

Present: Vice Chair DeeDee Holt, Billie Bates, Jay Putnam, Paul Chamberlin, John Geiger, Associate Member Patty Morrison, Conservation agent Kristin Andres and Secretary Mary Fougere.

Absent: Commissioners Carol Scott and Robert Lear

325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534: The hearing was re-opened for a Notice of Intent (NOI) for the proposed shorefront protection at 325 Fox Hill Road. Roy Okurowski/Coastal Engineering Co Inc and Jack Farrell represented the applicants. A complete set of plans dated March 10, 2010 with sheets C.3.1.4-6 revised April 26, 2010 had been received prior to the hearing as well as a Document entitled "*Shorefront Management Plan*" for Eastward Ho!, dated May 3, 2010. A site walk had been taken prior to this hearing. Mr. Okurowski had reviewed the Commissioners and the Agent's comments and have incorporated the concerns into the Shorefront Management Plan. He stated that the by April 1, 2011, Coastal Engineering will supply the Commission with data obtained by monitoring the nourishment proposed in this filing.

The Club will also apply for Chapter 91 licensing for the existing structures that are subject to tidal action and are below MHW. Coastal Resources Director, Ted Keon, encouraged the Club to start the Chapter 91 licensing process as soon as possible. Ms Andres stated that a Chapter 91 license should have been obtained prior to the beach nourishment plan since some of the nourishment sand is planned to be below MHW. Beginning the Chapter 91 process now is a good faith effort by the Club, because the shorefront Management Plan, as presented, is not adequate.

The Commission reviewed the revised proposal section by section:

- Area 1- Installation of 240 linear feet of fiber rolls, 3 ft high, with 470 yds of fill added that will be graded to meet existing grade, Installation of fiber mats and planting of American Beach Grass. There will be some nourishment below MHW. The fiber rolls are proposed to be wire encased for the whole project.
- Area 2- The Commission already permitted coastal bank restoration and nourishment in this area. Nourishment has been completed twice to date; the sand seemed to have washed to the east. Nourishment will continue, the area monitored
- Area 3-4 -The revetment will be tapered from elevation 15 down to elevation 9. There will be nothing done to the slope. At the end of the revetment, 436 linear ft of fiber rolls will be installed for scarp protection and then the area nourished. The change from rocks as originally proposed to fiber roll scarp protection was well received by the Commission. The Agent expressed that there are some well vegetated in spots with minimal scarping in Area 4.

- Area 5 & 6- Installation of 300 ft of rock scour protection, there are no fiber rolls proposed. Nourishment will be put in all the way to the Yacht Club. (Commissioner Bates noted that natural coastal processes (bank erosion) in the area close to the Yacht Club appear to be building up a small beach. Just off-shore there is a fringe marsh.
- Area 7- Installation of 180 linear ft of rock scour protection to elevation 9.0 ft NGVD to replace 180 ft of fiber rolls, that have been replaced four times (the record shows replaced 3 times, per Ms Andres); beach nourishment of 180 cu yds. Mr. Okurowski stated that the originally installed fiber rolls had been nourished but no follow up was ever done. Nourishment will be put right on top of the rocks; Commissioner Chamberlin noted that the rocks appear to be at MHW now. Also there is fringe marsh all along this area and the end scour is occurring at the east end, rather than the west end. Fringe marsh protects the shore line and extending the revetment may eliminate the marsh. The way in which wave energy is reflected will change.
- Area 8- This area is a wash plain, 60 ft of fiber rolls plus 1000 yds of sand as a feeder dune is proposed, per recommendation by Consultant Peter Rosen.

In summary several points were reviewed. The end of Muddy Creek will be monitored to check for adverse impacts from the nourishment. Concrete bounds will be installed as trigger points for nourishment. Any areas where no work is proposed will be monitored by the Maintenance Superintendent (of Eastward Ho!) and the Agent. There are no trigger points in "no work" zones currently; MR. Okurowski stated that the entire beach will have GPS trigger points in the Revised Nourishment Plan that will be ready in 2011. A total of 3680 cu yds of compatible sand for nourishment will be necessary.

