

Present: Chair Jay Putnam, Vice Chair DeeDee Holt, Carol Scott, Billie Bates, John Geiger, Paul Chamberlin, Bob Lear, Conservation Agent Kristin Andres and Secretary Mary Fougere.

At the applicant's request, the following hearings were continued:

**110 Old Salt Works Road, Goodrich Chatham Realty Trust, Joseph Marzilli, Trustee, SE 10-2582**: At the applicant's request, the hearing was continued to April 21, 2010.

**155 Mill Creek Road, Dennis Linnane-applicant, Thelma Young-owner, SE 10-2607**: At the applicant's request, the hearing was continued to June 2, 2010.

**184 Mill Creek Road, John Gillis, SE 10-2567**: At the applicant's request, the hearing was continued to May 5, 2010.

**325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534**: At the Applicant's request the hearing was continued to a Special Meeting on Monday April 12, 2010.

**36 Windmill Lane, Alissa Sebastian**: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed removal of dead pines; proposed removal of invasive plants and vines; and proposed planting of disturbed areas & bare areas at 36 Windmill Lane. Tim Kent of Timothy J Kent Landscaping represented the applicant. The applicant would like to establish a view from the sitting area on the patio; pruning of existing shrubbery is not necessary now but the removal of the dead pines would enhance the view. The pines have been damaged by natural processes, it was noted that this area is not conducive to canopy.

The applicant has proposed mitigation by planting the dune area with beach grass and areas near the dwelling with native species. The Commission felt that the back area of the house is pristine dune area and the site allows the dune to migrate. Planting beach grass in this area was unnecessary since the environment is not degraded.

**It was moved and seconded for a Negative Determination with the understanding that the beach grass will not be planted. The vote was 6-in favor of the motion, 1 opposed.**

**60 Squanto Drive, George/Kathleen Daggett**: The hearing was opened for an RDA for the proposed trimming of trees, removal of debris and maintenance trimming at 60 Squanto Drive. David Whitcomb of Monomoy Tree Service represented the applicant and returned the abutter notification slips. He noted that a large tree has already been cut under an Administrative Review and that the area on the left side of the stairs has already been trimmed.

The new area to be trimmed is on the right side of the stairs, approximately 30-linear feet between the two stakes.

The bank is quite steep and covered with invasive plant species. Mr. Whitcomb stated that there is no intention at this time to remove the invasives and re-plant the bare areas that are shaded by the existing invasive plant material. An existing honeysuckle will also come down.

**It was moved, seconded and voted for a Negative Determination with the conditions that a native species be planted on the coastal bank to replace the honeysuckle and the applicant cease mowing to the top of the bank and allow the area to naturalize.**

**73 White Pond Road, Jane Roiter:** The hearing was opened for an RDA for the proposed removal of invasives from trees; proposed removal, dead and broken branches and proposed maintenance trimming at 73 White Pond Road. David Whitcomb of Monomoy Tree Service represented the applicant.

Greenbriar vines and poison ivy are affecting several of the trees on this lot. Although Greenbriar is not an invasive vine, it does impact the health of trees. It appeared that this was the only vine present.

There are places below the bank in the No-Disturb Zone (NDZ) that have been so drastically pruned that they may not live. This area to the right as one faces the water should be left alone.

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

**14 Main Street, Chatham Beach & Tennis Club:** The hearing was opened for an RDA for the proposed replacement of existing chain link fencing and posts around tennis court at 14 Main St. John Geiger and Bob Lear were recused from the hearing. The club representatives Mr. Merselis and Mr. Pratt had submitted the abutter notification slips, a detailed Description of Work and photographs of the existing site conditions. David Moore of Cape & Islands Tennis & Track was present for the applicants.

The Applicants seem to have a drainage issue already and Commissioner Holt questioned how water run-off from the courts will be handled so that the storm waters do not enter into the vernal pool. Commissioner Chamberlin noted that the water probably goes into Bearse's Way instead of the vernal pool.

Mr. Moore noted that all the work of excavating the concrete and drilling new holes for the new line posts will occur on the court side. Wheelbarrows and shovels will be used to mix new cement.

