

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

**Absent:** Commissioner Jay Putnam

The following hearings were continued:

**125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2583:** At the applicant's request, the hearing was continued to July 7, 2010

**155 Mill Creek Road, Dennis Linnane-applicant, Thelma Young-owner, SE 10-2607:** At the applicant's request, the hearing was continued to July 21, 2010.

**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 June 16, 2010.

**154 Champlain Road, Robert Mahoney-applicant, William/Florence McHugh-owner:** The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed removal of six trees and a privet hedge; proposed planting of trees and shrubs as mitigation at 154 Champlain Road. William Litchfield, Esq and J Thaddeus Eldredge of Eldredge Surveying & Engineering represented the applicant; Mr. Eldredge returned the abutter notification cards. The jurisdictional areas had been staked in the field. A Leylandi cypress has already been removed from the outer AURA to the Flood Plain contour/Approximate top of Coastal Bank.

Several Commissioners had trouble on site establishing the location of the proposed view until Mr. Litchfield clarified that the view would be from the house directly behind the McHugh property. The actual work would be completed on 154 Champlain Rd. Photographs of the site dated May 12, 2010 were circulated at the table. The applicant proposes to remove 6 trees in the outer AURA to the resource areas. The work would have to be completed by June 21, 2010 as part of the agreement between neighbors. As mitigation, the applicant would remove the existing privet hedge from the top of the bank in the fall 2010 and re-plant 4 cedar trees and 17 native shrubs.

**The hearing was continued to June 9, 2010 to allow Commissioners to re-visit the site to establish the scope of the view enhancement from the deck of the Mahoney house.**

**158 Wapoos Trail, Robert J Mador- applicant, William Younker-owner:** The hearing was opened for an RDA for the proposed installation of erosion control blankets, planting of native plants and staking; proposed pruning of large oak on coastal bank at

158 Wapoos Trail. Seth Wilkinson of Wilkinson Ecological Design(WED) represented the applicant and returned the abutter notification cards. In a narrative submitted with the application Mr. Wilkinson noted that the north facing coastal bank on this property is in a relatively protected area, however the consistent higher tides and storm activity of winter/spring 2010 seemed to have triggered a partial landslide on the bank in front of the house.

The coastal bank is well vegetated and there are several native plant species that are doing well. A large black oak marks the upward boundary of where the slide begins. An eroded sandy bare area remains where vegetation cleaved off and slid down the slope. The plants that have slid downward have leafed and appear to be thriving.

The proposal involves the installation of a combination of erosion control blankets, native plants and staking in order to stabilize the coastal bank and re-vegetate bare soils that can often be the foothold that invasive plants need to become established. Photographs of the existing site conditions, some marked with the proposed work were distributed to the Commissioners. The project is expected to be a 3-5 year process until all the vegetation is established.

Rob Mador of Escape Landscaping will complete the work under the supervision of WED.

**It was moved and seconded for a Negative Determination. The Commissioners felt that Mr. Mador must verify that the irrigation system partially unearthed with the "slide" has been turned off. It was also suggested that the low spot in the lawn at the top of the coastal bank be filled in, cease mowing to the top of the bank and plant native shrubs to avoid further bank collapse. The vote was five in favor of the motion with the conditions as noted, one Commissioner opposed.**

**57 Seamist Lane, Pamela Parsons:** The hearing was opened for an RDA for the proposed removal of septic tank and FAST unit and proposed replacement of septic tank; proposed re-connection of piping and pump chamber to service 5 cottages at 57 Seamist Lane. John Schnaible of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. He explained that the FAST system that was approved for this site was approved in 2003; the installation of the sewage disposal system did not occur until 2005. Unfortunately for the applicant, the technology of the FAST unit changed between the permitting time and the installation time; the system went in the ground as designed without the necessary upgrade to the technology. There is considerable odor coming from the system and the applicants have received multiple complaints from the neighbors.

The removal of the FAST system and Blower unit and the installation of the new septic tank will take about 2 weeks. All the work will be completed in the outer AURA to the coastal bank. The new tank will be temporary for the summer and if the applicant's

decide to add more bedrooms, the I/A technology will be re-installed. The Board of Health has approved the proposal.

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

**130 Chatharbor Lane, Harvey Ross, SE 10-2393:** The hearing was opened for a Request to Amend existing Order under SE 10-2393 to include repairs and re-construction of a portion of the existing, licensed coastal protection structure and stairway at 130 Chatharbor Lane. Joseph Forns of Applied Marine Ecology Lab represented the applicant. He stated that during the fall of 2008 and winter 2009 the partial blockage of Taylors Pond inlet caused erosion to occur on the 130 Chatharbor property. The sand spit that was present drove all tidal flow up against the existing revetment, creating a large scarp.