The Commissioners re-iterated their belief that nourishment and maintenance of nourishment "is the key to the success" of this project.

Mr. Farrell stressed that the club has a long-term, huge financial commitment to making the proposal work and asked that the Commission recognize this commitment.

The Commission expressed concern regarding two portions of the proposal:

- The use of wire encased fiber rolls; Ms Andres circulated photographs of minimal wave action areas where wire is left on the beach. MR. Okurowski stated that CZM considers wire encased fiber rolls as a soft solution to erosion control. Ms Andres disagreed and noted that the wire encased fiber rolls are designed by Coastal Engineering, and she was not aware of their use in other towns. Discussion ensued regarding problems encountered by the Commission with wire encased fiber rolls.

Ms Andres read from CZM policy and questioned at what point soft solutions become "hard".

- The proposal for Area 7 replacing existing fiber roll erosion control with rocks

It was moved, seconded and unanimously voted to close the hearing. Mr. Farrell would provide the Commission with a letter waiving the 21 day requirement for the Commission to issue an Order of Conditions.

Work Session began at 4:20 PM:

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

Absent: Commissioner Robert Lear

45 Westward Ho! Drive, Lippis: Justin Wharton of Homewatch (new caretaker for the property) represented Nicholas Lippis regarding the trimming on the coastal bank without benefit of a valid wetlands permit. Ms Andres obtained permission from Mr. Lippis to inspect the site and had met with Mr. Wharton on-site; Photographs of the existing site conditions were circulated at the table. .

The Commission expressed concern that several of the existing natives and some trees were improperly pruned and that healthy plant growth will be adversely affected, leading to erosion of the bank. The blueberries on the bank could benefit from better care. It did not appear that there were many invasives on the site; however they will have a foothold now that the native plant material has been cut. Honeysuckle could be removed.

Clearly view could not have been the reason for cutting, the existing view is panoramic. It appears that the applicant simply wanted to neaten the vegetation on the bank by evenly cutting. The Agent suggested ticketing or restoration of the bank. The Commissioners agreed that the bank would benefit from restoration using native species. A tree on the lower bank will be monitored for viability and the Commission expected a restoration plan, as part of the enforcement order. Ms Andres would write the Mr. Lippis explaining the findings of the Commission; the Commission also wanted the name of the contractor who did the work without consultation with the Conservation Office.

If the applicant wants to do any further work, a Notice of Intent would be necessary.

580 Meetinghouse Road: Assistant Conservation Agent had met with the new owner regarding the removal of survey stakes that had been installed on the town owned property abutting 580 Meetinghouse Rd. There had been some tree removal as well. In a letter from Mr. Pitfield dated May 2, 2010, he detailed the particulars of the mis-understanding.

Ms Slifka subsequently met with him at the property. It was determined that the tree removal was of little consequence in that the property is well treed. They also had a lengthy discussion regarding Conservation Land Management and the regulations under the Wetlands Protection act and the Chatham Wetlands Protection By-law.

No further action is necessary at this time.

50 Old Salt Works Road, Eagles Nest Realty Trust-owner, Joseph/Mary Ellen Fitzpatrick-applicants, SE 10-2634: The hearing was re-opened for a Notice of Intent (NOI) for the proposed repair of existing shorefront protection (gabions) and proposed nourishment and plantings At 50 Old Salt Works Road. John Schnaible of Coastal Engineering Company Inc represented the applicant. He submitted a letter dated May 11, 2010 requesting modifications to the proposal presented in previous hearings. The modifications are:

- The applicant will not install the duckbill anchors now, as proposed
- The applicant will nourish the existing site with 40 cu yds of sand
- Trigger points will be developed by Coastal Engineering and an Amendment may be filed at a later date

The Commissioners were pleased that the applicant had responded favorably to their concerns.

Mr. Schnaible had contacted Ryder & Wilcox, Inc and Ponderosa Landscaping to verify that the gabions had been installed.

It was moved, seconded and voted to close the hearing. The vote was 5 in favor of the motion with 1 abstention. Commissioner Jay Putnam abstained from the vote.

