

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

Rt 28 (Main St/Barn Hill Road, Town of Chatham): The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed construction of wastewater collection system (sewer mains) along Rt 28 and Barn Hill Road within road right-of-way and under existing road surface or in the shoulder. Dr Robert Duncanson /Director Health & Environment represented the applicant and returned the abutter notification cards. The work is for the construction of the first phase of the wastewater treatment collection system. The work will occur along approximately 3 miles of Rt 28 from the Crowell Rd 5-way intersection up to the Beacon Hill area and including George Ryder Road. The details of the project are as follows:

- ▲ Most of the piping will be installed along the south side of the Rt 28-other utilities are already in place along the north side
- ▲ Erosion controls will be installed in areas where there is no curbing
- ▲ Excavated materials, provided they are suitable soils, will be put back in the trenches. Mass Highway will not require flowable fill be poured
- ▲ Trenches will be opened-closed same day
- ▲ Staging areas will probably be used, piping for immediate use will be laid out along the roadway, unless otherwise determined by the contractor

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

Huckleberry Lane (paper road), Chatham Conservation Foundation-owner, TOWN of CHATHAM-applicant: The hearing was opened for an RDA for the proposed construction of wastewater pump station, gravity sewer main, force main, utilities, access drive and landscaping at Huckleberry Lane. Dr. Bob Duncanson / Director Health & Environment represented the applicant and returned the abutter notification cards. This pump station will collect the western portions of Rt 28 and some of the side roads off Rt 28. The entire building is proposed outside the jurisdiction of the Commission, however in the landscaping plan, a stabilizing rock retaining wall is proposed on the northwest side of the parcel.

It would be ideal to locate all of the pump stations on town-owned land; there parcels along Rt 28 that are town owned, however any land purchased with Land Bank funds cannot have structures on them. In this location the town has been granted an easement by the Chatham Conservation Foundation to use for the construction of pump station #51.

After checking with Town Counsel all utilities will be in the road layout of Huckleberry Lane, currently a paper roadway. The access road for the construction and landscaping will be from the north; significant landscaping is proposed to minimize seeing the pump station from Rt 28. The limit of work will be set around the 10-ft contour, easement line.

The proposal will require a Special Permit from the Zoning Board of Appeals; **it was moved and seconded for a Negative Determination. The vote was 5-1 in favor of the motion.**

Strong Island Rd, Richard/Joanne Drury: The hearing was opened for an RDA for the proposed addition of two-second story dormers at 27 Strong Island Road. Contractor Bob Liska represented the applicant; the abutter notification cards were returned after the meeting.

MR. Liska noted that there will be two dormer additions, one over the new wing of the dwelling and one in the back. Access for the demolition will be from Rush Drive and all the demolition will be by hand. Debris will be loaded onto trucks as the demolition occurs. The Commission agreed that it was not necessary to install the hay bales (shown on the site plan for a previous project) but that a wind screen to trap any windblown debris would be necessary.

The proposal is scheduled on ZBA agenda for Nov 5, 2009; it was moved, seconded and voted for a Negative Determination.

308 Shore Road, Jenny Ludwig, Trustee: The hearing was opened for an RDA for the proposed virtual (symbolic) fence along property line at 308 Shore Road. William Riley, Esq. represented the applicant; the abutter notification cards were returned after the hearing. Mr. Riley noted that the plans for the file have been corrected to show the location of the proposed fencing; the fencing is proposed along the northern and southern property lines. The fence would extend 60-ft on the northern side and 90-ft on the southern side and would end above the high water mark.

Mr. Riley stated that since the applicant's property is surrounded by property owned by Chatham Bars Inn (CBI), there is constant annoyance from hotel guests who do not observe the limits of the beach owned by CBI and cross over onto the Ludwig property. In the past Mrs. Ludwig has addressed this issue with CBI owner, Mr. Cohen. From the audience CBI General Manager Paul Zuest, expressed that the Ludwigs have not lodged complaints against any of the hotel guests in two years and CBI has monitored the beach and set up chaises and signage in an effort to inform guests of the private beach area.

