

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

Pcls S14, S13, S6 & S5 Billings Road, Harding Shores Association-applicant c/o James McNulty:

The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed replacement of pre-existing snow fencing in areas where posts for fencing exist at Pcls S14, S13, S6 & S5 Billings Road. James McNulty, president of the Homeowners Association representing 46 homeowners and Darren Eldridge/Cape Caretakers represented the applicants; the abutter notification cards were returned.

Parcels S14 and S5 are owned by the Association. Pcl S13 is owned by the Sears family and Pcl S6 is owned by the Eisner family. There are no homes on any of the lots. Existing post and rail fencing on S5 & S6 and existing posts on S13 and S14 have eroded over time by wind. The purpose of the proposed snow fencing installation is to trap sand to build up the beach; there will be areas for wildlife passage incorporated into the fence installation. Planting of beach grass was completed last year and the grass has grown well.

There is an Order of Conditions for installation of replacement fencing on additional parcels in the area. Although a Certificate of Compliance was issued for SE 10-2271, an on-going condition allowed the fence work to take place with prior notice to the Agent. The applicants will file for the replacement of the stairs that were removed under SE 10-2271 and have not been put back in place to date.

The applicants agreed to remove a pile of unused fencing in front of the Hull property. Commissioner Bates observed that the location of the existing posts on pcls S13 & S14 were in the water at the end of the beach grass.

It was moved, seconded and voted for a Negative Determination with the understanding that the Agent would meet with the contractor prior to commencement of work,

46 Meadowbrook Road, Jason Alten: The hearing was opened for an RDA for the proposed construction of 18-ft x 26 ft addition with stairs and basement at 46 Meadowbrook Road. Jason Alten was present and returned the abutter notification cards. He stated that the site work for the proposed addition will be completed by Pete McIntire; all the excavation work will be completed via the existing paved driveway. Once the work is completed the pavement will be removed and the driveway area will be loamed and seeded. Erosion control measures will be in place to control any stormwater run-off.

The Chair noted that the area is a flood zone and the proposed work is just outside the 50-ft no-disturb zone. As mitigation for the proposed work the applicant has agreed to stop mowing beyond his property bounds onto Conservation Foundation property abutting the headwaters of Frost Fish Creek. There was some concern that the lot may also be impacted by Riverfront, however the scope of the project was small enough that the headwaters would not be affected. A trench drain will be installed around the new addition instead of a drywell.

The project will require a Special Permit from the ZBA; no date has been set for the hearing.

It was moved, seconded and voted for a Negative Determination with the understanding that erosion control measures would be installed, the pavement removed after construction and the mowing would cease close to the BVW.

102 (aka Lot 7B) Uncle Alberts Drive Extension, John/Bonnie Roussel, SE 10-2348: The hearing was opened for a Request to Amend existing permit under SE 10-2348 to include proposed mowing of field area twice annually at 102 Uncle Albert's Drive Extension. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. He stated that the existing Order under Special Conditions #20 allows the applicant to mow the

meadow area two times annually; the Order stipulates specific times for the mowing to occur, once before nesting season and once at the end of the summer to allow re-growth into the winter months.

Mr. Clark submitted a report from senior biologist Donald Schall dated September 24, 2009, detailing the current status of the mitigation plantings along the top of the bank and suggestions for maintaining the meadow habitat. Mr. Clark noted that the plantings along the top of the bank are being over-run with invasive vines; the same vines are beginning to creep into the meadow mowing area and probably will overtake other vegetation in a very short time. Mr. Schall suggested an additional 2-3 mowings annually so that the desired meadow vegetation can be enhanced and maintained.

The Commission agreed to allow 4 mowings annually, the first and last of which must adhere to the time frame described in the Order. There will be no mowing to the water and the Commission will continue to monitor the area for two years for compliance with the Order and the Amendment. Additionally, Mr. Clark will provide a sketch plan for the office file showing the area on the lot that is mowed for meadow habitat.

