

**Present:** Chairperson DeeDee Holt, Carol Scott, Paul Chamberlin, John Geiger, Billie Bates, Associate Jackie Meaney, Conservation Agent Kristin Andres and Secretary Mary Fougere.

**Absent:** Commissioners Bob Lear and Steve Kuzma and Associate Stephanie Hamilton.

The Chair announced that the session was being audiotaped; when queried, no one in the audience was audiotaping as well.

The Following **hearings were continued:**

**37 Holway Street, 37 Holway Street Realty Trust c/o Debbie Simmons, Barry Koff, Trustee, PNC Wealth Management, SE 10-2752:** Re-opening of hearing for proposed renovations and additions to an existing dwelling and proposed construction of a new foundation under existing dwelling at 37 Holway Street. **At the applicant's request and by unanimous vote of the Commission, the hearing was continued to Dec 7, 2011 to prepare an application for ZBA**

**58 Watch Hill Way, Stanley Mann-applicant, LSM Realty Trust-owner, SE 10-2715:** Re-opening of hearing for proposed revetment repair at 58 Watch Hill Way. **At the Applicant's request and by unanimous vote by the Commission, the hearing was continued to Dec 7, 2011 to further coordinate all proposed work on site**

**676 & 684 Orleans Road, Frederick Bearse, SE 10-2605:** Re-opening of hearing for proposed Shorefront Protection at 676 & 684 Orleans Road. **At the applicant's Request, and by unanimous vote by the Commission, the application was withdrawn.**

**238 & 294 Cranberry Lane (N Chatham), 4 Winds Trust & 238 Cran Ln LLC and Foster Family Nominee Trust- owners, David Foster-Applicant, SE 10-2699:** Re-opening of hearing for proposed construction of stone revetment and related Bank stabilization measures at 238 & 294 Cranberry Lane. **At the applicant's request and by unanimous vote by the Commission, the hearing was continued to Nov 2, 2011**

**57 – 81 Sea Mist Lane, Pamela Parsons:** The hearing was re-opened for a Request for Determination of Applicability (RDA) for proposed replacement & expansion of existing beach access stairs at 57-81 Sea Mist Lane. Contractor Paul Spring of Spring Projects represented the applicant.

Documents for referral:

- Site Plan & Locus Maps
- Hand Drawn diagram of proposed stairs, no scale

- All other documents submitted to file to date

Mr Spring stated that the existing beach access steps were worn and splitting; they needed to be replaced for safety reasons. All the work will be completed by hand; the project involves the installation of new posts, new treads. There will be no risers and the decking on the landing will be spaced. All decking material will be of composite typically used for decks there will be no change in the amount of steps and no disturbance to existing vegetation.

It was noted that if the applicant chooses to increase the length over the existing steps, a Special Permit will be required.

**It was moved, seconded and unanimously voted for a Negative Determination with the conditions that the contractor meet with the Conservation Agent prior to start of work.**

**87 Squanto Drive, Michael/Sarah Dousa, SE 10-2556:** The hearing was opened for a Request to Amend the existing Order under SE 10-2556 to include removal of one pine tree, pruning of pine and oaks and removal of invasive Bittersweet at 87 Squanto Drive. Craig schneeberger of Cape Tree LLC represented the applicant. The project site is impacted by the 100-ft AURA to the Coastal Bank to Oyster Pond, salt marsh and Land Subject to Coastal Storm Flowage. The dwelling is within the NDZ to the top of the Coastal Bank.

Documents for referral:

- Partial Site plan & Locus maps
- Special Conditions from original Order
- Photographs of existing site conditions
- Letter requesting an Amendment dated October 4, 2011
- All other documents submitted to file to date

The access to the work site will be through a wild area, all the work is within the resource area or the AURA to the Coastal Bank. The purpose of the tree pruning is for maintenance of tree health. The removal of invasive bittersweet will be by hand and will require on-going maintenance. No herbicides will be used. The Conservation Agent will be consulted after the initial pruning.

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

**Town of Chatham, Town-wide & Morris Island Cut, SE 10-:** The hearing was opened for a Notice of Intent (NOI) for the proposed Dredging & Disposal of dredged materials; proposed combination of 7 dredge sites and 17 dredge material disposal sites, Town-wide, including Morris Island cut,. Coastal Resources Director, Ted Keon, represented the applicant.

Documents for Review:

MINUTES October 19, 2011

The Annex Meeting Room 261 George Ryder Road

7:00 PM Hearings &amp; Continued Hearings

- Comment letter Division of Marine Fisheries, dated October 17, 2011
- Comment letter Division of Fisheries & Wildlife NHESP, dated September 30, 2011
- Comment letter Division of Fisheries & Wildlife NHESP, dated September 15, 2008
- Comprehensive application including Expanded ENF Certificate, Draft Record of Decision, EOEEA, dated September 16, 2011, multiple photographs, charts and maps
- All other documents submitted to file

Mr Keon stated that portions of this application have been seen by the Commission in the past, some of the work has been under way for many years.

