

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

No one was absent.

**85 Henshaw Drive, Michael Brown, SE 10-2375:** The hearing was opened for a proposed request to amend an existing Order of Conditions to include proposed removal of Japanese knotweed at 85 Henshaw Drive. Teresa Sprague of Wilkinson Ecological Design represented the applicant. There are three small areas in a mitigation planting area on the northwest side of the dwelling where knotweed has begun to grow. Eradication of the knotweed is recommended in the Land Management Plan for this property; the plan is dated July 30, 2009 prepared by Seth Wilkinson, MALD.

In response to questions from Commissioners, Ms Sprague did not feel that re-planting the area with additional shrubs would be necessary.

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

**155 Cranberry Lane, Harry/Elaine LeCours, CWP09-146N :** The hearing was opened for a Notice of Intent for the proposed removal of deck and proposed construction of a new deck and addition at 155 Cranberry Lane. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The proposal will increase the site coverage by approximately 72 sq ft in the inner AURA to the Flood Plain and approximately 250 sq ft in the outer AURA to the Flood Plain.

The new addition is partially on a crawl space (the narrow 4-ft wide portion) and partially on a pier foundation. Mitigation has been provided in the form of plantings along the Flood Plain contour elevation 10.0; the applicant will not move the septic tank. An existing underground sprinkler system was installed before regulations were established that prevented installation of irrigation in the No-Disturb Zone (NDZ).

The applicant will provide a planting list for the mitigation area; Mr Clark stated that the project is too small-scale for the applicant to hire a landscape designer to produce a plan.

It was noted that there was a lot of yard debris along the southwest side, overflowing on the neighbor's property line and that it should be removed.

Abutter Geraldine DiCristina expressed her approval of the project in a letter dated August 11, 2009.

The proposal is scheduled **on ZBA agenda for August 27, 2009; The Conservation hearing was continued to September 2, 2009.**

**125 Stage Harbor Road, Daniel/Martha Gregory, CWP09- 145N:** The hearing was opened for an NOI for the proposed demolition of single family dwelling and sheds; proposed construction of new dwelling, garage and bunkhouse at 125 Stage Harbor Road. David Clark of Clark Engineering LLC and William Riley, Esquire represented the applicant; Mr Clark returned the abutter notification cards. According to Mr Clark, this proposal represents a overall reduction of disturbance over current conditions. The entire proposed bunkhouse is in the NDZ. The house is in the same location with respect to the wetland. The footprint is the same.

Extensive mitigation is proposed in the eastern property boundary where there is degraded patio space and lawn and driveway. A portion of the existing driveway is gravel and some is asphalt. The outdoor living space has been moved away from the vegetated wetland. The existing

driveway is proposed to be changed from a gravel surface to a pervious asphalt surface to incorporate storm water controls. The Alternatives Analysis asserts that the proposed bunkhouse cannot be located anywhere else on the property in order to achieve the goals of the applicant.

Discussion ensued whether the filing should be considered only under the local bylaw or under both the state Act and the local Bylaw. There has been disagreement in the past whether the wetland on the eastern side of the property near the panhandle portion of the property is a BVW or a Isolated Land Subject to Flooding. The vegetation along the eastern boundary of the property has been delineated and shown to be wetland vegetation by wetlands Scientists Mario DiGregorio and Donald Schall. The Commission noted that the area was called out as a BVW for a filing for Mr Brown on Henshaw Drive.

Mr Clark explained his determination of the wetland to be ILSF. There was a ditch at one time extending further to the northwest, however the development of Henshaw Drive obliterated much of the ditch system. Although the water leaves the wetland through the ditch system it does not make it to the wetland below Henshaw on Stage Harbor Road, therefore it does not meet the definition of a BVW under the State regulations. Mr. Clark maintains that there is no direct, vegetated hydraulic connection between this wetland to lake, pond or stream. There is overland flow from a cistern system across lawn and over Stage Harbor Road to a storm drain. Mr Clark further stated that under the local bylaw, the area is not an isolated wetland because it does have an outlet. Under the state regulations, it could possibly be an ILSF.

