

Present: Commissioners Paul Chamberlin, Carol Scott, Corinne Johnson, Billie Bates, Jay Putnam, Associate Member Keith Hutchings, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Absent: Commissioner Barbara Skelley

The following applications were continued:

- ◆ **30 Bridge Street, Roger Vose-applicant, Hen Coop Point Trust-owner, SE 10-2487:** At applicant's request, hearing was continued to November 19, 2008
- ◆ **125 Stage Harbor Road, Gregory, SE 10-2486:** At the applicant's request, the hearing was continued to November 5, 2008
- ◆ **150 Stage Island Rd, DMD Properties, SE 10-2299:** At the applicant's request, the hearing was continued to November 5, 2008
- ◆ **Old Turkey Farm Lane, Schumacher, SE 10-:** At the applicant's request, the hearing was continued to November 5, 2008

489 Stage Harbor Road, Sydney Feldman: The hearing was opened for a Request for Applicability (RDA) for the proposed replacement of existing swimming pool at 489 Stage Harbor Road. A representative from Anchor pool and Design was present and returned the abutter notification cards. He stated that the existing pool would be replaced in kind with a new, chemical free swimming pool. The existing pool is located in the AURA to the Flood Plain, elevation 8.5 ft. Currently the run-off from the pool deck goes into lawn areas. There will be no re-grading, the pool fence area will remain the same.

The excavated materials from the old pool will be trucked to S & J Exco and the existing pool water will be pumped out and trucked off site.

The Commission noted that the existing lawn is cut right to the edge of the wetland areas; the Commission felt that there should be additional mitigation plantings installed contiguous with the existing vegetation line, closer to the 8.5 contour.

It was moved, seconded and voted for a Negative Determination with the condition that the contractor meet with the Agent prior to beginning the project and that mitigation plantings be completed when the project is done. A limit of work has been noted on the plan submitted with the RDA.

211 Vineyard Ave, Michael/Elizabeth Aghajanian, SE 10-2440: The hearing was opened for a proposed request to amend an existing Order under SE 10-2440 to include the demolition of the existing dwelling and reconstruction of new dwelling on the same footprint and the retention of the existing lawn driveway, eliminating the new, approved driveway at 211 Vineyard Ave. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. He stated that the applicants have found out after the initial hearings and issuance of the Order that it will be less

expensive to raze the entire dwelling and install a new foundation instead of renovating the existing dwelling as originally proposed. As mitigation the applicants propose to leave the existing driveway as is (grassy area) and adhere to the mitigation already approved under the last application. The leaching field of the septic system is near the access to the dwelling; it will be important to mark this area during the construction to keep vehicles off the area. Mr Clark stated that should the applicant decide to pave the driveway, he would file another amendment request.

The new sunroom will be supported on sono tubes or a poured foundation. The new patio will have a pervious surface. A Special Permit from the Zoning Board of Appeals has already been issued.

The Commission noted that there were grubbed out areas in the backyard on the east side, near the marsh. Associate Keith Hutchings stated that he had observed that tree and brush work had been completed before the house was purchased by the current owner.

It was moved, seconded and voted to approve the Clark Engineering LLC plan dated March 10, 2008 revised September 23, 2008 for the amendment request.

771 Fox Hill Road, Bradley/Jane Gale, SE 10-: The hearing was opened for an Abbreviated Notice of Intent for the proposed maintenance pruning and trimming in area adjacent to Easy Street right of way to Bassing Harbor at 771 Fox Hill Road. The applicant was present and returned the abutter notification cards. Mr Gale stated that when he bought the house in 1999, he was aware that a covenant was attached to the deed addressing a pie-shaped area of his lot (south of the right-of-way). The covenant was put in place so that the neighbors on Easy Street would be able to enjoy the view of Bassing Harbor in perpetuity. A copy of the covenant was not supplied with the application.

The applicant has lightly trimmed in the past and is now seeking a valid wetlands permit for the work to maintain the existing view. Mr Gale would like to keep the vegetation at varied heights, beginning at 2-1/2 ft and up to 4-ft. The area of proposed vegetation control was shown on a subdivision plan of the area.

The hearing was continued to October 22, 2008 for receipt of a file number from DEP.