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

18 Indian Trail, John/Lisa Strain, SE 10-2578: The hearing was opened for a Notice of Intent (NOI) for the proposed remodeling to include construction of garage-connector addition, replacement windows and driveway re-configuration at 18 Indian Trail. Lynn Hamlyn/Hamlyn Consulting represented the applicant and returned the abutter notification cards. The existing house is in the AURA to a salt marsh and the top of the Coastal Bank (also the 100-yr Flood Zone); the new addition is within the 50-ft No-Disturb Zone (NDZ). The footprint for the addition has not changed. Ms Hamlyn noted that the ZBA has approved this new proposal on June 11, 2009; the initial proposal has been modified to reflect a reduction in the driveway area.

The spa and the patio are now shown on the plan; the spa is portable (not built in).

As mitigation for the increased disturbance in the NDZ, lawn area is being removed near the patio (except for a narrow strip) and old asphalt will be removed. Mitigation plantings will be installed

Ms Hamlyn asked that the old application be withdrawn without prejudice; it was moved, seconded and voted to close the hearing on SE 10-2578.

372 Fox Hill Road, Richard Kahn-applicant, Crows Pond Realty Trust-owner, SE 10-2579: The hearing was opened for an NOI for the proposed construction of patio and landscape terraces, including the removal of 10 trees at 372 Fox Hill Road. David Clark of Clark Engineering LLC and David Hawk of Hawk Design Inc represented the applicant; Mr. Clark returned the abutter notification cards. The proposal involves landscaping on the back side (water side) of the house. The 100- ft setback delineation to the coastal bank intersects the existing dwelling; a large portion of the proposed work is within the outer AURA to the coastal bank.

Mr. Hawk stated that nine trees (pines plus one holly) will be removed in order to construct the terraces and the retaining wall. The applicant is prepared to add nine new trees on the property. The retaining walls on the east side and southern side of the property will allow leveling of the yard area for terrace construction. The applicant would like both terraces to be wet set; the rest of the hardscape will be dry-laid.

Mitigation plantings using a 1:1 ratio will be installed along the eastern property line, extending down the slope. The Commission asked that the applicant stop mowing the existing lawn areas down to the top of bank as part of the mitigation as well. The mowing has been done to the edge of the bank in order to provide access to an existing pathway down the bank. The Commissioners also observed several trees

that had been topped on the bank; Mr. Hawk noted that the client has not lived on the property and that work may have been completed by the previous owner.

The hearing was continued to Oct 14, 2009.

National Seashore parcel 28530 North Beach, Roy Coppedge-applicant, Joshua Nickerson –owner, SE 10- The hearing was opened for an NOI for the proposed re-location of existing camp to Nickerson property on North Beach, Assessors Map NB parcel 28530. William Riley, Esquire and J Thaddeus Eldredge of Eldredge Surveying & Engineering LLC represented the applicant; Mr. Eldredge returned the abutter notification cards. Initially, the filing was incomplete due to lack of payment of state and local filing fees. Mr Riley paid the balance of the fees due and provided a copy of the check sent to the state for the balance due to the state at the table.

Mr Riley stated that the Coppedge/ Fuller camp has already been removed from North Beach and was floated on a barge to Ryders Cove. The applicants propose to buy the Joshua Nickerson property on North Island and re-locate said camp to a parcel that with accretion, comprises almost 10 acres. The camp would be located on a barrier beach comprised of a coastal beach and coastal dune.

Mr Winkler, the contractor who has done work on the other North Beach camps, will do the moving and installation of the camp on the new lot. Mr Riley described some of the aspects of the proposed move, noting that a new foundation will be required and will be set on steel pipe pilings. The Commissioners did not have copies of the work protocol and noted that this should be provided to each member of the Commission along with a project narrative with performance standards included.

Alternatively, the camp could be taken apart with power tools and re-constructed on the new site.

The Commission has determined that due to the scope of the project and questions regarding the information provided by the applicant, a consultant will be necessary. Pursuant to 1.10 of the Chatham Wetlands Protection Regulations and MGL ch 44 s. 53G, the applicant was notified that the hiring of an outside consultant will be required.

