

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

Absent: Conservation Agent Kristin Andres.

Lovers Lake/Stillwater Pond: Director of Health & Environment, Dr Robert Duncanson, was present to update the Commission on the status of the nutrient inactivation plan prepared for the Lovers Lake/Stillwater Pond. In an email to the Commissioners, Dr Bob explained that due to the tight schedule for the wastewater implementation project, he had been delayed in issuing the RFP for the consultant to oversee the project for Lovers Lake/Stillwater Pond. Currently, the RFP is out and proposals are due next week.

A couple questions have arisen from consultants who are preparing their bids. The one most relevant to the Commission addresses the timing of the treatments to the water bodies, specifically Part D (1) of the Order of Conditions.

The Commission agreed to waive the "two months assessment" period required in the aforementioned section and felt that the first four words "At least two months" should be stricken from the Order of Conditions. **The vote was unanimous supporting the changes.**

135 Lime Hill Road, Westlake: David Lyttle of Ryder & Wilcox, Inc submitted plans to address the stormwater run-off issues that have occurred since the Westlakes paved the driveway of their home at 135 Lime Hill Road. He stated that Mr Westlake has already disconnected the gutters & downspouts from a pipe that directed roof run-off down Lime Hill Rd into the wetland. Currently roof-run off is directed onto splash blocks into existing lawn areas. A photograph of the dwelling was circulated at the table.

The work proposed on the plan could be completed in a couple days. Mr Lyttle felt that the trench drain in the driveway would probably not fill in with silt since there is asphalt on both sides of the proposed drain.

The Commission agreed to accept the drainage/site plan (Ryder & Wilcox, Inc, dated August 26, 2009) as presented with the following conditions:

- ◆ **The end of the drainage pipe closest to the wetland be cemented**
- ◆ **Prior to work start, the contractor will meet with the Conservation Agent on site**
- ◆ **Native plant species will be added along the driveway on the west side**
- ◆ **Mr Lyttle will provide file copies of revised plans showing the location of the planting areas**

North Beach, Hammatt: William Hammatt, Esquire was present in response to a letter regarding the unauthorized creation of a new road, an alteration of a resource area, on North Beach. The letter explains that the Town of Orleans Director of Parks & Beaches had provided photos of a new road created over Town of Chatham and Cape Cod National Seashore property the weekend of August 8, 2009 to the Town of Chatham Police Department and the Department of Health & Environment.

Further, Town staff, National Seashore representatives and members of the Commission visited the area on August 12 for purposes of laying out the new access road. The area was observed where, reportedly the previous weekend, vehicles had driven through the dune vegetation to the Hammatt camp.

The Chair read a letter from Mr Hammatt itemizing his concerns, particularly since the letter from MS Andres did not specifically suggest that Mr Hammatt created the new vehicle tracks on the beach. The Commission focused on the following points:

- ◆ Mr Hammatt has a right to safe access to his camp
- ◆ The Chatham Police posted a "Road Closure" sign, to which someone had attached a directional sign to the Hammatt camp. Photographs were reviewed. Mr Hammatt stated that people do not pay any attention to police closure signs, citing the sign at Trail 7 which an example of an area where people drive past the police signs. He further responded that the Chatham Police have been changing the course of the roads on the beach for years, at their discretion
- ◆ Since Mr Hammatt would neither confirm or deny that he put the first vehicular tracks in the new road location, Paul Chamberlin felt that it is difficult to cite anyone, given the fact that there is no Police Enforcement of the area and the Commission has had trouble ascertaining responsible parties for activities that go on, in other words, there is no clear answer to the question "Who did what?"
- ◆ Prior to the use of vehicles to make a new roadway to his camp, Mr Hammatt could have called the Conservation Agent, the Orleans Park & Beaches or the Chatham Police to report the necessity of creating a new access to his camp.
- ◆ Mr Hammatt is most likely aware of the Conservation regulations and the concerns of the Commission from a regulatory stand. It is frustrating for the Commission to be reactionary rather than pro-active

Commissioner Geiger stated that he felt it was important to focus on the violation that occurred under the Wetlands Protection Act and the Town Bylaw. Damage was incurred to dune vegetation on a barrier beach without benefit of a valid wetlands permit; this violation needs to be addressed. He moved to have the Conservation Agent contact Town Counsel to determine whether the Commission can issue a fine, given the information that has been presented. He should be told that during the hearing process, it was not clear to the Commissioners that Mr Hammatt was the perpetrator of the violation; Mr Hammatt will neither confirm nor deny his standing. There were obvious road closure signs on the beach; Mr Hammatt admitted attaching a directional sign to his camp. **The motion was seconded and unanimously approved.**

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 a Notice of Intent (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. At the request of the Commission, Mr HAMmatt was present and presented a demolition/removal protocol for his camp and aerial views of the existing beach with property lines superimposed. He had sketched the location of his camp on the plan.

