

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

No one was absent.

The Acting Chair opened the meeting. She stated that **requests had been received to continue the following hearings:**

104 Old Salt Works Road, Thalia Zervas: The applicant's requested that the hearing be continued to 9/1/2010. **It was moved, seconded and unanimously voted to grant the applicant's request.**

110 Old Salt Works Road, Goodrich Chatham Realty Trust, Joseph Marzilli & Stanley L Clark, Trustees: The applicant requested that the hearing be continued to 9/1/2010. **It was moved, seconded and unanimously voted to grant the applicant's request.**

58 Whistler Lane, Whistler Lane Nominee Trust, Jackie Carsey: The applicant requested that the hearing be continued to 9/1/2010. **It was moved, seconded and unanimously voted to grant the applicant's request.**

61 Eliphamet Lane, Vahram/Lisa Erdekian: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed replacement of split rail fencing and a stone wall with stockade fencing at 61 Eliphamet's Lane. William Riley, Esquire represented the applicant. The filing is in response to a violation letter from Zoning Enforcement Officer Paula Liska, dated June 24, 2010. The following documents were reviewed during the meeting:

- Violation letter, dated June 24, 2010
- Certified plot plan prepared by Ryder & Wilcox, Inc
- Partial site plan, prepared by Ryder & Wilcox, Inc
- Chart of comments prepared by Assistant Conservation Agent, Lara Slifka, unsigned & undated
- Abutter letter, dated August 12

Mr. Riley stated that his client was unaware that a permit was required for the fence, since it was a replacement for an existing fence. The fence (which does not go behind the existing shed) is above the existing seawall and Mr. Riley felt that there was little probability that the vinyl fence would cause collateral damage in a storm event, since it does not float like a wooden fence if it were to be blown away.

Commissioner Lear questioned why the patio in close proximity to the newly installed fence was not shown on the plan; there is no record of a permit for the patio. From the audience, abutter Mr. Lightfoot stated that the Erdekian patio was constructed in the fall of 2009.

Abutter Ellen Gould stated that there was no retaining wall on the Erdekian property between the shed and the seawall, only a few cinderblocks were there.

As an alternative to solid fencing, the Commission asked if the applicant could remove the fence and install a vegetative buffer that would enable the applicant to obtain privacy and improve wildlife habitat. There are possibly other styles of fencing that would be a better fit to accommodate neighbors' complaints.

In a letter dated August 12, 2010, abutter Art Puiardo (sp) objected to the solid fence installation.

The project requires a Special Permit from the ZBA; the hearing is scheduled for August 26, 2010.

The Commission voted unanimously to continue the hearing to August 25 to allow Mr. Riley to consult with his client on the type and style of screening and confirm the location and square footage of the existing patio.

71 Stage Island Road, John/Denise Murphy: The hearing was opened for an RDA for the proposed construction of patio in existing lawn area at 71 Stage Island Road. Mrs. Murphy was present for the presentation. The following documents were discussed:

- Project narrative
- Site Plan prepared by Ryder & Wilcox, Inc
- Landscape planting plan from 2004

Mrs. Murphy asked to remove about 100-sq ft of existing lawn area in the northeast corner of the property and install a blue stone patio, set in stone dust and edged with round stones. A patio area shown on the landscape plan on the southwest side of the property had been previously approved by the Commission but was never constructed. The area slopes too much on that side; this new location would be better suited for outdoor living.

Mitigation for the construction of the previously permitted patio had already been provided. **It was moved, seconded and voted for a Negative Determination.**

33 Honeysuckle Lane, Charles/Melinda Martinson-applicants, Esther Deininger, Trustee of the Deininger Nominee Trust-owner: The hearing was opened for an RDA for the proposed confirmation of the delineated wetland resource area under the Massachusetts Wetland Protection Act (MGL Ch 131, s 40) and Chatham Wetlands Protection Bylaw (Ch 272). Terry Eldredge of Eldredge Surveying and Engineering LLC represented the applicants. The applicants plan to purchase the property if there is enough land area within the boundaries of the resource areas to construct a detached garage for boat storage within the NDZ. This application is only for the delineation of the resource areas; no project was proposed. Mr. Eldredge stated that he was waiting for a

report from Senior Biologist Don Schall of Wilkinson Ecological Design who was present on the site on July 28, 2010.