Dan Sensobar, Esquire, speaking on behalf of the CBI management, urged the Commission to consider that the proposed string fencing would be detrimental to wildlife and he circulated photos of birds that had been hurt by getting wrapped into string similar to the type proposed. Additionally, he felt that the proposed fencing would require a permit from the Zoning Board of Appeals (ZBA) Discussion ensued regarding types of posts, length of time for posts to be in the ground and the use of rope instead of string.

It was moved and seconded for a Negative Determination with the conditions that roping (which has been permitted in the past) be used, that the posts be installed seasonally and that Ms Andres be on site when the initial posts are installed to determine numbers. The vote was 5-1 in favor of the motion.

69 Strong Island Road, Nina Saberi: The hearing was opened for an RDA for the proposed addition to existing dwelling with sono tube foundation at 69 Strong Island Rd. William Riley Esq. represented the applicant; the abutter notification cards were returned after the meeting. The applicant had been granted a Repetitive Petition by the Planning Board on Oct 20, 2009. The proposal is significantly smaller than what was originally proposed and will be in an area under two roof overhangs; there will be no increase in footprint. The only impact to the ground will be the installation of "Big-Foot" piers for support.

The contractor had marked the existing deck in the field to show the area of proposed work. A small machine with an auger will drill the holes for the "Big-Foot" sono tubes, all framing will be done in place. The retaining wall near the garage will remain, some foundation plantings will remain.

It was moved, seconded and voted for a Negative Determination with the conditions as follows:

- ▲ **Mr. Riley will provide plans for the file showing the limit of work**
- ▲ **The area underneath the new addition will remain open**
- ▲ **Plastic debris from cutting and all other wood debris will be removed from the site**

Scheduled on ZBA agenda for Oct 22, 2009 William Riley, Esq.

122 Balfour Lane (Sylvan Gardens), Town of Chatham-owner/applicant: The hearing was opened for an RDA for the proposed removal of non-native and nuisance species at 122 Balfour Lane (Sylvan Gardens). Lara Slifka/Ass't Conservation Agent represented the applicant. She stated that this parcel of land purchased by the town for open space, is impacted by three resource areas, Black Pond, White Pond and an overgrown bog. The property is overgrown with invasives primarily honeysuckle, bittersweet

and porcelain berry. She circulated comparison photographs of the site, one from 2003 or 2004 and one of the current site.

The work proposed consists of the following:

- ▲ The removal of Taxus (yew) from an area at the top of the inland bank
- ▲ Trimming of vines- there will be no herbicide treatments
- ▲ Cleanup of storm damage debris-

The work will be completed by Americorps in the near future, hopefully on November 16, 2009.

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

325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2564:the hearing was opened for a Request to Amend an existing Order of Conditions under SE 10-2564 to include proposed change in access route for shorefront protection work at holes #7 at 325 Fox Hill Road. Commissioner Carol Scott was recused from the discussion. Roy Okurowski/Coastal Engineering Company Inc and Jack Farrell represented the applicants; Mr. Okurowski returned the abutter notification cards. From the audience, Coastal Resources Director Ted Keon, noted that the applicant will provide a bond for the use of town property at the Strong Island landing. The contractor will provide an application for use of the town [property and a work protocol prior to the start of work. Mr. Farrell stated that in Conversations with Conservation Foundation members, they were amenable to providing access across the Foundation land if the Commission approves the project.

Mr. Okurowski provided 5 letters granting permission to cross private property to access the project site; the letters were undated. Commissioner Chamberlin noted that even though there was a signed letter from Scott Glass for this project, the Commission is in litigation over another project at the Glass property. He expected that all precautions would be taken so that this work would not cause ramifications for the on-going litigation.

