool and pool patio. The Commissioners questioned whether the pool could be moved outside the " NDZ "or re-located elsewhere on the lot.

According to contractor Mr Roy, there are 3 dead oaks and a dead pine that will be removed for the pool construction. The trees to be removed will be tagged in the field so that Commissioners can re-visit the site. The deck that is proposed is over the existing house area.

Mr Eldredge stated that the pool is sited to meet all zoning requirements and Board of Health requirements for the setbacks to the septic system. In order to accommodate grade changes around the 38 ft contour, a landscape wall will be constructed on the north side of the proposed pool. Mr Eldredge noted that the wall must remain at a 3-ft height to still be considered a landscape wall from a zoning perspective. The wall will carry to the northwest corner of the pool.

**The hearing was continued to October 7, 2009.**

**809 Fox Hill Road, Peter Willsea, SE 10-** The hearing was opened for an NOI for the proposed shorefront Protection at 809 Fox Hill Road. Donald Monroe of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. He stated that due to tidal range changes of 1.0 feet since the last break in North Beach this property has experienced undermining of the existing netting and scarping on the bank. Roots of several trees are now exposed. A large oak on the property line is in danger of falling. There is existing healthy marsh in front of the property.

The project as proposed, will be the installation of approximately 150 linear feet of fiber rolls, 4 rolls deep, with nourishment provided of compatible grain size and grading to meet existing beach. The end grade will remain at approximately a 4:1 slope. All the proposed work is above MHW. The fiber rolls will be tucked in and under the existing scarp as much as possible since storm events cause more erosive action.

It appears that fiber matting was once placed on the bank, however there is no record of a permit or a plan of what was installed. Commissioner Geiger had confirmed this when searching for any historic filings prior to the meeting. The Chair observed that the bank has healthy, vegetative growth over the matting and wondered if Mr Monroe could guess when the netting was installed. It appears that the netting material of unusual composition has slumped down with the weight of the vegetation. Further, he felt that it would not be advisable to demolish all this healthy growth and dig into the netting to install fiber rolls at this time. There does not seem to be a corresponding de-nuded area at the top of the bank to indicate rapid sand movement caused by erosion. Mr. Monroe stated that there was no intent to destroy the vegetation; the fiber rolls would be placed up and under the existing netting to establish a gentler slope

Discussion ensued regarding the method of installation and the availability of erosion rate data for this area.

Commissioner Geiger stated that clearly, all the banks in this area are eroding, this dwelling is a post 1978 structure but the rate of erosion is questionable. There does not appear to have been any nourishment placed in the area. However, it may be possible that matting was placed over nourishment Sands and is just now being uncovered by wave action.

**The hearing was continued to October 7, 2009.**

**184 Eastward Road, Leslie/Robert Abbott:** The hearing was opened for an NOI for the proposed construction of garage attached to single family dwelling; proposed re-configuration of existing driveway at 184 Eastward Road. Stephanie Sequin of Ryder & Wilcox represented the applicant and returned the abutter notification cards. Pleasant Bay is to the east, most of the property is in the Flood Plain, elevation 11.0 feet. To the east of the existing dwelling is a coastal bank, The proposal is simply to construct a garage over an existing pervious driveway, there will be a 629 square foot increase in building footprint, the site coverage is only increased by 475 square feet. The existing building is on a slab.

This application had been previously reviewed but there were disagreements among neighbors and the project was withdrawn. The only difference in this application from the previous one is that the new garage is further from the property line. For the increased permanent disturbance, the applicant has proposed to stop mowing 3900 sq ft of yard area, currently lawn area. Approximately 6 beach plum

shrubs will be used to delineate the "No-Mow" area. This no-mow area has been delineated on a landscape plan. No natural vegetation will be eliminated during the construction; the garage will extend about 5 ft into the Flood Zone

There is a large compost pile in the Flood Plain that the applicant once agreed to remove.

**The proposal is scheduled on the ZBA agenda for Sept 24, 2009; the Conservation hearing was continued to October 7, 2009.**

**56 Stage Island Road, William Hester-applicant, Suzanne Wamsler-Redetzki-owner, SE 10-2561:**

The hearing was re-opened for an NOI 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 Joyce K Williams Landscape Design represented the applicant; she stated that the Special Permit was granted August 27, 2009. The Commission will likely condition the project to include annual review of the status of the marsh at the base of the path.

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

**North Beach, Town of Chatham-applicant, National Park Service & Town of Chatham-owners SE**

**10-2571:** The hearing was re-opened for an NOI for the Re-opening of hearing for proposed relocation of off-road vehicle (ORV) over-sand trail at North Beach. Ted Keon, Coastal Resources Director, was present. He re-iterated that the new road, as proposed, will go admittedly, through a dune system. This proposal will get the roadway off the backside of the primary dune to a more stable location.

A comment letter from the Division of Fisheries and Wildlife, NHESP was read into the record. Guidelines for vehicle management were included.

When asked, Mr. Keon was unsure of the status of the National Park Service's MEPA application.

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

**Pci 4 North Beach, William Hammatt, Esq.-owner, Roy Coppedge, John/Lee Kelley, John F Shea and Todd Thayer-applicants, SE 10-2566: The hearing was re-opened for an NOI for the** After –the-fact filing for proposed relocation of Hammatt camp and Coppedge camp and demolition and removal of Thayer, Shea & Kelley camps on North Beach. Wm Riley, Esq. represented the applicant. At the last meeting, the Commission wanted assurance that the Orleans Park & Recreation Department had received Mr. HAMmatt's demolition and debris removal protocol.