The following documents were discussed at the hearing:

- Project Narrative with locus map
- Topographical plan prepared by Eldredge Surveying & Engineering Co Inc

Several resource areas affect this lot, including a perennial stream to the east of the property, a mosquito ditch maintained by Cape Cod Mosquito control, a Salt Marsh, Bordering Vegetated Wetland (BVW) and Land Subject to Coastal Storm Flowage (LSCSF) and Coastal Bank.

The river shows on the USGS Map as a blue line, therefore is presumed to be a River under state regulations. Water was flowing in the stream on July 28, 2010. The ditch was dry on July 28; the ditch is not deemed a "river" since it does not show up as a blue line on the USGS map and appears to be a ditch created and maintained by the county Mosquito Control Program. Therefore there is no riverfront area on the northern side of the lot. LSCSF delineation is north of the property. The BVW has been delineated by Mr. Don Schall and is shown on the plan.

The Commission asked for bank profiles on the north side to determine if Mr. Eldredge's plan was accurate. The location of the coastal bank on the east side of the lot appears to be correct. The first observable break above the flood plain contour is obvious on the site; however the location of the top of the coastal bank is not so obvious on the northern side. Grades within the flood plain are marked on the plan and Mr. Eldredge noted that the land is flat near the existing driveway. It was noted that the land was flat in the area of a stake in the field, then it begins to go up to a significant grade, a foot beyond that. Mr. Eldredge stated that the distance was not significant. The Commission wanted documentation to the location of the "face of the bank" under the local bylaw by providing profiles. Mr. Eldredge acknowledged that he did not go into the large poison ivy patch to verify the location of the first observable break.

The Commission agreed Mr. Eldredge should provide the profiles to verify the location of the coastal bank under the local definition. Ms Andres stated that the local regulations do not quantify the degree of slope at the first observable break, so the question Commissioners should be asking is if you are standing at the flood plain elevation, does the land go out in front or does it go upward? If it goes upward, then one is looking at the face of the bank. The Commission would re-visit the site.

Commissioner Chamberlin stated that the delineations of the Riverfront area, the BVW and the coastal bank on the east side all appear accurate.

The hearing was continued to August 25, 2010 to allow Mr. Eldredge to provide evidence in the form of profiles of the location of the face of the bank and to arrange an onsite with the Commission.

52 Nickerson Lane, Stratford Wallace-applicant, 52 Nickerson Lane LLC-owner, SE 10-2598: The hearing was opened for a request to amend an existing Order under SE 10-2598 to include proposed change in footprint, proposed addition of decks, FEMA compliant foundation and an nitrogen reducing sewage disposal system at 52 Nickerson Lane. The demolition, reconstruction, septic system and expansion of deck was permitted under the original Order. John Schnaible of Coastal Engineering Co Inc represented the applicant. The following documents were reviewed:

- Plan Showing Proposed Site Improvements
- Sewage Disposal System Plan
- Floor plans and Elevation plans
- Copy of Special conditions from previous Amendment
- Sketch Plan Showing Existing, Previously Approved & Proposed Dwellings
- Request for Amended Order of Conditions & Project Description

Mr. Schnaible stated that the plans show the proposed removal & replacement of an existing dwelling, foundation and shed as previously approved and amended. All the construction will be in the same general area (as previously approved). However, the new building footprint will be rectangular in shape instead of an approved L-shaped. Mr. Schnaible reviewed the colorized Coastal Engineering plan that compared the existing, previously approved and newly proposed footprints. The new house has been re-oriented for better views and to accommodate the new sewage disposal system. The Title 5 system will not require BOH variances.

The new, footprint (that includes a FEMA compliant foundation) will be 400 sq ft smaller than previously approved. Commissioner Chamberlin noted that 144 sq ft of the new hardscape will require 2:1 mitigation due to the increased disturbance in the Coastal Flood Plain. The beach grass mitigation area for previously approved work can be added to accommodate this change.

