

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

The following hearings were not heard:

- **20 Shore Road, Richard E Pinckert, Trustee under Indenture of Trust of Richard E Pinckert and Nell N Pinckert , Trustee under Indenture of Trust of Nell N Pinckert:** At the applicant's Request, the hearing was continued to November 18, 2009
- **325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534:** At the applicant's Request, the hearing was continued to a Special Meeting on November 30, 2009
- **175 Balfour Lane, Norman Stein, SE 10-2468:** At the applicant's request, the application was withdrawn.

**122 Balfour Lane (Sylvan Gardens), Town of Chatham-owner/applicant:** The hearing was re-opened for a Request for Determination of Applicability (RDA) after Re-advertisement for proposed removal of non-native and nuisance species at 122 Balfour Lane (Sylvan Gardens). Assistant Conservation Agent, Lara Slifka, represented the applicant and returned the abutter notification cards. There are four resource areas affecting this property, White Pond, Black Pond and two adjacent, old cranberry bogs. In addition to the work described above, some old stairs will be removed and the area loamed and seeded. Americorps will be in Chatham on November 16, 2009. to complete the work.

A Notice of Intent will be filed in the future for more substantial clearing and pruning work.

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

**Strong Island, Jay Cashman-applicant, Chatham Conservation Foundation-owner, SE 10-2516:** The hearing was opened for a Request to amend existing permit under SE 10-2516 to include proposed demolition of the existing dwelling and construction of a new dwelling on a new footprint; the addition of 4 barge trips for transport of materials; proposed changes to the work protocol; hiring of environmental consultant and obtaining a survey of the ocean floor at Strong Island. Richard Nylen, Jar Esquire represented the applicant. He noted that the applicant has filed an appeal to the Order of Conditions issued under SE 10-2516 CWP08-278N with DEP because he objected to several conditions. At the site visit with DEP with respect to the appeal, members of the Commission indicated that many of the conditions contained in the Order were in response to requests by the applicant. Several members were surprised that Mr. Cashman raised questions regarding compliance with the Order. The applicant would like to move forward with the construction of the dwelling in 2010; and Mr. Nylen is hoping to resolve the changes in the Order via the Amendment process instead of through an appeal to DEP. Since the on-site, the applicant has made changes to the proposal as follows:

- The house will be re-located outside the Adjacent Upland Resource area (AURA) to the coastal bank and will be demolished. The plan of record is from EMS with an October revision date.
- There will be four additional barge trips necessary for the construction; Mr. Nylen attached a protocol, pgs 1-8, for the movement of materials dated October 5, 2009. The Commissioners noted that the size of the proposed barges has changed from 30ft x 60-ft as originally proposed, to 30-ft x 90 ft. There was questions regarding the availability of proper depth of water and the avoidance of prop scour, since the barge will be arriving full and leave the island full.

- The Commission had asked for a consultant to supervise the on loading and off-loading of the barge. The applicant would like to review the credentials of the person the Commission selects; the applicant has agreed to pay for the environmental monitor. Mr. Nylen detailed the specifics of the proposed protocol. The Commission reminded Mr. Nylen that although the applicant proposes to complete all the work in 2010, the same consultant may not be available should the project go on for a more lengthy period of time. The Order, as written, indicates that the proposed work will be completed in all at once, or completed in phases. This decision will be left to the contractor.
- Discussion ensued regarding the use of a diver, the number of dives that would be required to monitor prop scour, timing of the barge trips according to the tides. The applicant was suggesting having two dives, one at the beginning of the barge trips and one at the end. The Commission did not feel the number of proposed dives was adequate.
- Due to the change in the location of the dwelling, the only work inside the jurisdiction of the Commission is the access to the work site.
- There is nothing proposed for the landing area at 197 Strong Island Road under this Order of Conditions

Discussion ensued regarding specific concern of the Commission that had been deleted from the proposed changes in the Order of Conditions. Commissioner Chamberlin stated that the reason the Order of Conditions included many of the Special Conditions that the applicant is now contesting is because the applicant had agreed to a number of things during the public hearings that resulted in the inclusion of same.