Now that dredging of the inlet has restored tidal action, the applicant would like to repair the scarp and fill and revegetate underneath the stairs leading to the beach. The existing salt marsh on the west end of the revetment appears to be thriving and one of the Commissioners noted that it appears that the salt marsh is migrating in the area of the 8-ft easement shown on the plan.

Mr. Forns noted that NHESP would like the applicant to maintain a 10-degree slope of sand; they specify that there should be no revegetation(except in the area of the stairs) and that symbolic fencing be installed around an area thought to be used by plovers as nesting areas. Mats will be used along the beach should any small machinery be necessary.

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

**74 Mill Pond Road, Stello Family Trust, Ralph Stello, Trustee, SE 10-2642:** The hearing was opened for a Notice of Intent (NOI) for the proposed removal of two existing dwellings and shed; proposed construction of one single-family dwelling at 74 Mill Pond Road. David Lyttle of Ryder & Wilcox Inc represented the applicant The flood plain impacts the lot at elevation 9.0 ft. The site is small and most of the lot is in the No-Disturb Zone to the coastal bank and the LSCSF or in a resource area. The foundation of the new house will be outside the Flood Zone. There is an existing concrete bulkhead, the eastern side of which is used for boat storage.

Although two houses will be removed, the footprint of the new house will be larger than the existing one. The new house will be constructed so that there will be 200 sq ft less of footprint in the Flood Zone. There are two large trees in the house footprint and a large amount of naturalized vegetation that will be removed. Although there is no landscape plan to date, the applicant must account for the loss of habitat and canopy. Mr. Lyttle provided lot coverage calculations at the table. He stated that the concrete

stairs shown in the existing site photos were not included in the calculations; he understood that the stairs will be removed.

Mr. Lyttle stated that the old buildings will be removed first and all debris cleaned up. The demolition will be completed from the Mill Pond side. The existing concrete wall will be removed, however a new wall is necessary for grading to meet the building height requirement. There will be no additional fill brought to the site. Truck access will be addressed by the Zoning Board of Appeals (ZBA)

The existing paved driveway will be removed, additional parking will be created off Mill Pond Rd on the north side of the lot. Mr. Lyttle stated that stormwater run-off from this lot will not be problematic; most of the stormwater comes straight down Homestead Lane and flows directly into the marsh.

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

- \* **An Alternatives Analysis**
- \* **A Landscape plan**
- \* **Structural calculations for the replacement wall on the existing parking area side of the lot**

**74 Old Salt Works Road, Paul Palmer & Elizabeth Noyes-Palmer, SE 10-2643:** The hearing was opened for an NOI for the proposed bank stabilization at 74 Old Salt Works Road. John Schnaible of Coastal Engineering Company, Inc and William F Riley, Esquire represented the applicant; the abutter notification cards were submitted to the file. The parcel contains a single family dwelling with deck; the applicant has recently purchased the property.

Resource areas affecting this lot on the southern side are salt marsh and coastal bank on Bassing Harbor; flood plain elevation 11.0 ft, and the AURAs to salt mash, coastal bank and LSCSF. The lot is impacted by the Pleasant Bay ACEC as well.

Mr. Schnaible stated that due to change in the dynamics of the area because of the new "cut" in North Beach, the applicants wish to maintain the protection of their property for a longer period of time. Mr. Riley assured the Commission that the applicants intend to maintain a sand covering over the new fiber rolls; he re-iterated that as new owners, the applicants simply want to insure that they have erosion protection that has been upgraded. According to Mr. Riley, the design meets the performance standards for coastal banks as outlined in DEP regulations. Ms Andres added that even if the Commission were to allow the project to go forward as proposed, the dwelling is located in the Flood Plain. The property owners have had the basement pumped several times already due to flood waters. Fiber rolls may mitigate erosion, however they will not mitigate flooding.

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The project involves the proposed excavation of the beach to dig up and remove the existing fiber roll protection that has been in place for many years, and replace the entire fiber roll design with new rolls plus an additional layer at the top. Additionally, 580 sq ft of lawn area on the eastern side of the stairs will be cut back, re-graded and planted with salt tolerant grasses. Machinery will be necessary. It appears that the existing lawn irrigation system is causing erosion down the bank; the Commissioners felt that it should be shut off. Currently, only one roll of the existing erosion control design is exposed, there are two more layers of rolls below. There was no work done on site to verify that the rolls were in fact, installed according to plan. Mr. Schnaible would review the old plan and research the installation information.

The old Order of Conditions did not specify maintenance nourishment. However, sand has been dumped over the existing *Rosa rugosa* on the west end, it appears that nothing was done to the east end of the coastal bank. There is well established vegetation to the west of the stairs as shown in the photographs of the existing conditions submitted with the application. The work as proposed, would excavate all the root mass which is functioning well to hold the fiber rolls in place.