Mr. Okurowski stated that the rocks necessary for the work will be dumped on the beach prior to the work being completed. A front-loader will transport the rocks as efficiently as possible to the project site . All "back and forth" travel along the beach will be at low tide A sand ramp will be constructed at a 3:1 or 4:1 slope for ease of access. The loader will be stored on the Eastward Ho! cart path when not in use.

It was moved and seconded to close the hearing. The vote was 4-1 in favor of the motion, with one abstention.(Carol Scott)

110 Old Salt Works Road, Goodrich Chatham Realty Trust, Joseph Marzilli, Trustee, SE 10-2582: The hearing was opened for a Notice of Intent (NOI) for the proposed upgrade to existing septic system, removal of old septic components and restoration of disturbed areas at 110 Old Salt Works Rd. Peter Markunas from Woods Hole Group represented the applicant and returned the abutter notification cards. The proposal is in two parts; the septic upgrade to replace the existing Title 5 system would be accomplished by installing a force main to re-locate the leaching field to a lawn area to the left of the existing drive. The leach field will be elevated. There are existing pipes that may be used for the forced main to minimize excavation. A second force main will be installed on the eastern side of the property. The limit of work has been set along the southern and eastern sides of the property beginning at the western edge of the existing chain link fence and ending on the eastern edge of same. The existing system and soils around it will be removed; it is in ground water. The new system was approved by the Chatham Health Department, no variances were required. .

Mr. Markunas noted that the plan in front of he Commission utilizes the old FIRM information which show the area in question in an A zone at elevation 11.0-12.0 ft. The revised maps for Chatham show that most

of Old Salt Works Rd is in an AE zone, however Mr. Markunas was not able to find a contour on the new maps that delineates the flood zone.

The second portion of the proposal involves the restoration and re-contouring of the backyard. Currently storm tide waters flow from the northeast corner and flows to the southwest side of the property. Ever since the break, the spit is flattened out and the lawn areas are getting more and more depressed as water sits. Mr. Markunas considered digging trenches to drain the lawn areas however, the current elevations are not sufficient to allow proper drainage. The following is proposed:

- ▲ Addition of fill (approximately 600 yds) to create new contours beginning at elevation 7.4 and sloping to the southwest and east to create proper pitch for waters to flow. Some of the fill will come from the septic installation
- ▲ The existing fiber rolls are still in place and appear to be working fine
- ▲ Relocation of the existing gate from the southern end of the lot
- ▲ Building up of southern and eastern ends of land form to create an artificial dune
- ▲ Removal of dead vegetation on SE side, replant area with beach grass and salt tolerant vegetation

The Chair noted that the regulations do not allow filing in the flood plain. He expressed that if this proposal was for dune nourishment and dune restoration, he would feel more comfortable since it appears that the dune wants to move westerly toward the lawn areas. The sinking and marsh formation are natural processes that happen behind a dune.

Commissioner Geiger noted that there is a lot of fill proposed in the Flood Plain. Historically this lot was a lot higher prior to the break however the new contours will probably direct waters onto the neighboring property. Discussion ensued regarding past flooding episodes.

It appears that the existing chain link fence is stopping the rack from migrating that would allow vegetation to grow. Commissioner Holt circulated photographs which showed that the most recent flooding appeared to have come from the eastern side.

The Commission would like to see a time line of what has already been permitted on this property, most of the past work was to preserve the expansive turf lawn. The lawn floods a lot and it seems that all the tinkering that the Commission has allowed on this property has worked to preserve the fertilized lawn. This proposal would add fill in the flood plain, under the guise of replacing the septic system, again for lawn maintenance.

The hearing was continued to November 18, 2009 to allow Mr. Markunas to discuss/provide the following:

- ▲ **The possibility of separating the septic replacement proposal from the rest of the work**
- ▲ **MHW data**
- ▲ **Consideration of moving the fence**
- ▲ **Alternative proposal more conducive to resource management and enhancement**

95 Landing Lane, Robert Sneden-applicant, Betty Stoddart-owner, SE 10-2586: The hearing was opened for an NOI for the proposed pruning for view enhancement and maintenance at 95 Landing Lane. Robert Sneden/Contractor represented the applicant. He stated that the intent of the work proposed in the application is to preserve the existing views and be able to maintain the views annually or as needed. All the work on the pines would be done in late fall/early winter and a large honeysuckle in lawn area would be removed.

