

**Present:** Chairman Jay Putnam, Carol Scott (left at 4:50 PM), DeeDee Holt, Paul Chamberlin, Billie Bates, Bob Lear (arrived at 5 PM), Conservation Agent Kristin Andres and Secretary Mary Fougere.

**Absent:** Commissioner John Geiger

**Strong Island, Jay Cashman-applicant, Chatham Conservation Foundation-owner, SE 10-2516:** The hearing was re-opened for a Request to Amend existing permit under SE 10-2516 to include proposed demolition of the existing dwelling and construction of a new dwelling on a new footprint; the addition of 4 barge trips for transport of materials; proposed changes to the work protocol; hiring of environmental consultant and obtaining a survey of the ocean floor at Strong Island. The Commissioners reviewed a draft of the Amended Order of Conditions. Discussion ensued on the specifics of the document.

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

**325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534:** The hearing was re-opened for a Notice of Intent (NOI) for the for proposed shorefront protection at 325 Fox Hill Road. Commissioner Scott recused herself from the hearing. **At the applicant's request, the hearing was continued to January 6, 2010.**

**811 Fox Hill Road, Murray, SE 10-2451:** It was moved, seconded and voted to approve the Amendment Request for the construction of two small patios with mitigation plantings. **Additional Special Conditions were written.**

**Lot 6 Kendrick Harvest Way, Eastward Companies, SE 10-2602:** It was moved, seconded and voted to approve the Clark Engineering LLC plan dated October 26, 2009 and the Eastward Companies Landscape plan dated November 17, 2009 revised December 7, 2009 for the construction of a new dwelling at Lot 6 Kendrick Harvest Way. **An Order of Conditions was written.**

**Discussion re: North Beach:** Dr Robert Duncanson, Director of Health and Environment, was present to update the Commission on the status of joint Orleans-Chatham Selectmen discussions regarding the monitoring of the barrier beach known as North Beach. For many years there has been an intermunicipal agreement, renewed annually (sometimes every two years), stipulating the policing duties and monitoring responsibilities of each town for North Beach maintenance. Last year the agreement was modified due to the effects of the new breach and the resulting loss of beach on the Chatham portion. Chatham no longer has a police patrol out there; although they do respond when contacted by Orleans. Chatham has an agreement with Orleans Police to provide supervision primarily for the ORV's. Chatham also has a side contract with Orleans for plover monitoring. This fall, Orleans approached Chatham regarding continuance of the agreement, primarily because they do not want to be involved in the monitoring

of ORVs or the plover monitoring for Chatham. Additionally, there were problems with split jurisdictions during the closing of the beach due to shark sitings.

Most of the activity on the entire beach is regulated, primarily in the vein of ORV activities, by the Park & Recreation Departments of both Orleans and Chatham. This fall, the question was raised whether this is appropriate since the portion of Chatham that remains is under the jurisdiction of the Conservation Commission with a small portion under the National Parks. Therefore, the Commission may be placed in a more active management role for the roughly ½ mile of beach in the near future. There is still uncertainty over the ownership of the land at the tip,

The Health and Environment Department in Chatham will be taking over the monitoring of plover activities; next summer there will be full time staff hired for this purpose. Last year there were no nesting plovers in the Chatham areas but there has been more habitat created from sand deposits now so there may be good habitat in the near future. There has been some discussion of having the plover monitor doing some basic ORV monitoring but this has not been formalized.

Beach management will be in the forefront for the Commission and Dr Duncanson felt that it is best to be pro-active in scheduling discussion in the coming weeks prior to the busy season on the beach. A copy of the Nauset Beach Rules and Regs was distributed; this is the pamphlet that is given to every ORV that is permitted on the beach. Some of the discussions in upcoming weeks should involve the Conservation Rules and Regs and how they can be modified pertaining to ORV use.

Commissioner Chamberlin questioned whether any regulations are enforceable if they are not posted; in that vein, the existing Conservation Rules and Regulations should be displayed as soon as possible. Dr Duncanson cautioned that signage tends to disappear out there but there is an ORV Management plan already in use. He noted that supervision in some of the remote areas is hard. The question of supervision has come up tangentially in previous hearings during the permitting of the new road under a Notice of Intent filed by Coastal resources Director, Ted Keon. Dr Duncanson noted that the vast majority of ORV users are respectful of the beach; should there be nesting plovers in the Pochet area, the beach will be shut down for a period of time.

From the audience, Chairman Bob Long and Committee Member Tom Olson informed the Commission that there is an active North Beach Advisory Committee, which still meets regularly. The Committee is ready to work with the Commission and they both re-assured the Commission that they would like to be involved with process early. There is signage in place already and that the new roadway is well marked.