18 Indian Trail, John/Lisa Strain: The hearing was opened for a Notice of Intent (NOI) for the proposed remodeling of an existing single-family to include the construction of a garage/connector addition and replacement of exterior windows; proposed driveway re-configuration at 18 Indian Trail. Lynn Hamlyn of Hamlyn Consulting and Architect Bob Evans from A & E Architects represented the applicant. MS Hamlyn returned the abutter notification cards. The resource areas affecting this lot are a Bordering Vegetated Wetland (BVW) upgradient to a salt marsh and coastal bank. Ms Hamlyn supplied DEP Wetland Field Delineation Forms in the application and reviewed the manner in which she

defined the top of the coastal bank and the Adjacent Upland Resource Area (AURA). She stated that the coastal bank on this site is a vertical buffer only and not a sediment source to coastal areas. The bank is well vegetated and the proposal will not affect the vegetation.

All the existing structure is located in the 50-ft AURA to the coastal bank; the proposed addition occurs within the 50-ft AURA also. Property line setbacks and the location of the septic system have affected the location of the addition, however the existing structure will be closer to the top of bank than the addition; a variance request was supplied with the application.

Mitigation has been proposed as follows:

- ◆ The existing driveway will be re-configured and pervious material will replace the asphalt. Mr Evans stated that the existing circular drive will be eliminated; only a couple parking spaces will remain
- ◆ Areas will be loamed and seeded that will not be used as driveway
- ◆ Lawn area removal will be replaced at a 2:1 ratio allowing a 6-ft buffer upgradient to the top of bank. The hammock area will be preserved

A patio, hot tub and shower are not shown on the plan. The applicant would like to include maintenance pruning of vegetation also. The pruning would be completed to enhance views from the deck. Several large trees in the front yard will be retained except for a large pine. Mr Evans felt that there was area on the property to plant a replacement tree.

A Special Permit will be required by the ZBA; the proposal is scheduled on the ZBA agenda for November 6, 2008.

The hearing was continued to November 12, 2008 to allow Ms Hamlyn to revise the plan. She would supply the plan prior to the Zoning Board hearing.

620 Old Harbor Road, Paul/Patricia Gannon, SE 10-: The hearing was opened for an NOI for the proposed boathouse re-construction at 620 Old Harbor Road. Roy Okurowski and Jason Norton of Coastal Engineering Company Inc represented the applicant; Mr Okurowski returned the abutter notification cards. Commissioner Jay Putnam recused himself from the hearing. There were 4 voting members present.

The existing structure is a residence as well as a boathouse. By lifting the structure on cribbing, installing helical piles and break-away panels, and re-setting the building, the lower level will be made FEMA compliant and could be still used as a boathouse. Minimal excavation will be required; the existing foundation will remain and any additional concrete will be mixed on-site by hand. The first floor of living space must be 1-ft above Flood Plain elevation, which is V-zone 13. 0 ft. The Commission was in receipt of a copy of a letter from Director of Community Development & Chief Zoning

Officer Kevin McDonald, indicating that the proposal will not require a Special Permit from ZBA.

The electrical lines and the existing sewer system lines will be capped/or shut off during construction. The electrical lines will be installed above the flood elevation. The stairway will be re-built.

Mr Okurowski reviewed the construction plans for the project. The project will require about 6 weeks of work. Access for the project will be via the beach with a rubber-tire trax-cavator, except for smaller hand tools and small machinery that will be brought to the site via the owner's property. Plywood would protect the beach vegetation; the limit of work is above MHW. When not in use, the machinery will be stored on the slab; MS Andres verified that it will not be stored on the beach since there is minimal beach area at this site. From the audience, Director of Coastal Resources Ted Keon, reminded the applicants that a "use" permit must be obtained from the Town of Chatham prior to using the Town Landing at Cowyard.

The applicant has not settled on a contractor to do the work, to date. **The hearing was continued to November 5, 2008 for receipt of a file number from DEP and architectural information.**

Battlefield Road, Battlefield Landing, Town of Chatham-owner, Coastal Resources Dept-applicant, SE 10-2499: The hearing was opened for an NOI for the proposed re-nourishment of beach; proposed re-construction of ramp and proposed dinghy storage structures at Battlefield Landing. Director of Coastal Resources, Ted Keon, and Highway Surveyor Jeff Colby represented the applicants; Mr Colby returned the abutter notification cards.