The bank is well vegetated and supports a variety of plants. There is a history of view pruning and maintenance. Photographs of existing site conditions were provided to the Commissioners.

It was noted that an existing coastal stairway is in need of repair but is not included in this application. MR. Sneden stated that it is not known whether the stairs are on the applicant's property.

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

14 Homestead Lane East, Hayden L Griswold, Jr Trustee & Marjorie C Griswold Rev Trust-owner/applicants, SE 10-2585: The hearing was proposed construction of two additions to an existing dwelling at 14 Homestead Lane East. Matt Farrell of J M O'Reilly & Associates and architect Sam Streibert represented the applicant. Mr. Farrell returned the abutter notification cards. The property is a 22,000 sq ft lot adjacent to a salt marsh and a river that flows out of Little Mill Pond. The Riverfront and the Coastal bank are the controlling resource areas. The proposal involves the construction of two additions, one on the north side and one on the south side. There will be a walkout basement; a frost wall foundation and a slab at grade will be necessary for the addition to the south that is closest to the septic system.

All roof run-off would be controlled, Mr. Farrell suggested a drywell at the top of the bank. Commissioner Chamberlin asked that the applicant consider a drip line to avoid the excavation for a drywell so close to the bank. Mr. Streibert asked that splash blocks be used since there are already gutters on the existing house. An existing cherry tree will be saved; the applicant would like to remove the native cedar since it appears that the view from the addition will be obstructed. Commissioner Bates asked that the Cedar be saved.

The applicant is proposing to add 610 sq ft of mitigation plantings in existing lawn areas, as shown on the plan. There is no landscape plan to date, but native species will be used. Commissioner Scott observed that the mitigation area will be so close to a mass of invasives that it will be difficult to control the growth of vines into the native planting area. At the end of the fence, there is an area that was cleared (in the dog-leg property boundary) without benefit of a wetlands permit, that benefits the view from the applicant's property. It appears that the hedge on the abutting property would prevent a view from any where else. Additionally, it was observed that there is a white PVC pipe ending in the middle of the existing lawn area, coming from the house and aimed at the marsh area.

The Commission observed that there were at least 4 dumping areas in close proximity to the marsh, this debris must be removed as part of this filing.

The proposal May require a Special Permit from the ZBA; no date has been set yet. **The Conservation hearing was continued to November 4, 2009 to allow Mr. Farrell to address the following with the applicant:**

- ▲ **Dumping sites and clearing of same**
- ▲ **Inclusion of an invasive species removal plan in the application**
- ▲ **Removal of the cedar and or cherry tree**

797 Old Queen Anne Road, Kirk/Laurie Davis, SE 10-: The hearing was opened for an NOI for the proposed replacement of timber stairway on Inland Bank and proposed landscaping at 797 Old Queen Anne Rd. David Lyttle of Ryder & Wilcox, Inc represented the applicant; he returned the abutter notification cards. He noted that he applicant would also like to extend the existing stairs up to the top of the Inland Bank when replacing them. The applicant intends to elevate the entire stairway, currently the stairs are at grade. Photographs of the existing site conditions were circulated.

The proposed landscaping would involve the rebuilding of an existing, small deck, the expansion of a driveway to facilitate turning and the addition of two small retaining walls on the east side of the dwelling. Stepping stones will be added to get to the deck. A small, more formalized patio will be constructed in the area where there is an informal array of stones and stepping stones.

There will be no tree removal.