A Special Permit is required and the proposal is scheduled to be heard by the ZBA on August 26, 2010. **The Conservation hearing was continued to September 1, 2010.**

2 Scallop Terrace, Suzanne Horne-applicant, John B Horne Trust, Muriel A Horne-Executrix- owners: The hearing was opened for an NOI for the proposed demolition and reconstruction of single family home, appurtenances include new Title 5 sewage disposal system; proposed landscaping, including patio and low retaining walls at 2 Scallop Terrace. Suzanne Horne was present; she stated that the house is built and the septic installed under SE 10-2215. She had inadvertently let the Order of Conditions expire although she renewed the building permit in order to do the demolition reconstruction work. The only portion of the construction left to complete under this new

filing is the completion landscaping. Ms Horne hired a contractor to install a patio on the southeastern side of the dwelling. The patio worked stopped when the Agent visited the property. Abutter Mr. Catandella felt that the patio was too close to his lot line.

The Commission reviewed the following documents:

- Site plan with hard-scape shown
- Durable Power of Attorney naming Suzanne Horne as Attorney/Representative
- Letter dated August 2, 2010 & Copy of section 10.14 of 321 CMR
- Project narrative dated August 2, 2010 prepared by Mrs. Horne

The house is located in the AURA to the Flood Plain in a developed neighborhood; there is an isolated wetland to the east, across the street and much of the dwelling, patio and retaining wall are in the AURA to the isolated wetland. Because the house was raised out of the flood plain, an additional set of stairs on the western end of the dwelling was necessary for access; this new set of stairs was not shown on the original house plans. The stairway on the eastern side of the dwelling was permitted. A landscape plan would be necessary showing mitigation for the construction of the patio in the resource area. The Commission will require at least 200 sq ft of mitigation plantings for the construction of the patio (171 sq ft) and the installation of the retaining wall on the southern portion of the lot. The retaining wall will be low and probably mortared to keep sand from moving off the lot. Mrs. Horne has agreed to use native plant species including beach grass in the mitigation area.

From the audience, abutter Joseph Catandella objected to the close proximity of the patio and 18" retaining wall surrounding the patio to his lot line. He expressed that he was concerned about liability should anyone fall from the patio area onto his property.

The hearing was continued to September 1, 2010 for receipt of a landscape plan and proposed plant list.

60 Hammond Hill Road, William T Young, Jr, William T Young, Settlor-applicant, J

P Morgan, Trustee-owner: The hearing was opened for an NOI for the proposed removal of invasive plant species and proposed planting of native species at 60 Hammond Hill Road. Theresa Sprague from Seth Wilkinson Ecological Design represented the applicant. She returned the abutter notification cards. The following documents were reviewed:

- Landscape Plan prepared by Allan Abrahamson dated March 5, 2009
- Japanese Knotweed Protocol
- Site plan prepared by Ryder & Wilcox, Inc
- Planting specifics sheet prepared by Wilkinson Ecological Design, Inc

The goal of the project is to remove invasive Japanese knotweed in an area already established as a mitigation area as shown by the crosshatch lines on the site plan. The area of removal will be replanted with native plant species. The area of work will extend

from the existing split rail fence along the western property line down to the existing ditch. Mr. Wilkinson was not involved with the original planting of the site but he was reasonably sure that the plants, as proposed for mitigation by the original landscape architect, were installed properly and according to the plan.

From the audience Mr. Wilkinson discussed the procedures to be used in the eradication of the knotweed on this parcel. Since it is extremely invasive, herbicide will be applied by a stem application method; Mr. Wilkinson has been contracted to proceed with the project and has provided a Management Timeline.

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

3 Lady Slipper Lane, Stello Construction-applicant, Cheryl Lubin-owner: The hearing was opened for an NOI for the proposed removal of pile supported addition and proposed construction of smaller addition with deck at 3 Lady Slipper Lane. David Clark of Clark Engineering LLC and Robert Stello of Stello Construction represented the applicant. Mr. Clark stated the existing addition and deck were poorly constructed very close to the top of the coastal bank; it appeared that fill had been pushed over the bank at one time and the current addition and deck were constructed over the fill. Several attempts to repair the existing deck and addition are visible.