Commissioner Chamberlin suggested that the applicants do the minimum amount of work now to enhance the life of the fiber rolls that are in place by placing nourishment over the existing fiber rolls and re-vegetating. The eastern side of the stairs is more in need of nourishment than the western side. Further the applicant should keep the Coastal Engineering plan and if bank stability changes in the near future, they would already have a proposal for the Commission to review.

**The hearing was continued to June 16, 2010.**

**Lots 8 & 9 Kendrick Harvest Way, Eastward Homes Business Trust, William Marsh, SE 10-2641:** The hearing was re-opened for an NOI for the proposed loaming & planting of native vegetation; proposed cutting dead limbs brush, and small trees for 2 view corridors at Lots 8 & 9 Kendrick Harvest Way. Susan LaDue and William Marsh of Eastward Homes were present. The Commission was in receipt of a revised site plan, Clark Engineering LLC dated May 20, 2010. The plans showed the existing drainage in a newly created easement on Lots 8 and 9, to replace the old drainage system coming from Heritage Lane on Lot 9. A retaining wall is shown in the area of the old drainage easement on the west side of Lot 9.

The proposed planting work is within the outer AURA to the bog. There is planting work being completed outside the jurisdiction of the Commission.

The Commission agreed that the view pruning could be approved at this time. The applicant is not ready to do the view enhancement work as shown on the plan, however the applicant has agreed to contact the Agent prior to commencement of view enhancement work.

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

**560 Fox Hill Road, Lawrence & Susan Lepard, SE 10-2637:** The hearing was re-opened for an NOI for the proposed demolition of existing dwelling; proposed construction of a new dwelling and swimming pool; proposed invasive species control at 560 Fox Hill Road. William Litchfield, Esquire, David Clark of Clark Engineering LLC, Stan Humphries of LEC and Seth Wilkinson of WED represented the applicant. An site meeting had been held at the end of MAy prior to the meeting.

Discussion ensued on the location of the coastal bank and whether the bank was artificially created. . By definition, the delineation of the bank is at the first observable break above the Flood Zone. Commissioner Chamberlin described this lot stating that to the west of the stairs, the bank has not been altered and the break in the bank is where the retaining wall is located. The contours then drop to naturally occurring bank on the east side down to the Flood Plain. The middle of those two sections contain what appears to be artificially stabilized portions of the bank. Further, the Commission's job is to protect the stability of the coastal bank, and on this lot, it should be to protect the top of slope. In terms of ultimate function, portions of the bank are artificially held back. Therefore, Mr. Chamberlin felt that the new dwelling should not be any closer to the top of the slope than the original dwelling.

Mr. Litchfield expressed his concern that the Commission appeared unclear as to what would be settled on as the Top of Coastal Bank. There is Coastal Bank at the first observable break above the Flood Plain contour on this site. However, at the on site it was observed that there is artificially created coastal bank supported by walls also. The location of the top of the bank for the proposed construction of the new dwelling was settled, as shown on the plan. However the Commission noted that in the area of the walls supporting the bank, the Commission would be cautious about what happened above due to the steepness of the area.

Seth Wilkinson of WED felt that the area near the rail tie walls could be re-planted and restored with natives; there would be a lot of mechanical removal of existing vegetation to do so. Several Commissioners felt that although restoration or mitigation can be done on the unnatural Coastal bank, the house is over 2000 sq ft larger than the existing.

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

- \* **Location of the pool**
- \* **Location and size of the new dwelling**
- \* **Mitigation being supplied**

**184 Mill Creek Road, John Gillis, SE 10-2567:** The hearing was re-opened for an NOI for the proposed demolition of existing dwelling; proposed construction of new dwelling with Title 5 Sewage Disposal System; proposed re-establishment of driveway and

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parking at 184 Mill Creek Road. The Commissioners were in receipt of new Landscape Plans from Streibert Associates dated May 20, 2010. David Clark of Clark Engineering LLC and Sam Streibert of Streibert Associates represented the applicant.

There was still some question whether the applicant would install a patio or an at-grade deck. The applicant will seek to work out the zoning requirements for a deck with the Zoning Enforcement Officer & Central Permitting Coordinator.

The Commissioners questioned why there was no lawn area shown on the plan. Mr. Clark stated that there will be minimal lawn area, it would probably start from the 20-ft contour, becoming about a 10-ft wide strip around the house to the deck. The meadow area as shown on the landscape plan will not be fertilized lawn area; as part of the mitigation, invasives will be removed as much as possible. Parking areas after construction will remain as unfertilized lawn area.

**Glass Appeal:** A conference call will be held June 3, 2010 with Town Counsel, Commissioners Geiger and Chamberlin, the Agent and the attorney for DEP regarding the specifics of the appeal. The DEP hearing is set for June 8, 2010 in Lakeville.

**Reminder:** The June 9 work session will be held in Conference Room A at 549 Main St.

**Adjourn:** It was moved, seconded and unanimously voted to adjourn the meeting at 9:50 PM.

Respectfully submitted,  
Mary Fougere, Secretary