Dr Duncanson would get copies of the North Beach Management Plan to the Commissioners.

**5 PM--Discussion re:** several members of the Land Bank/Open Space Committee were present for a discussion on Land Management issues especially regarding the access to the Land Bank purchase area at Valley Farm Rd. The Commission recently permitted Tom Gilmartin to mow the existing pathway for access to his lot at 100 Valley Farm Road. The existing roadway is cleared to a width of 12-ft ; the applicant wanted to increase the width of the access way to 15-ft by mowing on either side. During the hearing process, the applicant asserted his legal right to access his property, as defined by the subdivision creating the lots. After much discussion, the Commission permitted the southerly end of the roadway loop to be cleared; the applicant had stated that he would like to store his boat on the 100 Happy Valley Road lot, even though there is no dwelling on the site.

Additionally, the Commission felt that the applicant could install a bollard to block public vehicular use of the cleared roadway, especially to discourage dumping in the Conservation area surrounding Mr. Gilmartins property.

Land Bank Committee member Jack Farrell indicated that the Land Bank Committee had concerns regarding the visibility of the access way to the Conservation area. There is now a private house on the corner of Valley Farm Road . The new owner plans to pave the portion of Valley Farm up to his garage. This action combined with the new bollard/gate on the Gilmartin access road may look like access to only the private home and prevent public use of the Conservation land in the rear. The Land Bank had envisioned that there would be no roadway, just a footpath, until a building permit had been issued for 100 Valley Farm Road. It was felt that a gate proposed by the applicant would further prevent public use. The Land Bank Committee felt that the perception that the property is not accessible for public use may cause concern regarding the importance of the purchase.

Discussion ensued regarding legal rights once a subdivision is created.

Mr. Farrell acknowledged that there is a need for an active communication between the Conservation Commission and Open Space Management Committess. The Land Bank now has members who are willing to foster the relationship.

**82 Main Street, McKinley, SE 10-2591:** It was moved, seconded and voted to approve the Coastal Engineering Company plan dated September 17, 2009 for

the construction of an elevated stairway at 82 Main Street. **An Order of Conditions was written.**

**797 Old Queen Anne Rd, Davis, SE 10-2588:** It was moved, seconded and voted to approve the Ryder & Wilcox plan dated September 28, 2009 revised December 10, 2009. **An Order of Conditions was written.**

**Approval of Minutes:** The minutes of November 4, 2009, November 23, 2009, December 9, 2009 were approved as written.

**Certificates of Compliance:** A Certificate of Compliance was signed for 1005 Main Street, Streibert/Agway, SE 10-2310. Assistant Conservation Agent Lara Slifka will attach a letter with the Certificate of Compliance.

**The following projects were unanimously approved under Administrative Review, unless noted otherwise:**

**117 Pine Knoll Ave, Malatesta:** Tree and limb removal within 100-ft of salt marsh

**68 & 80 Stage Harbor Road, Anselmo, The Tree Wizard:** Pruning for maintenance of roadside chestnut trees within 100-ft of a coastal bank

**7 easy St, Coon, The Tree Wizard:** Removal of dead tree and damaged pine within 100- ft of an isolated wetland (Vote 4-1 in favor of project)

**149 Cothchpinicut Road, Perkins, The Tree Wizard:** Removal of tree and stump grinding within 100-ft of coastal bank

**129 Seapine, Infantino, Robb Morrison Tree Service:** Removal of pine within 100-ft of coastal bank

**170 Vineyard Avenue, Tileston, Robb Morrison Tree Service:** Removal of tree and branches overhanging the house within 100-ft of the Flood Plain

**134 Seagull Road:** The proposed deck replacement was beyond the scope of an Administrative Review; applicant must file a Notice of Intent

**Zoning Board of Appeals Request for Comment:** Commissioner Chamberlin drafted comment letters for the projects at 29 Manomock Road and 72 Main Street. The Secretary would prepare the letters for review at the next meeting.

**Extension Permit:** An Extension Permit was signed for 19 Round Cove Road, Ginter, SE 10-2314

### **Agent Report/Discussion**

Admin Reviews

**Reminders:** Weather permitting, an on-site walk has been scheduled for Eastward Ho! for January 4, 2010 at 10 AM; January 8 at 1 PM is an alternate date.

Commissioner Holt and the Assistant Conservation Agent, Lara Schofield, have prepared checklists for applicants; the lists would be reviewed at the next work session.

**Adjourn:** It was moved, seconded and voted to adjourn the meeting at 6:17 PM.

Respectfully submitted,  
Mary Fougere, Secretary