97 Riverview Drive, Newton Trust, SE 10-2633: It was moved, seconded and voted 5-0 in favor of the motion to approve the East Cape Engineering plan dated March 25, 2010 revised May 4, 2010 for the replacement of an existing dock and removal of an old swing. Commissioner Jay Putnam abstained from the vote. **An Order of Conditions was written.**

28 Nob Hill Road, Est Stone, SE 10-2638: It was moved, seconded and voted 5-0 in favor to approve the Clark Engineering LLC plan dated March 15, 2010 for the installation of a Title 5 sewage disposal system at 28 Nob Hill Road.

Commissioner Jay Putnam abstained from the vote. **An Order of Conditions was written.**

368 Seapine Road, Goldstein, SE 10-2635: Commissioner Jay Putnam recused himself from the discussion. It was moved, seconded and unanimously voted to approve the Coastal Engineering Company Inc plan and the Seth Wilkinson Management Plan for coastal erosion control at 368 Seapine Road.

Approval of Minutes: The minutes of Jan 27, 2010-EXE Session, February 3, 2010 and April 21, 2010 were approved as amended at the table.

Reminder: Public hearing on the final draft of the Chatham Open Space Plan will be held May 20, 2010 at 4 PM in the Community Building at 702 Main Street.

231 Eastward Rd, Burcin: There is an open Order of Conditions for this property involving work on the dwelling and landscaping. The applicants would like to remove some existing cedar trees outside the limit of work and in the Flood Plain for view enhancement.

The cedars were supposed to be saved and the applicant is willing to plant 3-12'-14' cedars elsewhere on the site. Photographs were circulated.

It was moved and seconded to allow the proposed changes to the existing Order. The vote was 4- in favor of the motion, 2 opposed.

The following projects were approved under an Administrative Review:

- **51 Old Queen Anne Rd, Audibert:** Removal of a large broken branch in the NDZ
- **104 Old Salt Works Rd, Zervas:** Top-dress lawn area
- **176 Stage Is Rd, Yoon Soo Choi:** Removal of dead pines near house and fence
- **154 Champlain Rd, Mahoney/Fitzhugh:** Removal of Leyland Cypress for view enhancement
- **381 Pleasant St, Peden:** Removal of 2 pines outside the Limit of work for the construction of the house; applicant will re-store habitat by planting cedars

110 Seashells Dr, Dickey & 60 SeaMist Lane, Magid: Don Monroe of Coastal Engineering Company Inc represented the owners of 60 SeaMist Lane and 110 Seashells in a discussion regarding the placement of nourishment at the two sites. Mr. Monroe noted that the two adjoining properties are currently owned by people who agree to work together to maintain nourishment as required under the individual Orders of Conditions. Mr. Magid has legal rights of access across

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the Dickey property for trucks to pass. Currently, the Special Conditions require nourishment be deposited prior to April first, annually. Both sites are restricted by NHESP.

According to Mr. Monroe, the frequent storms this past winter prevented the contractors from being able to provide the sands in a timely fashion to avoid the April 1 deadline. When they were able to complete the job, it became apparent that the volume of sand required to cover the fiber rolls would not fit all at once, so only a portion of the sand was used to complete the job. Photographs of the site after the nourishment was installed were circulated. Currently, a good portion of that sand installed in late March has washed away and nourishment is needed again.

Further, these two properties are an important source of sediment for the Chatham Tides Motel beach and the Chatham Town Beach. In response to a question from Commissioner Chamberlin, Mr. Monroe stated that there are no transects on either site to determine the littoral/tidal flow that affects these sites. The Applicants would like to be able to complete the work once in the fall and once in the spring, splitting the volume of sand required evenly for distribution and providing a better sediment supply for the beaches.

Mr. Monroe is scheduled to meet with both property owners to discuss alternate measures to increase beach size. **The Commissioners voted to approve the nourishment two times annually rather than the single supply of sediment.**

Reminder: Identification Badges are ready for pick-up at the Chatham Police Station:

Adjourn: It was moved, seconded and unanimously voted to adjourn the meeting at 5:55 PM.

Respectfully submitted,
Mary Fougere