The following documents were reviewed:

- Site plan prepared by Mr. Clark, dated 7/19/10
- Alternatives Analysis and Sketch plan
- Comments from Assistant Conservation Agent , dated 8/19/10(incorrect date)should be 8/18/10

The existing deck is 338 Sq ft. The newly proposed house addition will be shortened (from the existing length) to accommodate a Lower Level Porch and to avoid a second ramp access way to the new deck addition on the western side. There is an exterior access ramp on the east side of the dwelling that will still be constructed. This ramp will have decking as a surface and will provide some light to the ground below. The applicant is requesting a variance to the 50-ft No-Disturb Zone to the Coastal Bank. Mr. Clark stated that there will be minimal impact to the resource area since the installation of new concrete footings and new pile supports for the deck require minimal excavation. The old pile supports will be removed at the same time. An at-grade deck or patio will be added under the roofed over addition. The area is degraded with very little light.

A landscape plan is not yet available. The area under the current deck is degrading and not vegetated; the coastal bank on this site is very well vegetated and very steep. An at-grade deck may be added under the roofed over portion of the addition, the area is very shady and plantings will probably not survive.

The Limit of Work can be brought up closer to the house, currently it is proposed down the bank. It will not be possible to get equipment out back, the big foot foundation blocks will be dug by hand. From the audience, Contractor Bob Stello stated that the deck can be cantilevered about 2-ft.

It will be necessary to remove some branches from the existing vegetation on the east side of the dwelling for access for the construction.

It was moved, seconded and unanimously voted to continue the hearing to September 15, 2010. The project will require a Special Permit from the Zoning Board of Appeals (ZBA).

29 Lord's Pond Lane, Mary Langille, SE 10-2653: The hearing was re-opened for an NOI for the proposed garage addition at 29 Lord's Pond Lane. Commissioner Morrison was recused from the hearing. David Clark of Clark Engineering LLC represented the applicant; he stated that a **Special Permit had been approved on August 12, 2010.**

It was moved and seconded to close the hearing. The vote was 5 in favor of the motion with 2 abstentions.

155 Mill Creek Road, Dennis Linnane-applicant, Thelma Young-owner, SE 10-2607: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling & proposed reconstruction of new dwelling at 155 Mill Creek Road. David Clark represented the applicant. The hearing for the Special Permit was continued by the ZBA to Sept 9, 2010; **The Conservation hearing was continued to September 15, 2010, by unanimous vote.**

560 Fox Hill Road, Lawrence & Susan Lepard, SE 10-2637: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling; proposed construction of a new dwelling and swimming pool; proposed invasive species control at 560 Fox Hill Road. David Clark of Clark Engineering LLC, Seth Wilkinson of Wilkinson Ecological Design Inc and Rob Calderaro of Gregory Lombardi Design represented the applicant. The following documents were submitted by the applicant and reviewed:

- Clark site plan dated 11/23/2010 revised 8/11/10
- Series (#1- #3) of colorized comparison plans prepared by Gregory Lombardi Design
- Proposed Landscape (L1.00) prepared by Lombardi, dated 8/11/10

The size of the dwelling has been reduced and the proposed hardscape has been reduced. Mr. Calderaro reviewed the comparison charts submitted:

- Diagram #2- the majority of the project has been moved back 8-10 ft; pool has been reduced in size by 200 Sq ft; about 2000 sq ft of coverage in the AURA has been reduced from the original proposal in March

- #1- The existing conditions were compared to the current proposal- in the 0 ft-50ft AURA to the coastal bank there is a 1350 Sq ft reduction in coverage, overall the new proposal increases permanent disturbance by 2000 sq ft.
- #3- proposed mitigation plantings and restoration areas are shown. There is approximately 12,000 Sq ft of mitigation proposed including Coastal bank restoration, additional restoration areas at the top of the bank and mitigation planting of previously disturbed areas.

Seth Wilkinson reviewed the proposal.

At the site meeting the Commission observed that border privet that had been planted by the previous owner and the coastal bank on this site contained an assortment of invasive plants. Mr. Wilkinson proposes to remove all of them, saving any natives, utilizing the existing access pathway along the eastern and southeastern side of the property to get his specialized equipment in place. The use of mechanical equipment will eliminate some herbicide use and will allow him to also remove old creosote timbers. All debris will be removed. It was noted that his equipment leaves a small footprint so that potential for erosion and soil displacement is minimal.