The Commission voted to ratify the letter dated Oct 6, 2009 from The Conservation Agent to Mr Riley, hand delivered by Mary Fougere, Secretary. The vote was 6-0 in favor of the ratification.

The hearing was continued to October 21, 2009.

227 Vineyard Avenue, Stephen/Lisa Turnblom: The hearing was opened for an NOI for the proposed construction of living space addition and porch over existing deck and a second addition on upland side of dwelling at 227 Vineyard Avenue. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The applicants have chosen not to demolish the entire dwelling since it is in fairly good shape construction wise, but want to do two additions, one on the eastern side of the house and one on the western side. One of the additions will increase the footprint, the addition on the easterly side will be constructed in the same footprint as the existing deck. The lot is impacted by salt marsh adjacent to 100-yr Flood Plain , Flood Plain is elevation 8.0 ft.

The Commission questioned whether the lot has been filled in the past and whether there is a peat layer beneath where sono tubes are proposed to be installed. The Commission would like some assurance that the pier/frost wall foundation will be possible. The basement will not have to be made FEMA compliant since the additions will not be more than 50% of the square footage of the existing dwelling.

Mr Clark submitted photographs of the existing conditions. The retaining wall on the salt marsh side was constructed of old creosote ties and appears to be in need of repair/replacement. Mr Clark stated that there are not plans at this time to do that work. Additionally, there is a pipe (PVC) leading out from under the deck that appears to end in lawn area. The Commission questioned its purpose.

The proposal will require a Special Permit; the project is not scheduled on the ZBA agenda to date.

The hearing was continued to November 4, 2009.

155 Indian Hill Road North, Ralph Dineen and Paula Schuman : The hearing was opened for an NOI for the proposed addition to existing dwelling at 155 Indian Hill Road North. Terry Eldredge of Eldredge Surveying & Engineering represented the applicant and returned the abutter notification cards. He stated that the addition will be approximately 210 sq ft, located on the Wetland side of the dwelling, photographs of the current conditions showing the location of the proposed addition were circulated at the table.

The lot is Impacted by the top of the Inland Bank to Schoolhouse Pond and its AURA. Mr Eldredge has identified the top of bank/top of slope at several transect points shown on the plan. According to Mr Eldredge, the maximum observed height of the pond is 17.9 ft which essentially parallels the 18-ft contour. Under the local bylaw, the top of the Inland Bank is shown on the Plan. The AURA shown on the plan has been identified as it relates to edge of pond, not to the top of the Inland Bank.

The proposed work is within the NDZ to the top of the Inland Bank, There will be a few pines removed, The applicant will provide 1:1 mitigation in areas at the top of the bank that would benefit from additional vegetation.

The hearing was continued to November 4, 2009.

581 Riverview Drive, Theodora Casey, SE 10-: The hearing was opened for an NOI for the proposed pruning of oaks and pines for view at 581 Riverview Drive. Terry Eldredge of Eldredge Surveying & Engineering represented the applicant and returned the abutter notification cards. It was noted that the project was originally seen as a violation involving the removal of vegetation on the bank, dumping of debris over the bank. At the time the Commission would not approve any work until a site plan had been completed showing property boundaries and the jurisdictional areas of the Commission.

The Commission agreed that after viewing the site and the photographs presented at the hearing, the applicant has good views of Muddy Creek already. The current application for view pruning did not reflect the "windows" that are generally permitted and it appears on the plan that some work is proposed on Conservation Foundation land, although Mr Eldredge stated emphatically that there is no work proposed. The property would benefit with low growing native plantings such as bearberry and some additional oaks for canopy as suggested by Mr Eldredge for mitigation for the proposed pruning in Riverfront area, but he would have to check with his client. Mr Eldredge was unaware of the violation involving the clearing of vegetation and the Commission noted that some of the oak shrubs were resulting from stump growth from trees that had been removed.

In a letter from the Chatham Conservation Foundation, a request was made to have the property line staked to avoid work being done on their property.

The hearing was continued to November 18, 2009 to allow Mr Eldredge to consult with his client and for receipt of a file number from DEP.