It was noted that there is a pile of aggregate near the shed that was left over from the last time the tennis court was worked on. **It was moved, seconded and unanimously voted for a Negative Determination with the conditions that all old and new debris be cleaned up and groundcover plantings will be completed on the vernal pool side of the courts.**

**Strong Island, Jay Cashman - Applicant, Chatham Conservation Foundation, Inc – Owner, SE 10-2519:** The hearing was re-opened to amend the denial of an Order of Conditions issued under DEP file no SE 10-2519 for a proposed pier at Strong Island for consideration of a new location near the boathouse. William Riley, Esquire represented the applicant. He stated that the applicant has filed new plans for the proposed pier that will provide suitable access to the applicant's home on Strong Island. The plan of record is EMS plan dated 12/16/08. The proposed location of the pier is actually the same location as originally proposed a year ago. Mr. Riley noted that an eelgrass survey had been completed under the old applications; that survey was completed in April. Ms Andres stated that there is historic eelgrass on the southern side of the Island. The Commission agreed that a new eelgrass survey would not be necessary, the substrate is cobble and less likely to support eelgrass than other areas.

Mr. Riley noted that since the denial of the proposed pier further to the southeast, Ms Andres has had ongoing conversations with various DEP officials in an effort to convince them to accept a pier application in this location that ends close to the existing boathouse. It was generally agreed by the Commission and DEP that a pier sited near the boathouse would be more favorably reviewed because it would provide less impact to the resource area. Should the Commission permit this pier, the Order would be sent to the DEP Waterways for review during the Chapter 91 licensing process.

The new proposal will have to be re-heard by the ZBA. There are no shellfish beds in the area.

Mr. Cummings of EMS is willing to drop a surveyor's rod in the water to assess depth of water at the end of the proposed pier. Should there not be 2-1/2 ft as required, the applicant will make appropriate changes to the plan.

The Commission questioned whether the applicant plans to keep the existing, unlicensed outhaul. It was suggested that since the new pier will be seasonally removed, the outhaul could possibly be put in the pier footprint. Mr. Riley stated that the applicant would be happy to keep the outhaul in the pier footprint as discussed. He emphasized that the applicant does want to have use of an outhaul in the off-season.

**The hearing was continued to May 5, 2010 for the following:**

- \* **Depth of water at low tide at the end of the pier, as currently proposed**
- \* **Comment letter from the Pleasant Bay Alliance**
- \* **Date for ZBA hearing**

**\* North arrow be shown on the plan**

**125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2583:** The hearing was re-opened for a Notice of Intent (NOI) Massachusetts Wetlands Protection Act for proposed demolition of single family dwelling and sheds; proposed construction of new dwelling, garage and bunkhouse at 125 Stage Harbor Road. William Riley, Esquire represented the applicant. **At his request, the hearing was continued to May 5, 2010.**

**Queen Anne Road, Queen Anne Inn, Inc, SE 10-2305:** The hearing was re-opened for a proposed Request to Amend existing permit under SE 10-2305 to include re-configuration of the parking area including a driveway to upper level; carport and re-location of sidewalk along Queen Anne Road at 70 Queen Anne Road. J Thaddeus Eldredge was present for the applicant; he stated that the proposal had been approved by the ZBA on March 25, 2010 with Conditions.

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

**Pcl RC1 Old Queen Anne Rd (Access via 225 Indian Hill Road North) Chatham Conservation Foundation, Inc, SE 10- :** The hearing was opened for an Abbreviated Notice of Intent (ANOI) for the proposed removal of unpermitted rail tie steps and proposed re-vegetation of the disturbed area at Pcl RC1 Old Queen Anne Rd. Craig Schneeburger of Cape Tree LLC represented the Conservation Foundation; he returned the abutter notification cards. The Foundation has had abutter encroachment on several properties, this one has creosote- rail ties steps that had been installed about 15 years ago to access a pathway leading to the pond.

The proposal is to remove the old steps, bring the debris to S & J Exco in Dennis, install erosion control matting and re-plant the area. He submitted a planting list and plan to the Commission. Signage and single row fencing will be used to mark the restoration area.

