

Present: Vice Chair Diane Holt, Robert Lear, Billie Bates, Paul Chamberlin, Carol Scott, Associate Member Patty Morrison, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Absent: Commissioner John Geiger

The following hearings were continued:

12 Queen Anne Road & Pcl C29 Oyster Pond Furlong, Bromley Realty Trust c/o Quincy & Company, Inc, Chris Quincy, SE 10-2640: At the applicant's request, the hearing was continued to July 7, 2010.

384 Fox Hill Road, Holmes Nominee Real Estate Trust, Robert Boynton, SE 10-2628: At the applicant's Request, the hearing was continued to July 7, 2010

676 & 684 Orleans Road, Frederick Bearse, SE 10-2605: At the applicant's Request, the hearing was continued to September 15, 2010

Pcl 22 Main Street @ Lime Hill Road, Chatham Community Garden-applicant, Streibert Barnstable Realty Trust-owner, SE 10-2644: The hearing was opened for an Abbreviated Notice of Intent (ANOI) for the proposed re-grading, addition of soil amendments and fencing & water service installation associated with creation of a community garden at Pcl 22 Main St (corner of Lime Hill Road). J Thaddeus Eldredge represented the applicants and returned the abutter notification slips. He stated that the proposed garden area was once a bog, filled over time sometime in the 1960's. The drainage swale on Lot P22 was installed in 2000. In a project narrative submitted with the application, the resource areas affecting this lot were described. The isolated land subject to flooding on the west side of the property (addressed by Don Schall of ENSR in a letter 2007) is degraded and has little wetland value in its current condition. The AURA to this wetland is protected under the local by-law only. The BVW (Duck Pond) to the east and its AURA are intercepted by a paved roadway. A portion of the proposed parking area, portions of proposed garden plots #8, #9, #15, #16, #17, #22 and #23 and some of the clearing & planting are within the jurisdictional of the Commission. The drainage swale was created by order of the Commission and is not a wetland subject to protection.

A shed and handicapped walkway are the only hardscape aspects of the project. A pathway for Agway employees will remain. A chain link fence is proposed to surround the garden plots; a photograph of the fencing was submitted with the application. During the clearing process, invasives will be removed and although a landscape plan is not available, the applicants will use native plants for planting of disturbed areas. All the gardeners are encouraged to grow organically, 21 plots will be available to the public through a lottery system, 1 plot will be handicapped accessible and 4 plots will be used by the Food Pantry.

Commissioner Chamberlin questioned the origin of the storm water run-off that enters the drainage swale. It was noted that surface water ends up crossing Lime Hill Road. Mr. Eldredge will provide storm water calculations for the next meeting.

Letters objecting to the proposal were received from the following:

- ▲ Joanne Arnold, letter dated June 15, 2010
- ▲ Nicole and Jason Hyora, letter dated June 14, 2010
- ▲ Peter and Jan Miesenzahl, letter dated June 14, 2010
- ▲ Donna and Bill Jordan, letter dated June 13, 2010
- ▲ Lucy J Buckley, PT, letter dated June 14, 2010
- ▲ Robert Cruickshank, letter dated June 14, 2010
- ▲ Ron and Shirley Kangas, letter dated June 13, 2010

A letter in support of the project dated June 15, 2010 was received from the Lower Cape Outreach Council.

From the audience abutter **Bill Jordan** expressed his concern with the storm water controls, stating that the drainage swale works well now but may not if there is damage to it during construction of the gardens. From the audience, abutter **Jason Hyora and Robert Cruickshank** questioned whether any other sites had been considered for the gardens. From the audience, **John Baines** noted the need for rules, regulations and restrictions so that over time, the area does not get run-down. He also asked if a well could be installed as a water source. From the audience, abutter **Ron Kangas** expressed his concern that pesticides and nitrogen based fertilizers would be used.

Applicant Heidi Quill had drafted a list of proposed rules and regulations included in the Commissioner packets. Water restriction, pesticide use etc are addressed. From the audience, property owner Sam Streibert, stressed that visibility will be maintained from Lime Hill Road. He asked that the Commission allow the applicants to use less hay-bales and perhaps filter cloth to mark the limit of work.

The project will be heard by the Planning Board on June 22 and by ZBA on June 24. **The Conservation Hearing was continued to July 7, 2010.**

Pcl 34 (18102) North Beach, Donald / Sally Gould, SE 10- The hearing was opened for a Notice of Intent (NOI) for the proposed relocation of existing camp, camp will remain on owners property at Pcl 34 (18102) North Beach. J Thaddeus Eldredge of Eldredge Surveying & Engineering LLC represented the applicant and returned the abutter notification slips. Mr. Eldredge described the project area to be within 100-ft of two tidal rivers and a salt marsh; coastal dune, coastal beach and within Land Subject to coastal Storm flowage.

He explained that the existing camp is located on the bay side of North Beach Island; the owners are being pro-active in their proposal to move the camp so that the family can use it for the summer season. He stated that the bay side erosion is increasing, although so far

the camp is still intact. At this time, the applicants prefer to move the camp, rather than demolish it; demolition is a large undertaking. Currently, all access to the camp is by boat.

The plan of reference shows two proposed locations that the applicants would like to use to relocate their camp on the beach; both spots are on the parcel of land owned by the Gould/Schluter families. The first site located directly behind the existing cottage will be used temporarily, pending approval by the Board of Health. The camp will be supported on cribbing. The second location is to be used if there is opportunity to permanently re-locate the camp.

Mr. Gould submitted a project narrative, Alternatives Analysis and a detailed work protocol for the completion of the project. A dead man will be installed by hand. He plans to lift the camp, set it on rollers and an I-Beam track, and move the camp to the area approximately 20-ft from the dead man. The camp will be secured to the deadman with cable; the cable will be buried. At this time, the applicants would like to remove the deck from the beach. All the work will be done by hand. Any debris will be removed from the beach.