The hearing was continued to November 18, 2009 for the following:

- ▲ **Response from MESA**
- ▲ **File number from DEP**
- ▲ **Calculations of the amount of new hardscape and permanent disturbance proposed in resource areas**
- ▲ **Date for ZBA hearing**

85 Capri Lane, Richard/Janet Lenihan-applicants, Lenihan Family Trust-owner, SE 10-2584: the hearing was re-opened for an NOI for the proposed removal of existing shed & dwelling and proposed construction of a new single-family dwelling at 85 Capri Lane. David Lyttle of Ryder & Wilcox, Inc and William Riley, Esquire represented the applicant; the abutter notification cards were returned. Mr. Lyttle noted that there are three resource areas impacting this lot; a wetland to the southeast of the dwelling, a coastal bank to the north of the dwelling and a stream that empties into the Oyster Pond. The ditch is man-made; this application acknowledges the ditch as a river/stream and the setbacks are shown on the plan.

The proposal involves the construction of a new dwelling in the same footprint with three small areas of expansion as shown on the plan including a deck and screened porch on sono tube foundations. The existing septic system will be utilized and a shed will be removed. Mr. Lyttle noted that the proposal significantly reduces the amount of impervious surface and site coverage in the re-development of a previously developed lot.

Mitigation for the increase in permanent coverage in resource areas include the replacement of the asphalt surface in the driveway with a pervious surface drive. Mitigation plantings will be added at the edge of lawn areas in close proximity to wetland areas. The applicant would like to maintain the existing plantings to a 3-4 height on the coastal bank. The applicant is working with Seth Wilkinson on a Land Management and Invasive Plant Management Plan which will be reviewed under a separate Notice of Intent.

The applicant would also like to re-build the existing steps to the Oyster Pond and will also replace the section of steps that had washed away in a storm event. The bottom section would be constructed to be removable.

The proposal is scheduled on ZBA agenda for Nov 12, 2009; the Conservation hearing was continued to November 4, 2009 for the following :

- ▲ **Receipt of a project narrative**
- ▲ **Cleanup of a large pile of yard debris near the ditch**
- ▲ **Engineer to check the location of the limit of work stake, currently is in the middle of the ditch.**

PcIs MCI 1 through MCI 8 Old Comers Rd, Town of Chatham, SE 10- The hearing was opened for an NOI for the proposed removal of poison ivy and invasives species and clearing for footpath to Lovers Lake. Lara Slifka/Ass't Conservation Agent represented the applicant and returned the abutter notification cards. She provided photographs of the existing site conditions and a detailed project description. Currently there is an old overgrown path way that was used as a service road to maintain the antenna field of the Marconi/MCI Wireless Station. This roadway will be restored. The project will also involve invasive species removal, including poison ivy. Ms Slifka provided specifics of the proposed work and outlined areas of the proposed work. Surveyors have staked the property lines and the boundaries will be marked with small signs.

The project will also entail the following:

- ▲ Securing old wires and poles for general public safety
- ▲ Installation of trail markers
- ▲ Installation of Interpretive signs
- ▲ Construction of rustic bench(s) at the overlook site to the Lovers Lake

The hearing was continued to October 28, 2009 for receipt of a file number from DEP.

125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2583: The hearing was opened for NOI under the 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. He agreed to stipulate that there was no need to repeat everything already in the record from previous hearings.

Mr. Riley stated he had submitted some proposed language regarding the restriction of vehicular use of the panhandle portion of the lot. This language may be used in the Order of Conditions, if the Commission chooses to do so. Ms Andres stated that there is no use of the word "perpetuity" in the proposed language. According to Mr. Riley, there would be no reason to restrict the panhandle portion in perpetuity once the garage is built on the other side of the lot. There would be no need for driveway access to the garage. Mr. Riley stated that he has been in touch with the Lynches (abutters) and they wanted the language to provide a comfort level regarding future development of the panhandle. The applicant is opposed to restricting the lot in perpetuity.

Commissioner Holt asked if the applicant would consider a Conservation Restriction on the panhandle portion, there are some tax ramifications to be considered while retaining ownership of the land.