From the audience, Bob Dubis objected to the proposal because the neighbors in the area use the steps continually to access the pathway around the pond. Mr. Schneeburger noted that there is a natural pathway entrance about 50-ft away from the steps.

**The hearing was continued to April 14, 2010 for receipt of comment from NHESP; NHESP has 30 days to respond to the filing and it was noted that they received the information on March 25, 2010.**

**57 Tappan Drive, Jeffrey Davis-applicant, Gilbert Davis-owner, SE 10-:** The hearing was opened for an NOI for the proposed removal of five pines and two oak trees, proposed pruning of additional oak trees and proposed re-establishment of vegetated

buffer at 57 Tappan Drive. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The property fronts on Bucks Creek, and the AURA impacts an area up to and including the existing dwelling.

The property has been owned by the Davis family for many years, but has not been maintained. The applicant would like to re-establish view corridors by removing Oaks #3, 6 & 4 as shown on the Clark plan dated 2-19-2010, all located within the 50 ft No Disturb Zone (NDZ). Oak #7 will be pruned. The proposal to remove small pines that have popped up over time along the property line remains the same

Commissioner Bates spoke against the removal of trees in the NDZ when the proposed mitigation area at the top of the coastal bank has no replacement of canopy.

From the audience, abutter Mr. Sharian spoke in favor of the project.

**The hearing was continued to April 21, 2010; an on-site meeting will be held on April 21 before the hearing.**

**175 Balfour Lane, Mindy Lubber/Norman Stein, SE 10-** The hearing was opened for an NOI for the proposed demolition and replacement of an existing single family dwelling at 175 Balfour Lane. John Schnaible of Coastal Engineering Company Inc represented the applicants and returned the abutter notification cards. The lot is impacted by White Pond and Black Pond and the AURA to both and a culvert connects both ponds; this culvert must be protected during construction. A detailed work protocol will be submitted to the Commission.

Mr. Schnaible stated that the proposal is almost the same as previously seen by the Commission. The ZBA had wanted the applicant's to expand the footprint instead of building up but, realistically there is very little usable land and the Commission did not approve an expanded footprint. This new proposal shows the new dwelling in the same footprint as the existing house; the new house has been re-designed from the previous proposal and the existing house is in rough shape, the applicant seeks to demolish the existing dwelling. A crawl space foundation is all that can be installed due to the high water table.

A new shared, septic system with IA Technology has been installed in the driveway off Wilfred Rd. Mr. Schnaible indicated that rubber-tired machines will be used for most of the demolition and construction. There was no damage to the culvert during the septic installation process using the same types of machinery. The limit of work will be marked by siltation fencing. Mr. Schnaible stated that the limit of work is very tight to the house on the White Pond Side. Commissioner Bates stated that the limit of work as staked in the field did not appear to match what is shown on the plan. She also noted that the water level of the ponds is very high now and it looked as though the existing hay bale line should be extended to keep work out of the pond.

**The proposal was approved by ZBA on 3/25/2010 with conditions. The Conservation Commission hearing was continued to April 21, 2010 for comment from NHESP.**

**384 Fox Hill Road, Holmes Nominee Real Estate Trust, Robert Boynton, SE 10-2628:** The hearing was re-opened for an NOI for the proposed elevated timber stairway at 384 Fox Hill Rd. Stan Humphries of LEC and Sarah Turano-Flores of Nutter McClennan & Fish LLP represented the applicants. MS Turano-Flores had submitted a narrative in response to concerns aired at the previous hearing and construction protocol from Richard Tabaczynski dated April 2, 2010.

Mr. Humphries noted that the presence of the salt marsh fronting Crows Pond prohibits access for the owners of 384 Fox Hill Road from accessing the water via the town landing. There is need for alternative access to the shore, the most practical of which is the construction of the stairway; the proposal utilizes the platforms as they are constructed to work the way down the bank. Helical piles are proposed as this bank is eroding and fragile. Mr. Tabaczynski demonstrated the ladder that would be used as workmen ease down the banking. The Commission questioned whether there was evidence of success from other such stairways that have been constructed.