Commissioner Chamberlin noted that the plan and narrative from Donald Schall referred to the wetland as a BVW and therefore the proposal should be filed with the State. The proposal was filed with the state for the proposal for Mr Brown on Henshaw. According to Mr Clark, the wetland does not hold water for two consecutive months, there is water to maintain wetland vegetation. The Chair stated that it was necessary to agree on this wetland determination before the hearing goes any further. The Agent felt that since there was a determination on another piece of property under the State regulations, this hearing should be addressed under both the state and local regulations. The Commission wanted clarification on whether the wetland is a ILSF or a BVW to determine jurisdiction under the WPA.

Mr Clark asserts that the amount of area sequestered in the 50 NDZ is a net decrease 7500 ; in that figure there is an additional 374 sq ft that is sequestered from wildlife. The outer AURA 948 is newly sequestered a total of 1322 of newly sequestered area, the square footage of mitigation is not shown. The Commission felt that the bunk house appears to be too close to the wetland itself and questioned if it is necessary to have it that close to the wetland. Mr Riley stated that there are zoning setback issues to contend with when siting the bunkhouse on the lot.

It was questioned whether the intended use of the bunkhouse might be achieved through use of the second floor of the garage.

A letter dated August 18, 2009 from abutters Arlene and Patrick Lynch, opposed to the bunkhouse, was read into the record.

**The hearing was continued to September 16, 2009 for the following:**

- ✚ Details on the maintenance of the pervious asphalt driveway and whether the applicant understands that the necessity of regular maintenance**
- ✚ Clarification on the wetland classification**
- ✚ Consideration of the re-location of the bunkhouse**
- ✚ Mitigation calculations including the replacement of vegetation**

**184 Mill Creek Road, John Gillis, SE 10-2567:** The hearing was opened for an NOI for the proposed demolition of existing dwelling; proposed construction of new dwelling with Title 5

Sewage Disposal System; proposed re-establishment of driveway and parking at 184 Mill Creek Road. David Clark of Clark Engineering LLC and Jean Gillis represented the applicant and returned the abutter notification cards. He stated that the 100-year flood plain contour is at elevation 10.0; a coastal bank exists along a portion of the 10-ft contour on the southern side of the lot. On the northern side, the slope along the Flood Plain contour is less than 10:1, and does not constitute a coastal bank.

The location of the septic system as shown on the plan is proposed to be as far from the resource area as possible; a large amount of the proposed work is necessary to upgrade the septic system, including the re-contouring. There is very little formal landscaping proposed in that the owner would like to keep maintenance of the yard to a minimum. There is no proposal for turf lawn. Several trees will be removed for the septic system installation; it may be possible to save cedars.

The walls shown on the plans are "stepped" since the grade goes from 18-ft up to 28 ft. Commissioner Bates stated that this area is a Box turtle habitat and questioned whether the steep walls would prevent their passage.

It was noted by the Commission that the entire lot will be stripped from the haybale lines to the property lines and that the applicant has not provided enough mitigation for the increased disturbance in the 0-50 ft No-Disturb Zone and the removal of habitat. There should be at least 1000 square feet of additional mitigation provided by the applicant, including trees to replace the lost canopy. The Commission would like the applicant to replicate what is currently there as much as possible. Since the applicant was not amenable to reducing the limit of work, it was felt that some replication of habitat could be used to widen the buffer. The Commission also asked if the driveway coming off the street could be re-located to avoid two large stands of milkweed that provides habitat for Monarch butterflies. Landscape Designer Jean Gillis was amenable to the addition of mitigation and the replication of many areas.

