

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

Absent: Commissioner Robert Lear.

134 Seagull Road, Robert Culnane: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed replacement of deck, siding and windows on an existing dwelling at 1354 Seagull Road. David Lyttle of Ryder & Wilcox, Inc represented the applicant and returned the abutter notification cards.

Mr. Lyttle stated that a large portion of the lot is in the Flood Plain, measured at elevation 9.0 ft. The existing deck is supported on blocks and is attached to the house; the re-construction of the deck over the existing septic tank will require that 12 new sono tubes be installed for support and an access cover in the deck itself will be installed in order to pump the septic tank.

A symbolic siltation barrier work-limit will be installed in the area before the marsh and creek, although very little erosion and run-off is expected from the project.

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

- **Excavated materials be removed from the site**
- **Spacing of deck planks should be ½ " at a minimum; Construction materials should be non-leaching**

41 Ladyslipper Lane, Thomas & Jocelyn McNulty: The hearing was opened for an RDA for the proposed removal and replacement of existing deck in the same footprint at 41 Ladyslipper Lane. Contractor Keith Gilmore represented the applicant and returned the abutter notification slips. The re-placement of the existing deck will require the addition of two hand-dug "big-foot" footings for support in the center.

Mr. Gilmore stated that the applicant would also like to install a screened in porch area on the re-constructed deck. The application did not include the addition of a screened porch and the Commission felt that it would be necessary to re-notify abutters of this proposed change.

The Commission asked that the applicant remove the debris pile in the southwest corner of the property. Additionally, the Commission questioned the function of a PVC pipe coming out from under the deck that drains to the marsh.

The hearing was continued to March 17, 2010 to allow the applicant to re-advertise the hearing.

70 Queen Anne Road, Queen Anne Inn, Inc, SE 10-2305: The hearing was re-opened for a Request to Amend and existing Order of Conditions under SE 10-2305 to include proposed

reconfiguration of the parking area including a driveway to upper level; carport and re-location of sidewalk along Queen Anne Road at 70 Queen Anne Road. The application was **withdrawn from ZBA on 2/25/10; At the applicant's request the hearing was continued to April 7, 2010.**

52 Oyster Bluff, Oyster Bluff Nominee Trust, SE 10-: The hearing was opened for a Notice of Intent (NOI) for the proposed repair of collapsed section of Coastal Bank at 52 Oyster Bluff. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The repair involves scraping the existing top soil and subsoils and re-grading to gradually drop the elevation of the existing lawn area. The elevations on the waterside of the property will create a re-verse slope going down the banking, starting from the top of the collapse down the coastal bank. The reverse slope will be maintained almost to the beach area. About 70 yds of material will be scraped and re-used. By approaching the bank repair in this fashion, there will be no need to bring in large amounts of new fill from alternate sites.

Although there will be some machine work to scrape soils and re-contour, it will not be necessary to have large dumptrucks traverse the existing lawn area and get close to the top of the bank where the collapse occurred.

Erosion control blankets are proposed to be laid over the restored area and shrub plantings and beach grass will complete the restoration. Seth Wilkinson of Wilkinson Ecological Design has proposed using beach grass plugs where the bank collapsed on the beach. Essentially this project is beach restoration and stabilization of a non-eroding bank.

The applicant has not agreed to the removal of existing irrigation pipes from the No-Disturb Zone to the Coastal Bank. There are additional pipes around an old pumphouse for the existing salt-water pool.

The hearing was continued to March 24, 2010.

498 Shore Road, James/Lisa McGonigle, SE 10-2619: The hearing was opened for an NOI for the proposed invasive plant management and view pruning at 498 Shore Road. Commissioner Jay Putnam recused himself from the hearing. Charles Wentz of Ponderosa Companies represented the applicant and returned the abutter notification cards. The applicant proposes pruning of trees and shrubs along the top of the coastal bank, control and removal of non-native and invasive plants and the re-planting with native plants to the upper areas of the bank.