The construction process will take approximately 1 week to complete. Mr. Humphries maintains that the staircase will be built to withstand severe erosion and he did not feel that the finished staircase will accelerate erosion or impede coastal bank processes.

Ms Turano-Flores wrote that the idea of obtaining an easement from the owners of 414 Fox Hill Rd to benefit 384 Fox Hill Rd as far as access to the waterfront is not feasible. The ACEC guidelines encourage shared coastal structures. Although it is a good alternative for conservation purposes, the practicality of the idea is without merit because , currently, one of the houses is for sale and the family tie will be broken.

The proposal will be require a Special Permit and has not been scheduled on the ZBA agenda. **The Conservation hearing was continued to May 19, 2010.**

**113 North Skyline Drive, The Davern Family Trust, Heather MacKenzie Davern & Donald John Davern, Trustees, SE 10- 2632:** The hearing was re-opened for an NOI for the proposed construction of a segment of elevated stairway at 113 North Skyline Drive. No one was present to represent the applicant. **It was moved, seconded and unanimously voted to close the hearing.**

**225 & 275 Champlain Road, Burton Staniar & Champlain Road Realty Trust, Dorian A Vergos, Trustee, SE 10-2627:** The hearing was re-opened for an NOI for the proposed installation of stone steps on a coastal bank at 225 & 275 Champlain Road. David Lyttle of Ryder & Wilcox, Inc and David Schumacher of Schumacher Landscaping

represented the applicant. The applicant proposed to install the series of steps on a coastal bank as defined by the 100-yr coastal flood plain elevation 10.0 ft. The bank is stable and of gradual slope and does not provide a sediment source to the beach. Mr. Lyttle provided a project narrative as requested at the last hearing.

The applicant has abandoned one path top to the beach and wishes to improve the existing pathway in order to have access to the beach. The pathway crosses the property line at 275 Champlain, owned by Vergos; the pathway will be shared.

There will be no tree removal necessary and the applicants would like the opportunity to place the fieldstones as needed, as the grade changes.

The Commissioners observed that the areas staked in the field as proposed step locations did not appear to be any steeper than the rest of the path. The more critical area is at the top of the bank where one steps onto the pathway. Seth Wilkinson of Wilkinson Ecological Design noted from the audience that this area may erode once the pathway gets used more often. The Commission agreed that the steps could be installed outside the 50-ft NDZ to define the path from the dwelling and allowed maintenance pruning along the length of the pathway. There is a magnificent oak tree that should not be pruned.

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

**Extension Orders for 560 Fox Hill Road, Lepard, SE 10-1911 and 44 Nickerson Lane, 44 Nickerson Lane Realty Trust, Sandler/Gavrin, SE 10-2275 were not issued, by unanimous vote.**

**42 Cedar Swamp Lane, Hogan, SE 10-2335:** The Commission voted to extend the Order for one year. The vote was 6-in favor of extension, 1 opposed.

**2435 Main St, Buchanen, SE 10-658:** A duplicate signature sheet for recording purposes at the Registry of Deeds was signed.

**The following projects were unanimously approved under Administrative Review:**

**324 Forest Beach Rd, Szado:** Removal of a dead, small tree from the marsh.  
Photograph provided

**37 Power Lane, Greenalgh:** Removal of three dead cedars and three large honeysuckle, as shown in photographs, all outside the NDZ.

**231 Eastward Road, Burcin:** Removal of exterior chimney & removal of debris

**Assistant Conservation Agent, Lara Slifka, Report:** On-going survey work to locate and mark the boundaries of town-owned property continues. There is encroachment being discovered on some parcels and there is need for signage to identify town owned lands.

Ms Slifka is scheduled to meet with the Selectmen to obtain approval for signage on the Forest Beach Road property, the North Chatham Marconi site and the Town Forest.

**Adjourn:** It was moved, seconded and unanimously voted to adjourn the meeting at 9:45 PM.

Respectfully submitted,  
Mary Fougere, Secretary