**Will require a Special Permit from ZBA; the Conservation hearing was continued to September 2, 2009.**

**240 George Ryder Road, Chatham Municipal Airport c/o Chatham Airport Commission-** applicant, Town of Chatham –owner, CWP09-148N: The hearing was opened for a NOI for the proposed construction runway safety area at 240 George Ryder Road, Chatham Municipal Airport. The original permit for this project has expired due to financial and permitting delays; the Airport Commission is getting ready to commence work and is seeking a new permit; there has been very little change in the project. Armand Dufresne from Gale Associates and Wetlands Scientist Paul Davis represented the project. Since the last hearing for this project, the project had been rigorously reviewed by the Cape Cod Commission prior to this hearing. Mr Davis stated that in order to receive almost 90 % of the funding for the project, the runway project must comply with FAA standards for runway safety standards.

The runway #6 will be shifted about 50-ft to provide a grass safety area. Originally the bike path was under construction and three vernal pools have been certified in 2006 as a condition of the Cape Cod Commission approval. An invasive species management package has been provided as well. A wall with a footing is proposed to create the grass safety area. The land on top of the wall and adjacent to the runway will be managed by mowing, all vegetation is kept to a minimum height. Additional re-vegetation will be added to the edges of the bike path, trees and shrubs will be planted.

Since the last permit was issued, the Commission has added vernal pool regulations to the bylaw. Discussion ensued regarding Commissioner Bates questions regarding moving the fence around

the vernal pool. Ms Andres noted that the applicant has met all the Conservation Variance criteria with the Alternatives Analysis and the proposed mitigation for the project.

Mr Dufresne noted that alternative fencing was considered during the preparation of the proposal. It would have been necessary to remove a lot more trees to re-locate the fence.

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

**16 Black Duck Landing, Vincent/JoAnn Silvestri, T/E, SE 10-2568:** The hearing was re-opened for an NOI for the proposed construction of a 14-ft x 12-ft sunroom; proposed expansion of existing deck at 16 Black Duck Landing. John O'Reilly of J M O'Reilly & Associates had supplied the Commissioners with revised plans. The plans reflect the following:

- ✚ Riverfront Alternatives Analysis provided and Alternatives Analysis for work within the 50-ft buffer to the BVW
- ✚ Riverfront area disturbance calculated- the applicants have considered other proposals and believe that they want to keep the sunroom as proposed
- ✚ Areas of mitigation –the removal of existing pathways by removing some filter fabric and bark mulch and planting at the entrances from the shed and the yard , totaling 365 sq ft

The Commission questioned the purpose of a stairway to the street close to the wetland. It was noted that the previous owner had created some private areas all over the property for her own use, they were not open to the public. The Commission wondered whether the applicant would consider re-locating the shed outside of the 50- ft NDZ, however it might mean that additional clearing would be necessary to accomplish the move.

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

**325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2564:** The hearing was re-opened for an NOI for the proposed shorefront protection for holes # 4 & #7 at 325 Fox Hill Road. Commissioner Scott recused herself from the hearing. Roy Okurowski of Coastal Engineering and Jack Farrell represented the applicants; Mr Okurowski returned the abutter notification cards. Mr Farrell explained that this filing is only for two of the areas already addressed in the larger project under consideration by the Commission. Due to the complexity and magnitude of the larger project, they would like to move forward on these two areas this fall.

The club members and course superintendent felt that they would like to be able to move forward on two areas of the golf course that they felt were in dire need of work much sooner, hopefully this fall. The critical area is the carpath coming off the seventh tee (Referred to as Area 2 on plan). The erosion since the new break has brought the bank to within two feet of the asphalt in this area. The proposal for protection of the bank in this overwash area is to join the two existing rock revetments with stone up to the top of the slope (elevation 7.0) and nourish the newly added stones. The access point from the third tee is a roadway that was used previously years ago, but was never buried.

On the 4<sup>th</sup> hole, 240 ft of fiber rolls are proposed (referred to on plan as Area 1), extending from end of existing rolls to the southeast where the beach is stable. One cubic yard per ft of nourishment will be added to cover the fiber rolls. Coir matting( 150 ft) above the fiber rolls held in place with wooden stakes would help to stabilize the slope.

