

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

Edson Property, Land Bank Proposal: At the recent Selectmen's Meeting, Chairman of the Land Bank Committee Victor Chairman, introduced the proposed warrant article for the purchase of the Edson Property at 1107 Main Street. As proposed, the land would be held in the care and custody of the Conservation Commission under GL Ch 40 s 8C.

Discussion ensued regarding the reluctance expressed by Selectmen Summers, that the Conservation Commission are the custodians of the land, rather than the Selectmen. It was noted that enforcement of the existing Wetland Regulations and Land Management may overlap but are two separate functions of the Commission. The following points were discussed:

- Land purchased with Land Bank funds must be preserved as Open Space; Ch 97 and Ch 40 s 8C make the Conservation Commission care holders of those lands
- Land Management is time consuming. Approximately ten years ago, the Selectmen responded to public requests for the ability to use already purchased lands by assigning the management to the Conservation Commission. The Commission now has been actively managing several parcels and has expertise in Land Management.
- Land Management funding is difficult to find and grant applications for some projects is a lengthy process
- State and local Wetlands Regulations pertain to portions of several land purchases ; the Wetlands regulations require oversight by the Commission

55 Linnell Lane, Robert/Pamela Kindler, SE 10- The hearing was re-opened for a Notice of Intent for the proposed reconstruction of pile supports for existing footbridge and walkway over coastal bank and salt marsh at 55 Linnell Lane. A file number had not been received from DEP; **the hearing was continued to March 24, 2010.**

498 Shore Rd, McGonigle, SE 10-2619: It was moved and seconded to approve the partial site plan showing proposed areas of work and the Management Plan submitted with the application for the project at 498 Shore Road. Chairman Jay Putnam was recused from the vote/discussion. The vote was 4 in favor of the motion, 1 opposed, 1 abstention. **An Order of Conditions was written.**

847 Orleans Road, Town of Chatham, SE 10-2618: It was moved, seconded and voted unanimously to approve the Clark Engineering LLC set of plans,

sheets 1-6, dated January 20, 2010 for the project at 847 Orleans Road. **An Order of Conditions was written.**

101 Morris Island Road, 101 Morris Island Trust, SE 10-2612: It was moved, seconded and voted to approve the Clark Engineering Site Plan dated December 11, 2009 and the Hawk Design Inc plan dated January 5, 2010 for the project at 101 Morris Island road. Mr. Hawk provided revised plans on March 10, 2010 (plan revision date March 10, 2010) showing re-located pool fencing. **An Order of Conditions was written.**

Zoning Board of Appeals Requests for Comment: A comment letter to the ZBA was reviewed and approved for the project at 165 Taylor's Pond Road, Painter/Bauer, SE 10 -2617

Approval of Minutes: The minutes of February 10, 2010 and February 24, 2010 were approved as written.

The following projects were approved under **an Administrative Review;** Assistant Conservation Agent Lara Slifka provided comments for each application:

576 Fox Hill Rd, Donovan: Removal of dead trees; vote for approval was 6-in favor, 1-opposed

86 Palmer Drive, Melo: Removal of trees near the house; vote was unanimous in favor of removal, additional proposed work required a filing

52 Hardings Beach Rd, Mulvaney: Removal of one dead tree; vote was unanimous in favor of removal

470 Shore Road, Eisenstein: Removal of landing and steps from top of coastal bank and construction of porch on landward side of dwelling, 92-ft from resource area; vote was unanimous for approval

Agnes Lane, Chatham Conservation Foundation: Trim tupelo tree, save snag; vote was unanimous for approval

North Beach Island, Coppedge/ Fuller: Ms Andres related that Mr. Coppedge through his attorney, William F Riley, Esquire is appealing the MESA decision for the proposed re-location of a camp on North Beach Island. A group of state and local agency representatives, the applicant and his representative met on-site early in March. To date, Mr. Coppedge does not own the land onto which, he is proposing to re-locate the camp. The applicant proposes to re-locate the camp on a dune vegetated with beach grass; the applicant believes that this application qualifies for consideration since the camp is pre-existing.

The following points against the re-location of the camp on North Beach Island were reviewed and discussed by the Commission:

- The site is a barrier beach

- The proposed construction in on a vegetated dune
- The proposed construction is for a new building in the Flood Plain(the Chatham Gove case prohibited new construction in the Flood Plain)
- The document from the 1982 Coastal Restriction program that protects resource areas has been recorded on several North Beach parcels. Construction is prohibited under this document
- The applicant may be able to subdivide the 10-acre parcel should his proposal go forward in the courts. This sale could affect the bird nesting areas and would directly affect the plover population
- The beach monitoring program begins today, March 10; bird monitor from last year, Suzanne Phillips, will return

Project Narratives in future filings: The Commission would like to have each new application contain a detailed project narrative. Some of the applicants, engineers and attorneys have not been providing detailed project descriptions/ Alternative Analysis making it necessary for the Commissioners to continue hearings due to lack of adequate information.

View pruning: Commissioner Holt asked if there were any measured approaches to view pruning available for review. Preservation of Canopy is vital to wildlife habitat for example, and the possibility that there is a threshold when canopy is lost and there is a significant affect on birds and water fowl.

Strong Island, Cashman: The pier application is under appeal, the applicant is now asking to file an Amendment Request under SE 10-2529 for the installation of a walkway across the dune at the point on the beach where the pier would end. Tina Davies from DEP had encouraged the applicant to construct a walkway as mitigation for the location of the pier down the beach from the boathouse area.

The Commission prefers that the pier be located to the boathouse area; this would require the approval of state agencies and local boards. The proposal for an Amendment expands the project under SE 10-2529; several Commissioners questioned how the walkway could be considered mitigation while expanding the proposal.

NSTAR Herbicide Spraying: In the near future, NStar utility Company proposes spraying herbicides along their power lines in order to eliminate the need for mowing. A "grass roots" group has met with State Representative Sarah Peake in an effort to stop the spraying.

DEP considers spraying as an alteration to a wetland if the spraying is done within 100-ft of the wetland. Spray drift is not addressed outside the 100-ft delineation. The local Chatham Wetlands Bylaw exempts utility maintenance from regulation.

The Town of Harwich is requiring NStar to file an RDA which would set the boundaries for any wetlands along the planned herbicide application route. The Commission agreed that at a minimum, an RDA should be filed with the Chatham Commission.

The Chatham Board of Health is holding an informational meeting on the use of pesticides on April 15, 2010.

The deadline for public comment is March 21, 2010.

Adjourn: It was moved, seconded and voted to adjourn the meeting at 5:50 PM.

Respectfully submitted
Mary Fougere, Secretary