Mr Keon noted that the Town Landing is heavily eroded and is in need of erosion protection measures to mitigate the on-going recession and loss of material at the shoreline. There are several escarpments that indicate obvious signs of erosion and foot traffic has enhanced the loss of vegetation in several locations. The existing pedestrian access ramp is steep and should be improved for foot traffic and access for hand carrying of small boats and dinghies.

There are several dinghies stored on three abutting properties, the town landing, Outathere Realty Trust property and Eastern Investment Trust property. The town has received full endorsement from both property owners to proceed with the project. The adjacent property owners wish to continue allowing the owners of the dinghies to store their small craft along the shore; however they want to restrict the area for dinghy placement and minimize any negative impacts of this storage to the beach and banks.

The proposed work would be completed by the same contractor who worked at the Cowyard Landing project to ameliorate the dinghy storage problems.

There is a small clay culvert in disrepair that partially drains the series of inland wetlands to the west of Battlefield Road. Portions of this culvert will need to be replaced and extended since the new fill will bury the outlet of the existing pipe.

The existing footramp accessway is heavily used by boat owners to access the shore; the footpath to the west of the ramp will remain as it provided direct access to the dinghy storage area on the adjacent property.

The following letters of interest regarding the proposal were read into the record:

- ◆ Letter dated October 8, 2008, from Bruce C Marden, Trustee Eastern Investment Trust
- ◆ Letter dated October 2, 2008 from John Conathan, Esquire
- ◆ Memorandum dated September 22, 2008 from Kevin McDonald, Zoning Officer
- ◆ Letter dated October 7, 2008 from Division of Fisheries & Wildlife, NHESP
- ◆ Letter dated October 17, 2008 from Division of Fisheries & Wildlife, NHESP

It was discovered that the project had been improperly noticed therefore, the hearing was continued to November 5, 2008 for re-advertisement of the project indicating the correct location of proposed work, the owners of record on the properties where work is proposed and the re-notification of abutters.

Fox Pond off Strong Island Rd, Sedge Lane and Rush Drive, Fox Run Association-owners, Jan Hoynacki-applicant, SE 10-2492: The hearing was re-opened for an NOI for the proposed removal of invasives and vegetation control; proposed maintenance of vistas around Fox Pond and on Sedge Lane, Rush Drive and off Strong Island Rd. Jan Hoynacki represented the Fox Run Association. He indicated that Countryside Landscaping would be completing the work.

The applicants wish to complete the removal of lily pads by hydro-mowing instead of hand pulling them as originally presented. The work would be completed only in areas of the pond that had been previously permitted. Under A previous Order, now expired, a work protocol dated October 13, 2008 was submitted to the file; the Commissioners had received copies prior to the meeting.

The Commission felt that the proposed pruning work was acceptable and that the project could be conditioned to avoid additional adverse impact to the pond. Discussion ensued regarding the timing of the removal of loosestrife. The Commission agreed that loosestrife removal should be completed pre-bloom and the tops be bagged and removed from the site; this should be done as mitigation for the lily pad removal.

The Commission expressed concern that once the pond is “selectively mowed” twice annually, there is potential for algae bloom and other unsightly growth once the pond

water heats up and additional light penetrates the water. The pond is anoxic towards the bottom and displays signs of eutrication already. It will be important that the Association adhere to the protocol put forth in the application.

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

Lot 4 Kendrick Harvest Way, Eastward Homes Business Trust, SE 10-2494: The hearing was re-opened for an NOI for the proposed construction of new dwelling at Lot 4 Kendrick Harvest Way. William Marsh of Eastward Homes Business Trust was present.

The Commission had asked for calculations of permanent disturbance in the outer 50-AURA to the bog. Mr Marsh stated that 37% of this area would be disturbed, that figure included lawn and patio areas. The Commission felt that this calculation seemed implausible, however when considering the entire outer 50-ft AURA, the figure could be accurate.

Thirteen trees will be removed during construction, some of them substantial. The applicant agreed to plant several additional trees to those indicated on the revised Landscape plan. The Landscape plan has also been revised to show the limit of construction disturbance closer to the proposed dwelling and an increase in plantings as mitigation. The Commission agreed that the resource area that is being protected on this site is a working bog; the on-going use of herbicides and pesticides and the use of machinery does little to enhance wildlife habitat.