- Although the installation of the septic system is outside the Commission's jurisdiction, the transport of materials, the septic waste, was not addressed. The Commission felt that a protocol for the transport of the septic waste from the island will be necessary.
- Gravel, sand and other construction materials that could drift into the resource areas will be brought to the island in containers
- The maintenance of the pool i.e. the disposal of pool water and whether the pool will be a chemical-free style pool. There will need to be a work protocol for pool maintenance to insure that draw-down water will not be disposed in a resource area. Mr. Nylen assured the Commission that there will be no discharge of materials into the resource areas.
- The use of herbicide and pesticides has been deleted. Mr. Nylen assured the Commission that fertilizers and pesticides would not be used in areas of jurisdiction; however it is difficult to monitor use of same outside resource areas.
- Reference to lighting has been deleted; Commissioner Holt noted that effects of lighting from areas outside the jurisdiction can impact the areas of jurisdiction for wildlife habitat.
- Protection of the marsh between the beach and the bank going up to the east side of the building has been deleted. The Commission had determined that it was necessary to protect the marsh and included the use of mats in the original Order. As currently proposed by the applicant, the marsh will remain exposed except for 20-ft of wooden mats during the transport of materials and traffic along the roadway. The marsh will be exposed to the back-and-forth of equipment and often times when the marsh floods, the area is wet a good way away from the beach. Mr. Nylen felt that the mats were to protect the soft beach areas from rutting and that it appeared that after 20-ft or so, the area of transport gets much sturdier as one gets away from the beach. Mr. Nylen assured the Commission that the matting will be extended as a field change should it become

necessary. The environmental monitor that the applicant has agreed to have on the site could require that change. The limit of work could shift landward, if necessary.

- The cart path at the top of the coastal bank near the existing dwelling will remain open, although Mr. Nylen acknowledged that it would not be in the applicant's best interest to ignore the eroding bank. There may be additional plantings in the area although the mitigation plantings originally proposed will not be required now that the new dwelling is proposed outside the Commission's jurisdiction.

**The hearing was continued to November 18, 2009.**

**Pcls MCI 1 through MCI 8 Old Comers Rd, Town of Chatham, SE 10-2589**: The hearing was re-opened for a Notice of Intent (NOI) for the proposed removal of poison ivy and invasives species and clearing for footpath to Lovers Lake. A file number had been received from DEP; **it was moved, seconded and voted to close the hearing.**

**82 Main Street, Ellen McKinley**: The hearing was opened for an NOI for the proposed installation of elevated, wooden stairs over a revetment for beach access at 82 Main Street. Roy Okurowski of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. He stated that the applicant currently, has no access to the coastal beach in front of her property. The application is for a one-span wooden staircase over the existing rock revetment; however a field change may occur if the rocks cannot be crossed in one span. There may be a need for two lengths of stairs also if the building department feels the design does not meet code.

All the proposed work will be completed by hand and the applicant will file with MESA.

The proposal is scheduled on ZBA agenda for Nov 12, 2009; **the Conservation hearing was continued to December 16, 2009.**

**250 Kendrick Road, Alan/Joan Smith-owner, Robert B Burlin Trust-owner, Katherine Burlin & Mary Jane Hayden, Trustees**: The hearing was opened for an NOI for the proposed trimming of trees for view preservation at 250 Kendrick Road. Richard Burlin represented the applicants and returned the abutter notification cards. He stated that the proposed work in this application is similar to what had been permitted in the past; additionally the applicants would like to have the Commission approve maintenance of view. The photographs that had been submitted with the application were taken from the deck and the narrative detailed the specifics of the proposal. Mr. Burlin reminded the Commission that the work will take place on the Smith property. The applicants were anxious to complete the work when the Smiths are in Chatham for the Christmas holidays, sometime in early December.