There are 6 permitted dredge sites in Chatham:

- ✓ Aunt Lydis's Cove –MOST SIGNIFICANT in recent past
- ✓ Stage Harbor Channel-Fed Navigation Project
- ✓ Mill Creek Channel-
- ✓ Olde Mill Boatyard
- ✓ Ryder's Cove
- ✓ Barnhill Rd Landing

The new area the town is seeking to permit for dredging is the Morris Island Cut connecting Stage Harbor Nantucket Sound to the Southway. The Morris Island cut is a shallow, natural waterway and is active with two way boating traffic in season. There is an active mooring field off the Southway and a marina in Stage Harbor. Decades ago there was a connection between Morris Island and Monomoy Island. The water broke through and the water has been flowing for many years, although it remains shallow. There are naturally occurring migrating shoals in the area, similar to the shoaling that occurs in Aunt Lydia's Cove. With minimal dredging, the intent is to provide an area for the naturally occurring shoals to meander, as it does naturally currently. The contractors will not force the channel into an other areas and will attempt to maintain a 4-ft depth, the same depth as the Stage Harbor Channel. There may be areas of spot dredging that occurs as well, but the dredging effort will maintain a small skiff channel which some larger vessels can use on high tide. All permitted disposal sites will be used, primarily along Hardings Beach.

The town hired Graham Guise for a Southway evaluation prior to submitting this application. The town was not sure if this area would have a tendency to close. As it stands, Mr Geist felt that the area will not close. This area of improvement dredging was approved by the Selectmen and the abutters and it is now included in this application.

There are two small areas of eelgrass, dredging will not occur within 100-ft of the beds. The town will conduct an eelgrass suvey at a later date but prior to dredging, because it takes time to obtain all the required permits.

There are many places that need the dredge materials, we have flexible disposal sites to manage the disposal of the dredge materials, most of which are already permitted. Additionally, Mr Keon has updated two significant federal projects at Aunt Lydia's Cove and Stage Harbor, therefore, it is an appropriate time to get all the places in town under one umbrella permit to streamline the management. There are several subaqueous disposal sites already permitted as well. The only one on the south side is the area that the Currituck currently uses. .

The Division of Marine Fisheries recommended that all disposal be above MHW, the same suggestion that was presented during the MEPA process. Mr Keon felt that this approach was not viable for Chatham. Although this is an active horseshoe crab environment and timing of disposal will have to be considered. . The Chatham Shellfish Warden did not object to the disposal. Additionally, The NHESP had noted in their letter that they wanted an analysis of nesting birds every time there was disposal.

Mr Keon will be conversing with the state and federal authorities for the next few weeks to address any concerns

In response to a question from Commissioner Bates, the permits for Pleasant Street, Forest Beach, Claffin Landing allows the sands to create a new slope below MHW. To put sands at the extreme western end of Chatham coastline near SeaShells Drive was not viable at this time since it does not benefit the public as much as some of the other disposal sites. As part of the Stage Harbor project, there was 15,000 yds dredged from Stage Harbor placed along Harding's Beach. The private area of beach adjacent to Harding's paid to have sand placed along their beach as well.

**It was moved, seconded, and unanimously voted to continue the hearing to Nov 2, 2011 for receipt of a file number from DEP.**

**184 Eastward Road, Neil/Sandra Kessner, SE 10-2758:** The hearing was opened for an NOI for the proposed construction of porch and outside shower; proposed removal of existing storage shed at 184 Eastward Road. Russ Holden of Ryder & Wilcox, Inc represented the applicant. The site is impacted by Pleasant Bay to the east; the top of the coastal bank is at elevation 10.0 ft. Eastward Road is to the west. The 100- yr Coastal flood zone elevation is at 11.0 ft NGVD. The lot is also in the ACEC.

Documents for review:

- Site Plan dated October 5, 2011
- Project Narrative dated October 5, 2011
- Revised Square footage calculations dated October 5, 2011
- All other documents submitted to file to date

The existing building coverage will decrease slightly with the new proposal. The work will occur in the 50-Ft No-Disturb Zone (NDZ) to the top of the coastal bank. The project as proposed will decrease impervious site coverage by 118 sq ft and increase the pervious coverage by 128 sq ft. The applicant has proposed the planting of two cedar trees as mitigation for the removal of one cedar next to the house.

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

**497 Orleans Road, Frost Fish Hill Nominee Trust, William Marsh-applicant, SE 10-2757:** The hearing was opened for an NOI for the proposed maintenance of existing landscape berm plantings, seed and mulch; proposed restoration of 100-yr Coastal Flood Plain; proposed maintenance other site work at 497 Orleans Road. William Riley, Esq., Don Poyant of Eastward Homes and David Clark of Clark Engineering LLC represented the applicant. The site is impacted by the 100-yr Coastal Flood Plain contour at 11.0 ft NGVD (LSCSF under the Act) and it's AURA under the local bylaw.