The proposed work area is on the eastern end of the dwelling, at the rear of the dwelling. All the proposed work is within the resource area (coastal Bank) and the AURA to the coastal bank. A partial site plan was provided showing all areas of proposed work and the delineations of the resource areas. A broad area for proposed pruning of vegetation to a height of 6'-9' and an area at the top of the bank for pruning to a height of 3-ft is shown. Mr. Wentz provided a list of native plant material to be used when re-planting the areas

where invasive species will be removed; the number and size of the plants is not provided. Mr Wentz stated that 3-gallon shrubs would be used. A Landscape Management Plan with an annual timeline prepared by Mr. Wentz was included in the application. The goal of the plan is to maintain and enhance the native Maritime Shrubline plant community on the coastal bank, provide wildlife habitat, maintain the stability of the bank and allow for current view with minimum disturbance.

The Commission noted that the current view is spectacular-an unobstructed panorama of the ocean, harbor and beach. The Commission felt that there was no need for additional pruning or tree removal at this time. Mr. Wentz agreed that the cherry trees to the north will remain and that only three already-topped trees will be removed. It was noted that the applicant received permission under an RDA for view enhancement, the limit of which was above the 50-ft NDZ to the top of the bank. The Commission agreed that pruning in this area was acceptable, but additional pruning closer to the top of the bank was not.

The project included the proposed removal of chain link fencing on the side of the house. The removal of oaks and cherry trees is proposed near the top of the bank.

Existing bare areas on the coastal bank will be seeded. Mr. Wentz stated that herbicides for the control of invasives will be applied carefully by hand; no spraying of herbicide is proposed.

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

55 Linnell Lane, Robert/Pamela Kindler, SE 10- The hearing was opened for an NOI for the proposed reconstruction of pile supports for existing footbridge and walkway over coastal bank and salt marsh at 55 Linnell Lane. Matt Farrell of J M O'Reilly & Associates and Wiolliam F Riley, Esquire represented the applicant. Mr. Farrell felt that this was a relatively simple project, however the project site is a sensitive environmental area. The project involves the installation of 4-helical anchors driven down to the peat layer, approximately 20-30 ft down. These anchors will support a box frame constructed of pressure treated wood which in turn will support the existing bridge. The existing bridge supports will be removed.

The coir roll along the roadway has shifted with tidal action. The new supports will somewhat stabilize the coir roll as well. The Commission questioned whether there has been enough time for the fill that had been installed for the roadway to stabilize enough for this work to be done so close to the coir mats. Mr. Farrell felt that the bank will benefit in that the old bridge supports that were unstable and moving will not be shifting. The mat will be anchored on each end.

The hearing was continued to March 10, 2010 for receipt of a file number from DEP.

201 Old Harbor Road, Thor Magnus/Katherine Skahan, SE 10-2613: The hearing was re-opened for an NOI for the proposed demolition of existing cottage and shed; proposed re-construction of cottage and shed in same footprints at 201 Old Harbor Road. **At the Applicant's Request, the hearing was continued to March 17, 2010.**

110 Old Salt Works Road, Goodrich Chatham Realty Trust, Joseph Marzilli, Trustee, SE 10-2582: The hearing was re-opened for an 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, Assessors Map 13M parcel C25. **At the applicant's request, the hearing was continued to April 7, 2010**

165 Taylor's Pond Road, Timothy Painter/Joanne Bauer, SE 10-2617: The hearing was re-opened for an NOI for the proposed renovations to a single family dwelling, proposed landscape improvements and proposed deck expansion at 165 Taylor's Pond Road. David Michniewicz of Coastal Engineering Company Inc represented the applicant . He reviewed the changes that had been made to the plan as a result of the last hearing.

- The hot tub and drain will be removed from the rear of the house. The Commissioners had observed 4" PVC piping that appeared to be draining down the bank.
- The amount of retaining walls on the bank and near the bank has been reduced. All the rail tie walls will be removed and replaced with stone-faced concrete.
- The restoration area has been carried further down the coastal bank. Some of the area created for lawn will be re-graded to the natural bank contour.

The Commissioners questioned whether the re-contouring will be by machine and whether Coastal Engineering would be overseeing the project.

The plan did not specify the density of the proposed restoration area; the bank needs to be densely vegetated on this site.