Commissioner Putnam was not on the Commission when the original Order of Conditions was issued. He stated that the resource areas are not shown anywhere in the application, although the Flood Plain contour is at 11.0 ft for this property. The AURA is the upland above the 11 ft contour. Most of the proposed work is on the east side of the property where there is a large stand of trees.

The applicants have hired an arborist to complete the work. Although there is evidence of topping of trees from previous years, there is no topping proposed currently. An arborist had advised the applicants in 2006, since then the Smiths have planted trees.

The Commissioners felt that an on-site visit was necessary to determine the scope of work. The applicants have an almost panoramic view already. Although many of the trees were tagged to indicate proposed work, it was confusing determining what the tags meant.

**The hearing was continued to November 10, 2009 at 7:00 PM.**

**75 Squanto Drive, Douglas/Cheryl Gorman:** The hearing was opened for an NOI for the proposed removal of existing dwelling and garage and proposed construction of new dwelling and garage and proposed re-location of existing septic tank at 87 Squanto Drive. Stephanie Sequin of Ryder & Wilcox, Inc, William Riley, Esquire and contractor Keith Hutchings represented the applicant. Ms Sequin reviewed the current conditions as shown on a plan and compared them to the proposal. A coastal bank abutting a salt marsh are the resource areas affecting this 14,000 sq ft lot. Currently, the existing deck extends 13-ft seaward on the coastal bank. Over the years, the original owners obtained Special Permits for additions to the dwelling.

The existing structures will be completely demolished including the old pile of ties to the north of the dwelling. The demolition debris would either be stored in a covered dumpster or trucked off-site immediately.

The new dwelling will be two-story with a walk-out basement and will be re-located further back from the top of the coastal bank. The existing septic tank will be re-located. The site coverage in the 0-50 ft No-Disturb Zone (NDZ) to the Coastal Bank and in the 50-100- ft AURA to the Coastal Bank were shown on the plan. There will be an increase of 560 sq ft over the existing coverage, approximately 1490 sq ft of mitigation plantings is proposed.

In order to protect the eroding slope on the north side, two retaining walls are proposed, each 4-ft high, to create a terrace effect to slow down storm waters. Mr. Hutchings stated that an excavator will be necessary for the demolition and that it would be possible to pull the limit of work landward once the demolition is completed.

Eunice Burley reviewed the landscape plan and plant list submitted with the NOI application. She stated that invasive plants will be removed as well. The vegetation on the west side of the building will be removed and hay bales will secure the area until re-planting is complete. The re-vegetation plantings will be densely installed in swaths of native plant materials.

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

- **Project narrative**
- **Construction protocol**
- **Construction detail for the retaining walls**
- **Protocol for the invasive species removal**
- **There is a split rail fence on site, but not shown on the site plan**

**14 Homestead Lane East, Hayden L Griswold, Jr Trustee & Marjorie C Griswold Rev Trust-owner/applicants, SE 10-2585:** The hearing was re-opened for an NOI for the proposed construction of two additions to an existing dwelling at 14 Homestead Lane East. No one was present for the applicant; **the hearing was continued to November 18, 2009.**

**155 Indian Hill Road North, Ralph Dineen and Paula Schuman SE 10-2577:** The hearing was re-opened for an NOI for the proposed addition to existing dwelling at 155 Indian Hill Road North. J

Thaddeus Eldredge of Eldredge Surveying & Engineering represented the applicant. He submitted revised plans dated November 4, 2009 showing the limits of the Conservancy District and the location of the 25-ft zoning setback to same. The previous plan showed the edge of water and the 50-and 100-ft setbacks. The addition is 31 ft from the top of the Inland Bank/Top of slope.

Due to the increased permanent disturbance in the No-Disturb Zone to the Inland Bank, the applicant will provide 214 sq ft of mitigation in the form of 10- Medium size shrubs. At the Commission's suggestion the mitigation area would be appropriate near the end of the driveway. Mr. Eldredge will supply file copies of a revised plan showing the location of the mitigation and the location of a stairway leading to the pond

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

**125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2583:** The hearing was re-opened for an 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. David Clark of Clark Engineering LLC and William Riley, Esquire represented the applicant. MR. Riley stated that although the applicant would consider a Conservation Restriction in the panhandle portion of the lot, the Gregorys were not prepared to commit to the Restriction at this time.