Documents for Review:

- Photographs of existing site conditions dated 10/19/2011
- Site plan dated 9/30/2011
- Project Narrative
- All other documents submitted to file to date

Mr. Riley stated that the applicant is aware of the failure of a portion of the siltation barrier after the last storm. Mr. Poyant acknowledged that the erosion control siltation barrier was not monitored as well as it should have been. The Agent noted that there is already an EO in place to regrade. She felt that erosion control mats or hay bales must be put in place immediately (the next day) and further, if the grades are not restored and the area stabilized with erosion control and seeded as soon as possible, the applicant will lose the growing season. The Commission agreed to allow the applicant to install the hay bales immediately and to finish the work under the EO as soon as possible. This involves the restoration of the grade on the west side of the old driveway shown on the plan.

The applicant will retain the berm and plant additional trees between the existing spruces and the existing cherry tree. The Commission questioned whether the new berm would be connected to the berm to the east. There is storm water run-off at the end of the new berm that runs into the street. MR Riley stated that unfortunately, the applicant cannot install a drainage structure on the state road.

Ms Andres stated that control of storm water run-off for this project was always a concern; she made the applicant aware of her concerns at the on-site meeting.

It was suggested that perhaps the applicant would consider the removal of 40-50 ft of asphalt drive from Frost Fish Hill Rd to allow storm water to percolate before it reaches the highway.

**Mr. Riley asked if the hearing could be continued to October 26, 2011 to allow the applicant to revise the plans for storm water control. The Commission unanimously voted for the continuance.**

Mr. Riley stated that his client understood that the issuance of fines would stop once the NOI application was received by the Commission. The application was filed in the Conservation office on September 30, 2011, therefore MR Riley felt that tickets issued after September 30 were inappropriate. Per Mr. Riley, although Mr. Marsh was somewhat slow to respond to the concerns of the Commission during this violation that began in May 2011, the communication between MR Marsh and the Commission was constant. Therefore, Mr. Poyant and Mr. Riley asked that the Commission rescind the fines.

**As a point of Order, Commissioner Geiger motioned that the Commission could take what Mr. Riley said and take it under Advisement until the October 26, 2011 work session. The vote was unanimous in favor of the motion.**

From the audience, homeowner from Frost Fish Hill Rd stated that all the owners shared the concerns of the Commission and agreed that the process had taken a long time. He asked if irrigation could be installed in order that grass may be established in the berm area and at the bottom of Frost Fish Hill. The Commissioners informed him that his ideas for irrigation and the additional plantings would have to be addressed to the applicant.

**Sears Point, Clare & Hilary Bovey-applicants, The Bovey Nominee Trust-owner, SE 10-2755**:The hearing was re-opened for an NOI for the proposed re-location of driveway and shed to Lot B; proposed loaming & seeding of portion of driveway on Lot A at Sears Point. J.Thaddeus Eldredge represented the applicant. He acknowledged that the area of work had been staked in the field since the recent rainstorms had washed away his previous painted markings.

Documents for review:

- Site plan, pages 1 & 2, dated 9/12/2011 prepared by Eldredge Surveying & Engineering LLC
- All other documents submitted to file to date

In response to questions by the Commission, Mr Eldredge verified that the new driveway for Lot B would circle around a large portion of the lot. The mitigation for

the driveway work was the removal of the shed to an area outside the jurisdiction of the Commission from both wetland resource areas impacting the lot.

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

**64 End Lane aka 64 Far End Lane, Deep End Property, Inc-owner, Christopher Rogers- applicant, SE 10- 2702:** The hearing was re-opened for an NOI for the proposed installation of fiber rolls at end of stone revetment at 64 End Lane aka 64 Far End Lane. No one was present to represent the applicant; Ms Andres had conversation with the representative prior to the hearing; **it was moved, seconded and unanimously voted to continue the hearing to December 7, 2011.**

The following projects were **approved under an Administrative Review:**  
**14 Nantucket Drive, Feeney:** Commissioner Holt recused herself from the discussion and the vote.

Removal of several dying Austrian Pines, replace with Eastern red cedars. Photographs of site included. Vote was 4 in favor with 1 abstention.

**105 Palmer Drive, Mackay:** Photographs provided showing proposed tree work. The planting area for mitigation for work in the NDZ to the Isolated Wetland is limited; the applicant proposes the removal of bush honeysuckle as mitigation. Joyce K Williams is the contractor. Unanimous approval.

**306 Forest Beach Rd aka 63 Forest Beach Road Ext), Boro:** Contractor McNAmara Brothers , would like to install an 18” dry-laid retaining wall behind the bottom of the stairs to the deck to retain the gravel underneath the deck. Proposed work is in the outer AURA. Unanimous approval.

**306 Forest Beach Rd(aka 63 Forest Beach Road Ext), Boro:** Property was the site of a demo/rebuild . Photographs supplied by applicant for proposed tree removal and pruning of other trees. Unanimous denial of large pine on the bank; unanimous approval of pruning and “dead tree” removal with on-site consultation with the Conservation Agent prior to work start.

**Certificates of Compliance:** A Certificate of Compliance was signed for the completion of work under SE 10- 395, 573 Stage Harbor Road. .

**Adjourn:** **It was moved, seconded and unanimously voted to adjourn the meeting at 8:35 PM.**

**Respectfully submitted,**  
**Mary Fougere, Secretary**