The restoration will involve thousands of grass plugs and hundreds of native shrubbery to provide an area of meaningful habitat. The project will be done in winter to minimize habitat disturbance, with some herbicide pre-treatment of bittersweet and porcelain berry and black locust completed in fall. The management plan of March 1, 2010 is still valid. To date Mr. Wilkinson does not have a signed contract with the applicants, however Mr. Calderaro assured the Commission that Mr. Wilkinson will be the project manager. The applicant will provide a revised drawing showing

- Limit of work and proposed staging area
- Work protocol

Discussion ensued regarding the permanent disturbance in the outer AURA. The Commission asked the representatives to re-check their calculations regarding coverage in the entire AURA to the coastal bank.

The pool will be a gunnite shell, chemical free pool .

The applicant has not filed with the ZBA, to date. **The Conservation voted unanimously to continue the hearing to September 15, 2010.**

125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2583: The hearing was re-opened for an NOI for proposed demolition of single family dwelling and sheds; proposed construction of new dwelling, garage and bunkhouse at 125 Stage Harbor Road. David Clark represented the applicant. He stated that the bunkhouse originally proposed close to the panhandle portion of the lot has been removed from the

application. The project still requires a Special Permit from the ZBA; to date there has not been a filing to the ZBA.

It was moved, seconded and voted to continue the Conservation hearing to October 6, 2010.

Pcl 22 Main Street & Lime Hill Road, Chatham Community Garden-applicant, Streibert Barnstable Realty Trust-owner, SE 10-2644: The hearing was re-opened for an NOI for the proposed re-grading, addition of soil amendments and fencing & water service installation associated with creation of a community garden at Parcel 22 Main St (corner of Lime Hill Road). No one represented the applicant; a Special Permit was approved with Conditions by the ZBA on August 12, 2010. The Planning Board had also approved the proposal. **It was moved, seconded and voted to close the hearing. The vote was 6 in favor of the motion and 1 abstention.**

The following projects were approved under an Administrative Review:

238 Cranberry Lane (N Chatham), Wallace: A site plan was provided. The applicant would like to replace an existing well ASAP adjacent to the existing well. The existing well is within the AURA to Flood Plain. Applicant will try not to remove trees. The Commission asked that the applicant re-plant trees if the applicant finds that tree removal is necessary. **Unanimous approval.**

26 Captain's Cove, Est. Vance Kirby: For view enhancement, the homeowner would like to remove a half-tree spruce and a large pine limb. The lot is well treed, photographs were provided. **Unanimous approval.**

180 Stage Island Road, Johnson: The applicant would like to remove a dead pine from a well treed lot. The lot Photo was provided. **Unanimous approval.**

Lot 3 Kendrick Harvest Way, Parker: The Commission already approved the subdivision road, the applicants own the lot on the left side of the subdivision. A roadway separates the lot from the bog. Construction will begin on the house soon and the driveway entrance falls on the edge of the 100-ft outer AURA to the bog. **Unanimous approval for driveway construction.**

55 Linnell Lane, Kindler: Planting within a well landscaped area. Most of the property is within 100-ft of the Flood Plain. Sod lawn will be removed. **Unanimous Approval.**

397 Pleasant Street, O'Friel: The applicant would like to selectively prune a cherry and some sassafras in an already naturalized area for view enhancement. Photos and site plan provided. **Unanimous approval.**

John Gilpin Lane, Charwich Realty: As a follow-up to a violation for the creation of a pathway on a vacant lot, Ms Andres reported that to date, signage has not been put up

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MINUTES August 18, 2010

The Selectmen's Meeting Room 549 Main Street

7:00 PM Hearings & Continued Hearings

and the pathway entrance has not been fixed. Ms Andres had sent a letter to the property owner regarding the violation and Mr. Terry Eldredge had represented the property owner previously at the violation hearing. It was agreed that the applicant would erect signage and repair the entrance to the pathway so as not to encourage use as water access by August 18, 2010. Additionally, there is a "For Sale" sign on the lot.

Instead of issuing a fine for non-compliance, the Commission unanimously voted to have the Agent call Mr. Eldredge and have him arrange that the work will be completed by August 25, 2010.

Open Space Comment letter: Chairman Holt would come in and sign the final comment letter from the Commission to the state endorsing the completed Open Space & Recreation Plan for Chatham.

Adjourn: It was moved, seconded and voted to adjourn the meeting at 9:10 PM.

Respectfully submitted,
Mary Fougere, Secretary