797 Fox Hill Road, William Shipley: The hearing was opened for an NOI for the proposed shorefront protection at 797 Fox Hill Road. Roy Okurowski of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. He noted that the work proposed on this site does extend onto the neighboring property, there is a filing for this work already. The work on both properties involves fiber rolls. MR Okurowski showed photographs from 2006 of a healthy salt marsh in front of the existing fiber roll erosion controls. The photographs of 2009 showed a rack line above the fiber rolls from the higher waters of recent tides, due to the new break in North Beach.

The existing fiber rolls will be replaced in kind under this filing. There are 50-ft of fiber rolls in place, the area had become well vegetated and the fiber rolls held very well up until recently. According to Mr Okurowski, higher tides have caused deterioration of the rolls, eventually the bank will erode. All the proposed work to install 4 additional rows of Fiber rolls will be by hand, there is no access for machinery on this site; the area will be re-nourished, replanted and left alone. The fiber rolls in place already will not be removed

Discussion ensued regarding the use of natural fiber rolls vs the use of wire-caged fiber rolls. Mr Okurowski noted that this is a V13 zone at elevation 4.0. There is a potential for 9-ft waves on this site, according to FEMA. If this was an A zone, the engineer would not have proposed wire caged fiber rolls. Nourishment on a regular basis will be necessary on this site and should be included as a condition in the Order.

The hearing was continued to Oct 28, 2009 for a file number.

809 Fox Hill Road, Peter Willsea, SE 10-2572: The hearing was re-opened for an NOI for the proposed shorefront Protection at 809 Fox Hill Road. Don Monroe from Coastal Engineering Company, Inc represented the applicant. He referred to the photographs displayed in the previous hearing for 797 Fox Hill Road, which is the adjacent property. He observed that the stand of patens grasses was healthy in 2006 and in 2009 the area shows signs of accelerated erosion.

The Chair questioned whether the installation of the fiber rolls on the adjacent property compromised the condition of this property. This property also appears to have had some fiber rolls or fiber mats at one time. The existing plantings match the adjacent property.

Commissioner Chamberlin did not understand how the placement of nourishment and plantings in front of the fiber rolls will protect the bank from re-ceding. He felt that nourishment and planting was a good idea, but the addition of fiber rolls seems a little premature. It was assumed that the original fiber mats that were put down were done so without a permit. However, the vegetation has done well and the mats are still holding. The excavation in front of the original fabric to install the first layer of rolls may destroy what has already established.

The whole project (involving two properties) will be completed using a single access, although there are no plans to bring machinery onto the area, even to put the sand nourishment down.

The hearing was continued to October 28, 2009.

184 Eastward Road, Leslie/Robert Abbott, SE 10-2573: The hearing was re-opened for an NOI for the Re-opening of hearing for proposed construction of garage attached to single family dwelling; proposed re-configuration of existing driveway at 184 Eastward Road. The applicant, Bob Abbott, was present and stated that the project had received a Special Permit from the ZBA on September 24, 2009 with conditions involving the removal of the shed, trimming of the existing privet hedge and planting of the old driveway area with native plant species.

The applicant understands that the ZBA expected that the privet hedge would be extended along the communal path leading to the beach. Ms Andres read from the decision letter issued by the ZBA.

The shed has been moved away from the existing space. Commissioner Chamberlin felt that planting of additional privet hedge plants in the 5-6 ft wide hole left in the hedge when the shed will be removed is probably what was intended by the ZBA. Mr Abbott felt that if that were the case, the remaining privet will grow in soon enough.

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

15 Windy Hill Way, Richard Scudamore-owner, Richard Roy-applicant, SE 10-2575: The hearing was re-opened for an NOI for the proposed construction of pool and enlarging a deck at 15 Windy Hill Way. Terry Eldredge of Eldredge Surveying & Engineering was present for the applicant.