In an email to Capt John Cauble of the Chatham Police Department and Dr Robert Duncanson, Director of Health & Environment, Paul Fulcher wrote that the Orleans Park Commission voted to require Mr. Hammatt to file an NOI with the Orleans Conservation Commission and a detailed protocol with the Park Commission.

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

**37 Chatharbor Lane, Mary Jane/ Frans Cramer, SE 10-2548: The hearing was re-opened for an NOI for the** proposed demolition of existing dwelling; proposed construction of new dwelling at 37 Chatharbor Lane. David Clark of Clark Engineering LLC represented the applicant. HE stated that the ZBA did not approve a Special Permit on September 10, 2009 for the project due to objections from the neighbors. He stated that the basement height will now be refined and the addition will be on sono tube supports. The new one-story dwelling may be more in the Flood Plain.

**The hearing was continued to November 18, 2009 for receipt of a new plan.**

**125 Stage Harbor Road, Daniel/Martha Gregory, CWP09- 145N:** The hearing was re-opened for an NOI for the proposed demolition of single family dwelling and sheds; proposed construction of new dwelling, garage and bunkhouse at 125 Stage Harbor Road. David Clark of Clark Engineering LLC and William Riley, Esquire represented the applicant. Mr. Clark had supplied the Commission with revised plans showing movement of the bunkhouse 5-ft closer to the house and changes to the proposed driveway. There will be less hardscape in the driveway, lawn strips will be used in the vehicle tracks.

Mr. Clark stated that he has been un-successful to date, in arranging for Wetland Biologist Donald Schall to re-visit the site to verify his wetland delineation from a couple years ago. Mr. Schall is still out of the office due to illness. Additionally, he did not think ENSR was responsive in passing the project to someone else, so he will step-up his efforts to contact a wetlands specialist in order for the Commission to determine whether the proposal be filed with DEP. The jurisdictional lines will not change.

Discussion ensued regarding the protection of the wetland. Commissioner Chamberlin felt that in order to move the application along, if the wetland area to the east of the property is wet for only 2 months a year as Mr. Clark claims, it follows that the ditch is wet for that amount of time as well and it was thought to be dry the rest of the year. There is wetland vegetation in the ditch area and a portion of it is fed by run-off from Henshaw Drive, but in terms of habitat and wetland quality, the ditch area is not as significant an area to protect as the wetland to the east. The larger area to the east holds water up to contour (el 28) for an extended amount of time for wildlife to flourish; when the water reaches contour 30, then the ditch acts as the overflow.

Further, since the addition to the house is modest in nature, the location and size of the bunkhouse with respect to the wetland is the significant issue for this application. Since the bunk house is proposed to be 624 Sq ft and the garage is 612 sq ft, the Commission questioned if the bunkhouse could be re-designed and re-located to the garage area to keep all activity on the lot in one area. In response, Mr. Riley stated that the bunkhouse is proposed to be two stories. There is a large oak tree near the bunkhouse which the applicant would like to save.

Letters expressing concern regarding the location of the bunkhouse from abutters Arlene and Pat Lynch and Allan and Barbara Howard were read into the record. From the audience the Lynches recalled that they were encouraged to re-locate a shed on their property because the proposed location was within the 50-ft No-Disturb Zone (NDZ) to the wetland. They felt that the proposed bunkhouse location within the 50 ft NDZ to the wetland should be moved as well.

It was moved, seconded and unanimously voted for the Commission to hire a wetlands consultant, at the expense of the Commission.

**It will be necessary for the applicant to obtain a Special Permit for site coverage; the proposal will be heard by the ZBA on October 8, 2009. Mr. Clark agreed to provide revised plans reflecting the discussion on Sept 16, 2009 to the Commission by September 23, 2009, to allow time for a comment letter to ZBA to be prepared.**

**184 Eastward Rd, Abbott, SE 10-** : The ZBA had requested comment on the proposal for a new garage with mitigation. The Commission reviewed the comment letter sent to the ZBA for the previous, similar application. Some minor revisions were made to the letter.

**325 Fox Hill Road, Eastward Ho! Country Club, SE 10- 2149:** An Extension Order was signed.

**79 Lakeshore Drive, Nurse:** The applicant would like to remove three trees one after-the-fact. Cape Tree LLC will be doing the work and photographs of the trees were provided with the application.

The Commission approved the application under an Administrative Review; no additional filing will be required.

**75 Tilipi Run, Riley:** The applicant would like to plant screening material in the upper part of the 100-ft buffer to the coastal bank. Photographs of the site were provided. This work had been completed a few years ago.

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

**132 Lakeshore Drive:** The applicants have recently purchased the lot and would like to clear some vegetation for a view window. Photographs of the site were provided. The Commission agreed that the proposal was too broad in scope, however the Commission would agree with what the Agent will allow after an on-site visit.

**331 Seapine Road, Chase:** The applicant would like to remove trees leaning over the garage and prune another, photographs were provided and Ms Andres had been to the site.

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

**Adjourn:** It was moved, seconded and voted to adjourn the meeting at 9:30 PM

Respectfully submitted,  
Mary Fougere, Secretary