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

Parcel J6 John Gilpin Lane, Charwich Realty Ventures LLC, SE 10-2434: The hearing was re-opened after re-advertisement for an NOI for the proposed construction of a new single family dwelling at Parcel J6 John Gilpin Lane. John McCormick, Esq represented the applicant. The Commission was in receipt of revised site and landscape plans supplied by Eldredge Surveying and Engineering LLC .

Mr McCormick stated that the revised plans show that 49 % of the outer 50-100 ft AURA will remain permanently disturbed; the previous plan had shown a 62% disturbance. The revised landscape plan shows a reduction of 1000-sq ft of area that will be permanently disturbed.

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

Hardings Beach Road (from intersection of Barn Hill Rd), Town of Chatham, SE 10-2498:The hearing was re-opened for an NOI for the proposed drainage system improvements and proposed widening of traveled lanes from Hardings Beach to Barn Hill Road. John DeSousa of Eldredge Surveying & Engineering LLC represented the applicant. The catch basin locations had been staked in the field previous to the hearing.

The Commission discussed the specifics regarding the location and construction protocol of the drainage swale shown on page 8 of 15. It was verified that the dune will not be excavated to install the swale. The Commission questioned whether the dune would eventually fill the swale and whether maintenance of the swale would be included in the project. Mr De Sousa stated that the swale will be cleaned bi-annually, twice yearly.

The sides of the roadway will be re-vegetated, the Chatham Highway Department will be planting trees as well. All grading occurs within the road layout and proposed retaining walls are outside the jurisdiction of the Commission.

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

Lot 5 Betty's Path, Minot Acres LLC, Gregory Edson-owner/applicant, SE 10-2477:

The hearing was re-opened for an NOI for the proposed construction of single family dwelling with driveway, apartment, pool and utility connection at Lot 5 Betty's Path. J Thaddeus Eldredge of Eldredge Surveying & Engineering and William Ohrenberger, Esquire represented the applicant.

It was moved, seconded and voted to approve the Eldredge Surveying and Engineering plan dated June 30, 2008 revised September 23, 2008 for the construction of a dwelling to be followed by an Order of Conditions. **Five Commissioners were eligible to vote. The vote was 4 in favor of the proposal, 1 against the proposal.**

Lot 6 Betty's Path, Minot Acres LLC, Gregory Edson-owner/applicant, SE 10-2478:

The hearing was re-opened for an NOI for the proposed construction of single family dwelling with driveway and utility connection at Lot 6 Betty's Path. J Thaddeus Eldredge and William Ohrenberger, Esquire represented the applicant.

It was moved, seconded and voted to approve the Eldredge Surveying and Engineering plan dated June 30, 2008 revised September 23, 2008 for the construction of a dwelling to be followed by an Order of Conditions. Five Commissioners were eligible to vote. **The vote was 4 in favor of the proposal, 1 against the proposal.**

Lot 7 Betty's Path, Minot Acres LLC, Gregory Edson-owner/applicant, SE 10-

2479: William Ohrenberger, Esquire reviewed changes he would like to see in the Order of Conditions issued on October 10, 2008. Minor changes on pg 2 and 5 were approved. The Secretary would provide the corrected pages to Mr Eldredge.

145 Lake Shore Drive, Robert Kiefer-applicant, Robert Steele, SE 10-2497: The hearing was re-opened for an NOI for the proposed addition and deck to existing single family residence at 145 Lakeshore Drive. J Thaddeus Eldredge of Eldredge Surveying & Engineering LLC represented the applicant; he submitted revised plans.

The mitigation area was not satisfactory, the Commission felt that it would be difficult to mitigate satisfactorily in such a shady area. There is still 120 sq ft of mitigation proposed in the shady area. Although Dogwoods are proposed, the Commission did not feel it was an appropriate planting for shady areas.

The applicant has also agreed to remove 3-ft of lawn along the top of the bank and plant a vegetated buffer with some wildlife area. The Commission felt that there were several areas along the bank that would benefit from a vegetated buffer and prevent mowing over the edge of the bank. The Chair stressed that the blue-green lawn area on this site has been fertilized for years. There was discussion regarding the continuing, excessive use of fertilizers around the lake on many of the properties; currently the property owners have a request in front of the Commission for the addition of alum to clarify the water. Without cooperation from the property owners restricting the use of fertilizers, it seems ridiculous to ask the town to solve their problem.