- The Board of Health approved a 5-ft variance from the setback of the leaching field to the pool foundation on Oct 5, 2009
- The size of the apron has been reduced by 4-ft and the retaining wall/landscape wall will go from 0 up to 12"-18" following the new grade. The apron of the new pool will be 54 sq ft within the jurisdiction of the Commission; 18 sq ft of that will be in the NDZ to the BVW. The larger portion (highest) of the new wall will be outside the jurisdiction of the Commission. There will be no mowing up to the naturalized area near the pool
- There will be no tree removal within the jurisdiction of the Commission
- The pool orientation has been changed

It was noted that there is 438 (54 pool apron, 12 sq ft for the wall sq ft of additional, proposed permanent disturbance in the jurisdictional area of the Commission. An area to the east of the driveway would be a good mitigation area (it should be allowed to naturalize) as well as 200 sq ft elsewhere on the property that is not mitigation area from the original project.

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

125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-: The hearing was re-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. Tim Smith of Minglewood Homes was also present. The application has been filed with the DEP in response to the consultant's suggestion that the project will be within areas governed by the Wetlands Protection Act. That hearing will be Oct 21, 2009. The bunkhouse has been re-located to an area closer to the main house.

Mr Riley stated that the pier foundations may not be used for this new location. Since the bunkhouse was moved to a new location, a frost wall with a crawl space foundation for heating and cooling pipes, etc may be used. For insulation purposes, the bunkhouse foundation will be skirted. The shed will still be removed and the impervious-surface driveway will be removed.

The Chair read comment letters from the Pat and Arlene Lynch and Alan and Barbara Howard, both dated October 6, 2009. From the audience, Arlene Lynch read from pg 54 3 (d), Inland wetlands of the Chatham Wetlands Protection and pages 69-70, 71-1 (b) (c). She also felt that a Variance does not have to be granted. She felt that the bunkhouse could be moved over the garage or move the bunkhouse further away from the wetlands.

Discussion ensued regarding the quality of the wetlands on this site. In looking at the location of Conservancy District 698 on the plan, the bunk house has been moved outside the NDZ of the main body of the wetland. It is still within the No-Disturb Zone of the ditch (BVW), which is mostly dry, but still contains wetland vegetation. The ditch area is probably only wet during rains or if the main wetland floods. The Brown project on Henshaw Drive was within 50-ft (NDZ) of the main body of the wetland. The habitat will be more enhanced with the proposed mitigation plantings shown on the plan on the Lynch property boundary.

The proposal is scheduled on the ZBA agenda for October 8, 2009; **the Conservation hearing was continued to November 4, 2009.**

184 Mill Creek Road, John Gillis, SE 10-2567: The hearing was re-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 represented the applicant. He stated that there have been changes to the landscape plan that has reduced proposed, formal yard area on the Flood Plain side.

Commissioner Chamberlin questioned the size of the proposed dwelling and its deck. It was unclear what the deck/patio area would be. The landscape plan only shows general mitigation areas, and it is hard to figure where 1500 sq ft (810 sq ft of disturbance includes hardscape, deck, and new dwelling) of mitigation necessary for the increased coverage in the NO-Disturb Zone (NDZ) will fit onto the lot. The ratio should be 2:1 for expansion into the NDZ, especially since the lot that is currently undamaged habitat will be de-nuded; it will take years for the habitat to be restored.

Will require a Special Permit from ZBA; the Conservation hearing was continued to November 4, 2009.

27 Patterson Road, Surfside Ventures LLC, Gary Terry-applicant, CWP 09-149N- The hearing was re-opened for an NOI for the proposed demolition of existing dwelling; proposed construction of new dwelling and Title 5 sewage disposal system at 27 Patterson Road. David Clark of Clark Engineering LLC stated that there has been a landscape plan submitted by Phil Cheney; the Commissioners would like a chance to review.

The hearing was continued to October 28, 2009.

88 Howes Lane, Angela Napolitano, SE 10-2555: The hearing was re-opened for an NOI under SE 10-2555 after re-advertisement for proposed demolition of existing dwelling to foundation; proposed construction of a new dwelling on existing foundation with cantilevered additions and garage addition and proposed pruning and tree removal and annual maintenance of views at 88 Howes Lane. He noted that the applicant had withdrawn the previous proposal but had re-advertised to include the pruning and tree removal in this application.

