

Present: Chairman Jay Putnam, Paul Chamberlin, John Geiger, Carol Scott, Billie Bates, Conservation Agent Mary Fougere and Secretary Mary Fougere.

Absent: Commissioners DeeDee Holt and Robert Lear.

325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534: The hearing was re-opened for a Notice of Intent (NOI) for the proposed shorefront protection at 325 Fox Hill Road. Commissioner Scott was recused from the hearing. Jack Farrell represented the applicant. An on-site shoreline walk had been held on January 22, 2010 with several Commission members, Mr. Farrell, Consultant John Ramsey, Coastal Resources Director Ted Keon, and the Agent present.

There was agreement that there had been changes in the shoreline in Area 1 (from the Coastal Engineering plan), near the Chatham Yacht Club and that the sacrificial sand is still proposed for the Jackknife Harbor area. Mr. Farrell stressed the need for some toe protection in area one. He noted that the club has scaled back the original proposal for this area from 900 feet of rock down to 300 ft with fiber roll returns and nourishment.

Commissioners Chamberlin and Geiger felt that the new break in North Beach is not old enough to re-sculpt the shore line. The on-going natural process of erosion may eventually equalize to a more stable environment over time. It is quite difficult to know how much pro-active action can be taken before the natural process has finished sculpting the shoreline. Mr. Geiger compared this situation to the changes that occurred near the lighthouse after the first break in 1987, where severe erosion occurred initially; the shoreline equalized some years ago. There would be no point in treating the entire shoreline if problems were to develop elsewhere on the property, an example of which is Jackknife Harbor which has experienced sand loss over time due to the installation of the revetment years ago. They both agreed that there is no desire on the part of the Commission for the club to lose a lot of bank at the top where the golf course would be affected.

Nourishment seems to be the key at the present time, including the sacrificial dune at Jackknife Harbor. Mr. Farrell acknowledged that in the past, the club should have nourished over the existing fiber rolls, and it wasn't done.

While on-site, it was observed that there was quite a bit of erosion around the Chatham Yacht Club. The Commission felt that any work that the Yacht Club may propose should be coordinated with this proposal since it is part of the shoreline being discussed.

Discussion ensued on the merits of completing the proposed project in stages where areas that have stabilized can be treated as needed, and not treated for expected damage.

Commissioner Bates acknowledged that there was additional erosion evident at the on-site and reminded the Commission that the site is located in a state approved ACEC.

The hearing was continued to February 3, 2010 in order to have time to arrange a Special Meeting Date. Mr. Farrell felt that there would be no new information provided by the club.

75 Squanto Drive, Douglas/Cheryl Gorman, SE 10-2592: The hearing was re-opened for an NOI for the proposed removal of existing dwelling and garage and proposed construction of new dwelling and garage and proposed re-location of existing septic tank at 87 Squanto Drive. Stephanie Sequin of Ryder & Wilcox, Inc represented the applicant. She had provided revised plans showing changes to the originally proposed deck. The new deck proposal will result in a net reduction of 52 sq ft in the No Disturb Zone (NDZ) to the top of the coastal bank. There will be increased coverage in the 50-100 AURA by 980 sq ft. Mitigation is provided in an almost 2:1 ratio, 1750 sq ft is proposed.

The closest part of the new proposed structures will be 11-ft from the top of bank; the existing house is only 3-ft away.

Additional mitigation plantings will continue along the property line beyond the retaining wall. The Commission felt that the planting should begin as soon as the foundation is poured, rather than wait for the completion of the project.

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

52 Nickerson Lane, Wallace, SE 10-2598: It was moved, seconded and voted to approve the Coastal Engineering Company, Inc plan dated November 2, 2009 revised November 30, 2009 for the amendment request to change drainage structures and rooflines. **Additional Special Conditions were written.**

227 Woodland Way, Eastward Homes, SE 10-2604: It was moved, seconded and voted to approve the Clark Engineering LLC site plan dated June 2, 2009 revised January 8, 2010 and the Eastward Companies landscape plan dated January 13, 2010 for the construction of a new dwelling at 227 Woodland Way. Discussion ensued regarding the amount of disturbance in the inner Adjacent Upland Resource Area. **An Order of Conditions was written.**