The hearing was continued to July 7, 2007; the NHESP has 30 days to respond to the proposal.

104 Oyster Pond Furlong, Emily King, SE 10-The hearing was opened for an NOI for the proposed trimming of vegetation along the coastal bank for view enhancement at 104 Oyster Pond Furlong. Eric Hilbert of Countryside Landscaping represented the applicant; the abutter notification slips were returned. He had submitted photographs of the site with the application.

The applicant would like to preserve the view that she has; the Commission asked that the applicant mow less lawn on the west side that is currently being done. (Near the cedar tree) Mr. Hilbert stated that he would put some stakes at the top of the coastal bank to indicate the limits of mowing. He thought that the applicant would be amenable to planting some native shrubbery along the bank as well.

It was noted that this coastal bank has a lot of invasives; it was suggested that the applicant be more aggressive in the management of the invasives.

The hearing was continued to June 23, 2010 for a file number from DEP.

11 Mill Pond Lane, Roy / Marianne Smith-applicants, Marianne F Smith-owner, SE 10-The hearing was opened for an NOI for the proposed construction of an addition and patio to a single family dwelling at 11 Mill Pond Lane. Commissioner DeeDee Holt was recused from the hearing; Commissioner Paul Chamberlin chaired the hearing. David Lyttle of Ryder & Wilcox Inc, Landscape Designed Eunice Burley and contractor Mark Fellman represented the applicant. The lot is impacted by a coastal bank to the south; Most of the existing dwelling is located in the outer AURA to the coastal bank. There is some encroachment into the inner AURA.

The applicant proposes to construct an addition on the footprint of the existing patio, on a crawlspace foundation. Additionally, a new, 242 sq ft patio on the seaward side of the dwelling will be 59-ft from the top of the coastal bank. Mitigation for the increased patio area is proposed (2:1 ratio) in an old garden area at the top of the coastal bank. Mr. Chamberlin questioned whether the applicant had provided mitigation for the sequestering of additional area taken up by the addition. If the proposed mitigation is supposed to be adequate for the patio and the addition, it barely meets a 1:1 ratio. The Commissioners felt that it was important for the applicant to clean up a large pile of yard debris located on an existing pathway near the top of bank. Re-vegetation in this area is also necessary.

Contractor Mark Fellman stated that he intends to dig most of the crawl space foundation by hand; should machinery become necessary a ramp would be built through the stone walls. Access for any machinery would be from the street-side of the house. There is a large tree on the southwest side of the lot that may be saved.

The hearing was continued to July 7, 2010 for the following information:

- ▲ Decision on whether the large tree will remain
- ▲ Determination of amount of mitigation required/provided
- ▲ File number from DEP

74 Old Salt Works Road, Paul Palmer & Elizabeth Noyes-Palmer, SE 10-2643: The hearing was re-opened for an NOI for the proposed bank stabilization at 74 Old Salt Works Road. William Riley, Esquire and John Schnaible of Coastal Engineering Co Inc represented the applicant. In summary of the last meeting, Mr. Riley stated that the outstanding issue for the Commissioners was the justification of the applicant's desire to excavate the beach in order to assess the condition of the buried fiber rolls. In response, Mr. Riley stated that the new owners of the property, the Palmers, felt that their request was so modest and that they could extend the life of all the fiber rolls once they were replaced as needed. Mr. Schnaible re-stated that the goal of the project is to expose all the fiber rolls, add an additional row of rolls and re-anchor the whole system.

From the audience, Eric Hilbert of Countryside Landscaping stated that he had measured the depth of excavation to be 2-ft down to the bottom of the first roll. From the old plan, it was determined that the fiber rolls that were installed were 16-ft in diameter. The existing anchors seem to be in place, some are rusted and twisted in place.

Discussion ensued regarding the lack of maintenance nourishment over the entire length of shoreline. One row of existing fiber rolls on the east side of the stairs are exposed, there has been some nourishment added to the rolls on the right side of the stairs; this area is well vegetated. Ms Andres re-iterated that fiber rolls are meant to stabilize eroded areas and provide a medium for vegetation to grow.

Mr. Chamberlin questioned why the applicant proposes the removal of fiber rolls when there has been no information/evidence presented that the fiber rolls are failing. He also asked whether there is evidence that the existing sprinkler heads are still operating.

In an email dated June 16, 2010, Commissioner John Geiger was opposed to the proposal as presented.

Mr. Riley asked that the Commission close the hearing.

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

Certificates of Compliance were signed for the following projects:

59 Chase St, Gullquist, SE 10-2276:

52 Oyster Bluff, SE 10-2620

99 Squanto Dr, Chatham Yacht Basin, SE 10-53, SE 10-891 & SE 10-1323

82 Main Street, Mckinley, SE 10-2591

442/444 Old Harbor Road, Morgan, SE 10-2546

The following projects were approved under **an Administrative Review:**

1038 Main St, Eldredge: Removal of a portion of a large tree that had cracked off and fallen into the wetland behind 1038 Main Street.

151 Landing Lane, McEwen: Removal of branches on two trees for view enhancement

Lot P22 Main St, Community Garden, SE 10-2644: Draft comment letters to the Planning Board and the Zoning Board of Appeals (ZBA) were reviewed and discussed for the Community Garden proposal. The proposal will be heard on June 22 by the Planning Board and on June 24 by ZBA.

Extension Permit:

69 Strong Island Road, Saberi, SE 10-2342: An Extension permit was signed for the project under SE 10-2342.

Adjourn: It was moved, seconded and unanimously voted to adjourn the meeting at 9:15 PM.

Respectively submitted,

Mary Fougere, Secretary