Joyce K Williams was present also to review the landscape design and the pruning/tree removal proposal. She felt that the applicant had narrowed the scope of work to the removal of a few, select trees and pruning of trees and shrubs for view enhancement. After some discussion, it was agreed to arrange an on-site visit to determine the extent of the proposed work. The Commission agreed to a 3PM meeting on October 14, 2009 at the site.

A Special Permit was granted by ZBA on June 11, 2009. **The Conservation hearing was continued to October 14, 2009**

Strong Island: It was moved, seconded and unanimously voted to ratify the Enforcement Order issued for the installation of gravel and fencing, in violation of the Order of Conditions.

The Commission was in receipt of a letter from Mr. Cashman that explained that the gravel and the fencing have been removed.

Lot D Misty Meadow Lane, Callahan, SE 10-1999: Terry Eldredge of Eldredge Surveying and Engineering was present to request an Extension Permit for construction of a 3-unit housing complex. He supplied photographs of the site showing the location of a retaining wall.

Mr. Eldredge noted that there is a drainage structure in the road that needs to be cleaned very soon, since it is not functioning properly in the control of stormwaters. Ms Andres would send a letter to the owner of the condominiums located just before Lot D.

An Extension Order was signed.

North Beach, Town of Chatham & National Park Service-owners/applicants, SE 10-2571: The proposal required two sets with original signatures; a second set of signature sheets was signed.

125 Stage Harbor Road, Gregory, CWP09-145N, SE 10-2583: The Zoning Board of Appeals (ZBA) had requested comment on the proposal scheduled for 10/8/09. The following letter was drafted and read into the record:

The Commission has reviewed the Clark Engineering LLC plan dated July 13, 2009 revised September 21, 2009 for the proposed demolition of an existing dwelling and two existing sheds and the construction of a new dwelling on a modestly enlarged footprint. Also proposed is the construction of a 324 sq ft bunk house and a 312 sq ft garage.

The proposed project is shown on the plan to be within 100-ft of a Bordering Vegetated Wetland (BVW). In evaluating the wetland values to be protected, the Commission distinguishes between the main wetland to the southeast of the project (Conservancy District #698) and the 6-8 ft wide ditch running northwest from the wetland. This ditch does not normally contain standing water and serves as a periodic overflow from the main wetland. As the ditch passes northwest of the proposed dwelling, it becomes a shallow swale and finally lawn on a Stage Harbor Road property.

This property is already developed within the project area and the only significant loss of vegetation is one very large tree. Despite the reduced value of the ditch, the applicant has proposed to replace invasive shrubs and vines along the western boundary of the ditch with native plantings and to replace the current impervious driveway with pervious asphalt.

In Response to the Commission's concerns, the applicant has re-located the proposed bunk house outside the 50-ft NDZ (No-Disturb Zone) to the main wetland. While the Commission is likely to require additional native plantings to the southeast of the bunkhouse, the Commission finds that the project can be conditioned to minimize additional adverse impact to the adjacent wetland values.

Lot 14 Plum Daffy Lane, Truesdale, SE 10-2414: Ms Andres and Chairman Jay Putnam had met on site with Mrs. Truesdale and Seth Wilkinson to discuss and refine the invasive species management plan and tree maintenance proposal for the property. Seth provided a narrative to the Commissioners dated September 17, 2009, reflecting the proposed changes and the discussion that had taken place at the on-site.

55 Linnell Lane, Kindler: William Riley, Esquire was present to represent the applicant in their application to extend/install split rail fencing out to Linnell Lane. The inside of the fencing will be lined with wire mesh so that the Kindlers dogs can run in the yard.

The Commission agreed that the fencing could be extended as long as the fencing was installed six inches off the ground to allow wildlife movement. **The Commission approved the work under an Administrative Review.**

Adjournment: It was moved, seconded and voted to adjourn the meeting at 11:15 PM.

Respectfully submitted,
Mary Fougere, Secretary