The letter dated August 26, 2009 was read into the record in its entirety. Discussion ensued on the various points of the work protocol.

A letter from Town Counsel, Bruce Gilmore, addressing the re-location of the Coppedge Fuller camp was read into the record. MS Andres had requested a ruling on the proposed re-location of the Coppedge camp to North Beach Island, in a letter dated August 19, 2009.

The Commission continued the hearing to September 2, 2009 to allow Mr HAMmatt time to share the work protocol with the Orleans Park & Beaches Department. Ms Andres would confirm their position on the proposed demolition of the HAMmatt camp should it become necessary after a storm event.

97 Tilipi Run, Holmes, SE 10-2550: It was moved and seconded to approve the Ryder & Wilcox, Inc plan dated April 29, 2009 revised June 18, 2009 for the completion of the dwelling and landscaping and the re-location of an existing fence at 97 Tilipi Run. The vote was 5- in favor of the motion and 1-opposed. **An Order of Conditions was drafted.**

54 Barcliff Avenue Extension, Town of Chatham, SE 10-2559: It was moved, seconded and voted to approve the Vine Associates, Inc plan Sheets 1-3 for the North Jog improvements at 54 Barcliff Avenue Extension. **An Order of Conditions was written.**

240 George Ryder Road, Chatham Airport, CWP 09- 148N: It was moved and seconded to approve the Gale Associates, Inc plan for run-way improvements at the Chatham Municipal Airport. The vote was 5 in favor of the motion, 1 opposed. **A draft Order of conditions was reviewed and approved.**

325 Fox Hill Road, Eastward Ho!, SE 10-2564: It was moved and seconded to approve the Coastal Engineering plan, C3.1.1 and C.3.1.2 dated February 5, 2009 (C.3.1.2 revised April 17, 2009) for improvements to the 7th Hole. During the hearing process, improvements to Hole 4 were withdrawn from the proposal. The vote was 4- in favor of the proposal, 1-opposed, 1-abstention. Commissioner Scott was recused from the discussion. **An Order of Conditions was written.**

16 Black Duck Landing, Silvestri, SE 10-2568: It was moved, seconded and voted to approve the J M O'Reilly & Associates plan dated July 16, 2009 revised August 11, 2009 for the construction of a new sunroom and deck. **An Order of Conditions was written.**

85 Henshaw Drive, Brown, SE 10-2375: It was moved, seconded and voted to approve the Seth Wilkinson management plan as an Amendment to the original Order of Conditions under SE 10-2375. **Additional Special Conditions were written.**

Approval of Minutes: The minutes of June 24, 2009, July 15, 2009, July 22, 2009 (2 sets), August 5, 2009, August 12, 2009 (2 sets) were approved as amended at the table.

155 Cranberry Lane, LeCours, CWP09-146N: The Zoning Board of Appeals had requested comment on the project proposed at 155 Cranberry Lane. Commissioner Paul Chamberlin drafted the following letter which was read into the record:

The Commission as reviewed the Clark Engineering LLC plan dated July 9, 2009 for a proposed addition and deck to an existing dwelling at the above address.

The entire upland portion of the property is developed and landscaped, and the only native vegetation to be disturbed is a 12-inch oak tree in the area of the proposed deck.

The majority of the addition will be on a pier foundation and the deck will be supported with posts on sono tubes, which will minimize the area being sequestered. The applicant has proposed a replacement tree for the one to be lost and an additional 420 Sq ft of mitigation plantings contiguous with the naturalized area near the flood plain.

The Commission finds that this project can be conditioned to avoid all adverse impact to the Coastal Flood Plain and its adjacent No-Disturb Zone (NDZ).

42 Old Harbor Lane, Sherin: It was reported by Commissioners that the construction job site is extremely messy with concrete washings, debris, old saw blades etc. Additionally, the stockpiled fill necessary for backfill is overflowing the haybale siltation barrier and needs to be re-freshed.

Assistant Agent will contact the builder/contractor for compliance.

107 Old Comers Road, Town of Chatham: Assistant Conservation Agent Lara Slifka has been working to secure a grant for funds to remove invasives and poison ivy and install signage on the 11.3 acre parcel of Town owned land on Old Comers Road. The parcel of land is part of the old MCI-owned property and is located between Lovers Lake and Old Comers Road.

A Notice of Intent will be filed with the Commission in the near future.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 6:26 PM.

Respectfully submitted,
Mary Fougere, Secretary