444, 442, 440 Old Harbor Road & 594 Shore Road, Morgan, Chane et al, SE 10-2611: It was moved, seconded and voted to approve the proposal as shown on the Coastal Engineering Company Inc plan dated July 11, 2006 revised November 25, 2009. **An Order of Conditions was written.**

75 Squanto Drive, Gorman, SE 10-2592: It was moved, seconded and voted to approve the proposal as shown on the Ryder & Wilcox Inc plan dated September 22, 2009 revised January 25, 2010. **An Order of Conditions was written.**

Approval of Minutes: The minutes of November 30, 2009 and December 16, 2009 were approved as amended at the table. Carol Scott recused herself from the vote.

The minutes of December 30, 2009 and January 6, 2010 were approved as written.

The Commission voted to send comment letters at the request of the Zoning Board of Appeals, as drafted by Commissioner Chamberlin, for the following projects:

14 Homestead Lane, Griswold, SE 10 2585:- Additions

26 Pond St, Walters: New entryway

BoH Request for Comment: The Commission reviewed their findings to date from the hearing process for 155 Mill Creek Rd. A letter in favor of the proposal was drafted by the Commissioners for the BOH meeting on February 8, 2010.

Extension Permits were signed for the following projects:

Lot 4 Captain's Cove Ln, Kirby/Horst, SE 10-2301

380, 374 etc Shore Road, Chatham Bars Inn, SE 10-2312

Certificates of Compliance were signed for the following projects:

597 Orleans Road, Howe, SE 10-2205

99 Squanto Drive, Four Oceans Inc, SE 10-2441

16 Cranberry Lane, Crane, SE 10-2406

35 Oyster Pond Lane, Nickerson-Deyst: The Commission approved the removal of storm damage tree branches at 35 Oyster Pond Furlong under an Administrative Review. A photo of the damage had been submitted.

Zoning Bylaw Amendment Article: Ms Andres had submitted a draft of a proposed zoning bylaw amendment article to the Commission for their review. The Article seeks to re-zone town owned conservation lands to Municipal Conservation (MC).

The article will be presented to the Selectmen on February 2, 2010; details will be provided on the location of the parcels and the reasons for the application. Should the Selectmen approve the proposal; the proposal will be reviewed by the Planning Board and Town Counsel.

Strong Island, Cashman: The Commission was in receipt of a letter dated January 27, 2010 from Holtz and Reed LLP, on behalf of Mr. Cashman, requesting a "full and fair hearing" regarding an Enforcement Order issued on September 28, 2009.

In a letter dated October 5, 2009, Mr. Cashman wrote that he had taken measures to correct the violation. The Commission was satisfied at the time that the violation had been corrected and had no reason to expect further action or correspondence from the applicant. William Riley, Esquire who represented Mr. Cashman at the time was informed of the Commission's decision.

Currently, Kate J Levy, Esquire of Holtz & Reed LLP insists on a hearing. Commissioner Geiger motioned, although this was an unusual circumstance since the violation was

corrected, to grant a hearing on the matter at a work session. The motion was seconded by Commissioner Scott.

Commissioner Geiger motioned to amend the motion by restricting the hearing to 10 minutes and that the hearing would be held in a work session. It was seconded and voted in favor of the motion.

The Agent would inform the attorney that the Commission selected February 10, 2010 as the hearing date.

Fire Management: The public meeting held on January 21, 2010 was not well attended; over 500 abutter notifications were sent.

Commissioners Geiger and Bates attended the session and felt that it was very informative. Ms Andres stated that there is grant monies available for fire management; the funds could be used by Chatham to buy equipment; fund education projects, etc.

Contractor workshops: Assistant Conservation Agent Lara Slifka is planning a couple contractor workshops, hopefully one in February on regulations and one for March on Invasive plants and invasive plant management.

Newcomers Club: On January 21, 2010 Ms Andres spoke to the Chatham-Harwich Newcomers Club on various Conservation issues including regulatory and land management. Commissioner Scott was in attendance.

Adjourn: At 6:10PM, Commissioner Geiger moved to enter into Executive Session for the purpose of discussing litigation and to adjourn without going back to public session. Commissioner Chamberlin seconded. By individual poll, the vote was unanimous in favor of the motion.

Respectfully submitted,
Mary Fougere