The applicant had submitted a Comprehensive Sand Management plan. The club was willing to accept yearly monitoring, long-term conditions on the proposal.

Discussion ensued regarding the possibility that the Commission may not be able to agree on the necessity of the work proposed in Area 1. The Commission has requested information from a consultant and has not received the report to date.

**Mr Farrell offered to withdraw the proposal for Area 1 and seek approval for Area 2 only. It is an area of overwash and the cartway is in danger from any serious storm event. It was moved and seconded to close the hearing. The vote was 4- in favor of the proposal, 1 opposed.**

**54 Barcliff Avenue Extension, Chatham Fish Pier, Town of Chatham , SE 10-2559:** The hearing was re-opened for an NOI for the proposed installation of floats to improve berthing vessels and dinghy use at 54 Barcliff Avenue Extension. No one was present to represent the applicant; Ms Andres noted that the **proposal had been approved by ZBA on Aug 13, 2009.**

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

**97 Tilipi Run, Mary Holmes, Trustee- applicant, 97 Tilipi Run Nominee Trust-owner, SE 10-2550:** **The hearing was re-opened for an NOI for the** proposed completion of single family dwelling, pool and terrace; proposed installation of gravel drive, cobble paving and landscaping at 97 Tilipi Run. William Riley, Esquire represented the applicant. The proposal was approved by ZBA on Aug 13, 2009. Mr Riley stated that the revised plans from Ryder & Wilcox show the fence located about 6-ft down the banking as was agreed upon by the applicant and the Commissioners at the last hearing as a compromise location. A gate will be installed at the bottom of the steps.

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

**Pcl 4 North Beach, William Hammatt, Esq.-owner, Roy Coppedge, John/Lee Kelley, John F Shea and Todd Thayer-applicants, SE 10-2566:** The hearing was re-opened for an NOI for the After –the-fact filing for relocation of Hammatt camp and Coppedge camp and demolition and removal of Thayer, Shea & Kelley camps on North Beach. William Riley, Esq represented the applicant; Mr Hammatt had not provided a protocol for the removal of his camp in a storm event as requested. The Commission was looking for some assurance that a plan was in place regarding the disposition of the camp should it become necessary since conditions on the Beach are ever-changing.

**The hearing was continued to August 26, 2009.**

**83 Seagull Road, Outermost Harbor Marine LLC-owner, Turning Mill Energy LLC-applicant, SE 10-2565:** The hearing was re-opened for an NOI for the proposed new wind energy turbine to be located within existing shell-surfaced parking lot 83 Seagull Road. At the applicant's request, the application was **withdrawn.**

**Strong Island, Cashman/Horst-applicants, Chatham Conservation Foundation-owner, SE 10-2516:** The Commission reviewed the final draft of the Special Conditions submitted as a composite by Ms Andres and several Commissioners for the construction of the new dwelling after demolition of the old dwelling down to the foundation on Strong Island.

Commissioner Bates reviewed the draft of a denial of the project.

After a lengthy discussion, it was moved, seconded to approve the project. The vote was 5 – 1 in favor of the motion. Commissioner Bates was opposed.

**70 Stetson Cove, Wells:** The applicant would like to remove three trees in close proximity to the house that could affect the dwelling in a storm event. Photographs of the trees were submitted; the work would be performed by Certified Arborist Craig Schneeberger of Cape Tree LLC.

**The Commission agreed the work could proceed under an Administrative Review and that no further filing would be necessary.**

**Reminder:** Monday, September 1, 2009--- 7 PM –Special Meeting re: 325 Fox Hill Rd in the Selectmen's Meeting Room

**Reminder:** DEP On-Site Strong Island Appeal, Tuesday September 8, 2009 11:30 AM, meet at Strong Island Landing

**Approval of Minutes :** The minutes of June 3, 2009, June 8, 2009 and June 10, 2009 were approved as amended at the table.

**Adjournment: It was moved, seconded and voted to adjourn the meeting at 9:40 PM.**

Respectfully submitted,  
Mary Fougere, Secretary