The proposal will be heard by the Zoning Board of Appeals (ZBA); **the Conservation hearing was continued to March 17, 2010.**

676 & 684 Orleans Road, Frederick Bearse, SE 10-2605: The hearing was re-opened for an NOI for the proposed Shorefront Protection at 676 & 684 Orleans Road , Assessors Map 12J parcels 5 & 4. **At the applicant's request, the hearing was continued to March 17, 2010.**

594 Shore Road, G Warren// Victoria Chane, SE 10-2596:The hearing was re-opened for an NOI for the proposed seasonal pier at 594 Shore Road, Assessors Map 16G parcel H1 **At the applicant's request, the application was withdrawn.**

847 Orleans Road, Town of Chatham, SE 10-2618: The hearing was re-opened for an NOI for the proposed re-location of access driveway and proposed reconstruction of

parking lot with expansion at 847 Orleans Road. David Clark of Clark Engineering LLC and William McClennan represented the applicant. Mr. Clark had been asked at a previous hearing to provide additional information on the possibility of using porous asphalt in the new parking areas on the site.

The use of porous asphalt would reduce the stormwater infrastructure and save approximately \$30,000. However, the installation of the natural sand and gravel base that would interface the porous asphalt is expensive; essentially there is no cost savings to using porous asphalt. The construction timetable for this project may be skewed in that the work has been timed to the opening of the asphalt production plants and the use of DPW staff as much as possible. Mr. Clark noted that according to Highway Surveyor Jeff Colby, if time and budget permits, porous asphalt will be used to satisfy the Commission's request.

Maintenance of the porous asphalt surface should be done twice a year; vacuum sweeping is best, however it can also be maintained with a push sweeper.

The location of the water main on Rt 28 was verified by locating the service gates that are in line with the existing piping.

Eight pines will be removed; a total of eight replacement trees will be provided.

The proposal was approved by ZBA on 2/25/10; **it was moved, seconded and voted to close the hearing.**

101 Morris Island Road, 101 Morris Island Road LLC, SE 10-2612: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling and pool and the proposed construction of new dwelling and pool at 101 Morris Island Rd. David Clark of Clark Engineering LLC and Jerry Dart of Polhemus Savery DaSilva represented the applicant.

A construction protocol was provided and a landscape plan has been provided by Hawk Design. It was observed that invasive purple loosestrife is present in one of the wetlands and must be removed as soon as possible.

The amount of sequestered area has increased by 400 sq ft. Mr. Clark stated that the house has increased by 140 sq ft and the pool/patio area is larger. The applicant has endeavored to move the pool away from the wetland area leaving a substantial area adjacent to the wetland along Dune Drive as a contiguous wildlife habitat area.

The Commission expressed their displeasure with the extent of the pool fence, essentially making it a yard fence and sequestering additional yard area for wildlife passage. The applicant did not provide the information regarding the type of pool that is proposed.

The proposal was approved by ZBA on 2/25/10 with the conditions that there be no construction vehicles parked on Morris Island Rd. **It was moved, seconded and voted to close the Conservation hearing.**

Certificate of Compliance: A Certificate of Compliance was signed for the completion of work at Tern Island, Mass Audubon, SE 10-2309.

The following projects were approved under Administrative Review and did not require any further filings;

- 46 Jericho Lane, Callahan: Replacement of existing permanent pier which has a valid Chpt 91 license under SE 10-2057.
- 27 Seapine Road, Budd: removal of storm damaged trees; photographs circulated

Piers & Docks , Planning Board Comment Letter: The Commission reviewed a letter written in October 2009 endorsing the approach made by the Harbor Committee in gathering data for use in their effort to ban the installation of piers and docks. Ms Andres would finalize a letter incorporating the additional comments the Commission would like to convey to the Chatham Planning Board at their upcoming hearing on March 9, 2010. The following ideas/concerns should be addressed:

- Applicants seek to install private structures on public lands; the public interest needs to be protected
- Acknowledge that the survey work conducted by the Harbor Planning Committee was inspiring in its approach
- The Oyster River Area is an already congested water body
- Since the Harbor Committee is comprised of a diversified, large group, their knowledge and survey findings should take precedence over data provided by small interest groups

110 Seashells Drive, Dickey: Ms Andres received a response from Ms Dickey acknowledging receipt of the information regarding the condition of the coastal bank at 110 Seashells Drive after the latest series of storms.

Adjourn: It was moved, seconded and voted to adjourn the meeting at 9:30 PM.

Respectfully submitted, Mary Fougere, Secretary