The proposal is scheduled on ZBA agenda for November 5, 2009; **the Conservation hearing was continued to November 18, 2009.**

**184 Mill Creek Road, John Gillis, SE 10-2567:** The hearing was re-opened 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 the revised plan shows a new design for the Perk-Rite septic system. Mr. Clark wanted to review the new design with the Commission before moving ahead with further plans for the property.

The original septic design would cover 3000 sq ft of property area. The proposed gravity fed system would require extensive excavation and extensive restoration once the installation is completed. The landscape plan will change as well.

The new septic system requires much less deep excavation and there is no slope requirement since the individual emitter parts of the system only release a small amount of effluent. This new system is installed with a tractor mounted apparatus, shown in the photo circulated at the table. A large cedar tree will remain; Mr. Clark noted that the root zone of trees and plants absorbs the nitrates that will be taken up by plants.

The construction of the dwelling **will** require a Special Permit from ZBA; **the Conservation hearing was continued to November 10, 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 represented the applicant. He had submitted revised landscape plans showing mitigation areas prior to the meeting.

The proposal is scheduled on the **ZBA agenda for Nov 5, 2009; the Conservation hearing was continued to November 10, 2009.**

**227 Vineyard Avenue, Stephen/Lisa Turnblom, SE 10-2580:** The hearing was re-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. The Commissioners had several questions during the previous hearings; MR. Clark responded as follows:

- The supports for the new deck are inadequate, it will be necessary to install 6 additional sono tubes using a mini-excavator
- The existing PVC pipe coming from the house into lawn area is draining a dehumidifier
- The existing, creosote retaining wall will be removed and replaced with a dry-laid stone wall

The proposed construction will require a Special Permit; none of the changes listed above will require ZBA approval. **The hearing was continued to December 16, 2009.**

**159 Tide Mill Lane, Stello, SE 10-2321:** Ms Andres prepared a draft Order of Conditions for the installation of a dock at 159 Tide Mill Lane. She had been in contact with Paul Wilson, Esquire, attorney for the Stellos, who indicated that the Commission was obligated to issue the Order for the dock due to a recent court decision.

The Commission reviewed the conditions. It was noted that there were two sets of piles within the salt marsh, so a condition that there be stub piles in this location was included. Additionally, the Commission wanted photos following completion to be submitted for the record.

**The Commission signed the Order.**

**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 represented the applicant. He submitted revised plans adding construction notes #6 and #7 and a project narrative that the Commission had requested in a previous hearing.

The mitigation shrubbery list has been revised to eliminate the mono-culture of blueberry bushes originally proposed and provide more of a mix of native shrubbery.

The proposal is scheduled on the ZBA agenda for Nov 12, 2009; **the Conservation Commission hearing was continued to November 18, 2009.**

**Certificates of Compliance were signed for the following applicants:**

- 500 Shore Road, Geary , SE 10-2177
- 60 Hammond Hill Rd, Young, SE 10-2582
- 58 Doane Rd Ext, Chapman, SE 10-2295

**20 Shore Road, Pinkert:** The Commission reviewed a comment letter to the ZBA originally prepared on September 24, 2009. Although the Commission has received new plans, the project has not been discussed at a public hearing. They agreed that the comment letter would not be changed.

**Letter:** The Commission reviewed a draft letter regarding a local attorney's conduct towards the Commission at a recent hearing. No action was taken.

The following projects were approved under Administrative Review; no additional filings would be required:

- 381 Pleasant Street, Peden, Rick Roy Construction
- 165 Taylor Pond Road, Bauer/Painter
- 67 Scatteree Rd, Ackerman
- 240 George Rd (Samuel Hawes Park), Chatham Airport property

**Adjournment:** it was moved, seconded and voted to adjourn the meeting at 9:50 PM.

Respectfully submitted,  
Mary Fougere, Secretary