The mitigation shown on the plan is required for the bunkhouse, should the bunkhouse be eliminated, some of the the planting of the mitigation area shown on the plan would not be completed. Commissioner Chamberlin questioned whether the area under the bunkhouse has to be enclosed, since it is in the NDZ and is proposed in an area not sequestered to wildlife movement at the moment. In response, Mr. Riley stated that the building code requires that there is a separation between wood and ground.

Scheduled on ZBA agenda for November 5, 2009; the Conservation hearing was continued to November 4, 2009.(The local hearing was also continued to Nov 4, 2009)

24 & 30 Bridge Street, Hen Coop Point Real Estate Nominee Trust-owner, Roger Vose-applicant, SE 10-2569: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling and construction of new dwelling and proposed removal of existing garage at 24 & 30 Bridge Street. A landscape plan had been received; no one was present to represent the applicant. The proposal is scheduled on ZBA agenda for Nov 5, 2009 and will require review by the Historical Commission. **At the applicant's request the Conservation hearing was continued to November 18, 2009.**

National Seashore parcel 28530 North Beach, Roy Coppedge-applicant, Joshua Nickerson –owner, SE 10-The hearing was re-opened for an NOI for the proposed re-location of existing camp to Nickerson property on North Beach. William Riley, Esquire represented the applicant. He indicated that the applicant was amenable to establishing a Special Meeting time outside the regularly scheduled hearings due to the complexity of the application.

Ms Andres stated that the funds have been received from Mr. Coppedge and Mr. Fuller for consultant fees. She indicated that Stan Humphries of LEC will be reviewing the information received to date on behalf of the Commission and will submit a report.

Comment letters from the US Department of the Interior- National Park Service, received Oct 7, 2009 and a copy of the US Department of the Interior-National Park Service letter sent to the Zoning Board of Appeals, received Oct 23, 2009 were entered into the record. The Commission is expecting a comment

Mr. Riley questioned what the policy would be regarding the sharing of information. He originally was amenable to the consultant's review of the project but after emails and telephone conversations with the Agent, he feels that the ability to exchange information has become adversarial, especially in view of the fact that the applicant is paying the consultant's fees.

Ms Andres indicated that the regulations stipulate that a consultant works for the Commission, however the Commission will share all the information provided. The Commissioners agreed that all communication between the consultants should be at a public hearing, in the same manner that the issue is currently being handled with Eastward Ho!. Mr. Riley felt that this is adversarial in nature and adds to the hearing process and expenses for the applicant. The Commission noted that the intent of the process (currently on-going with Eastward Ho!) is to receive the consultant's reports ahead of the public hearing so that both parties have a chance to review. This keeps the process moving forward and as agreeable as possible. There does not appear to be any adversarial attitudes in those discussions to date.

John Geiger reminded Mr. Riley that currently the application is not complete because it lacks the following items:

- ▲ Site plan of the proposed site in the area known as North Island
- ▲ Specifications for the new foundation for the new camp
- ▲ Variance Request
- ▲ An Alternatives Analysis
- ▲ Project Narrative

Scheduled on ZBA Agenda for Oct 22, 2009 William Riley, Esq.; the Conservation hearing was continued to October 28, 2009 to determine a date .

The Zoning Board of Appeals had requested comment on the following applications: Comment letters had been drafted prior to the meeting for 125 Stage Harbor Road and 69 Strong Island Rd; the Commission reviewed the letters and approved their content. Discussion ensued regarding the content of a comment letter for the North Beach application.

The following properties had work approved under Administrative Review:

- ▲ **151 Landing Lane**
- ▲ **33 Lady Slipper Lane**
- ▲ **55 Linnell Lane**
- ▲ **60 White Pond Lane**

Adjourn: It was moved, seconded and voted to adjourn the meeting at 10:45 PM.

Respectfully submitted,
Mary Fougere, Secretary