The Commission felt that in this freshwater location, there are many plant species that could be used; the use of small, one gallon low-bush blueberry would serve no purpose unless it was planted 3-ft on center. The Commission would like to have the applicant use 3-gal minimum when selecting plant material.

The hot tub is drained via the septic system; the applicant will seek permits for the existing dock in the near future. There will be 450-500 (125-150 linear ft) sq ft of mitigation added to the west side, the planting size will be changed to 4-ft in height.

A comment letter from NHESP, verifying that the project was not in Priority Habitat areas was read into the record.

Mr Eldredge will provide two revised plans for the file; **the hearing was continued to November 5, 2008.**

69 Strong Island Road, Nina Saberi, SE 10-2470: The hearing was re-opened for an NOI for the proposed construction of a 14-ft gazebo on sonotubes, proposed construction of additions on a crawl space foundation and over an existing deck at 69 Strong Island Road. There was no-one present to represent the applicant. It was noted that the Project had been denied by the ZBA on Aug 7, 2008.

The hearing was continued indefinitely.

39 Parliament Drive, Janet Raftery, SE 10-2449: The hearing was re-opened for an NOI after re-advertisement to include the construction of a deck in addition to the proposed construction of an addition to an existing dwelling at 39 Parliament Drive. No one represented the applicant; a Special Permit had been approved by the ZBA on September 25, 2008.

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

Lot 3 Betty's Path, Minot Acres, LLC, Gregory Edson- owner/applicant, SE 10-2475: It was moved and seconded to approve the Eldredge Surveying & Engineering plan dated June 30, 2008 revised August 26, 2008 for the construction of a dwelling at Lot 3 Betty's Path.

The project was approved four (4) in favor, one(1) opposed.

Lot 4 Betty's Path, Minot Acres, LLC, Gregory Edson-owner/applicant, SE 10-2476: It was moved, seconded and voted to approve the Eldredge Surveying & Engineering plan dated June 30, 2008 revised August 26, 2008 for the construction of a dwelling at Lot 4 Betty's Path.

The project was approved four (4) in favor, one(1) opposed.

Lot 8 Betty's Path, Minot Acres LLC, Gregory Edson-owner/applicant, SE 10-2480: It was moved, seconded and voted to approve the Eldredge Surveying & Engineering plan dated June 30, 2008 revised August 26, 2008 for the construction of a dwelling at Lot 8 Betty's Path.

The vote was four (4) in favor and one(1) opposed.

Lot 9 Betty's Path, Minot Acres LLC, Gregory Edson-owner/applicant, SE 10-2481: It was moved, seconded and voted to approve the Eldredge Surveying and Engineering Plan dated June 30, 2008 revised September 5, 2008 for the construction of a dwelling at Lot 9 Betty's Path.

The vote was four (4) in favor and one (1) opposed.

24 Squanto Drive, Ritchie, SE 10-2423: It was moved and seconded to approve the proposal at 24 Squanto Drive. Four Commissioners were eligible to vote, Commissioner Johnson abstained. **The vote was unanimous for approval. Duplicate signature sheets were signed.**

159 Tide Mill Lane, Stello, CWP08-: The draft Order of Conditions was reviewed. Five Commissioners were eligible to vote. **It was moved, seconded and voted to approve the Order of Conditions as written.**

80 Bridge Street, Stage Harbor Marine, Andrew Meincke, SE 10-2401: It was moved, seconded and voted to approve the draft Order of Conditions for marina improvements.

Four Commissioners were eligible to vote on the application; Commissioner Johnson abstained. **The project was unanimously approved.**

168 Stage Harbor Road, Anselmo, SE 10-: The hearing was continued to October 22, 2008 during a public hearing on October 15, 2008. Due to lack of a voting quorum, the discussion on the Order of Conditions and vote will be held on October 29, 2008 at 4 PM.

133 Taylor's Pond Road, Cape Tree LLC: The applicant would like to remove trees and prune several others, removing dead limbs. Photographs of the site were submitted with the application and there would be no topping of trees.

The Commission agreed that the proposal could proceed under an Administrative Review and that no additional filing would be necessary.

95 Taylor's Pond Road, Driscoll: Applicant would like to remove one tree on the property by hand and plant natives along the top of the bank. The Commission agreed that the project could proceed under an Administrative Review and that there would be no additional filing required.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 9:50 PM.

Respectfully submitted,
Mary Fougere, Secretary