

MINUTES January 2, 2008

The Annex 261 George Ryder Road

6:30 Work Session ; 7:00 PM Hearings & Continued Hearings

A quorum was present. Those in attendance included Paul Chamberlin, Carol Scott, Eric Hilbert, Nat Mason, Richard Woodward, Jay Putnam, Corinne Johnson, Associate Members Ira Seldin and Joseph Manteiga, Conservation Agent Kristin Andres and Secretary Mary Fougere. Associate member Billie Bates was absent.

695 Fox Hill Road: Property owner Mary Ellen Wynn and Michael Mann from The Tree Company were present in response to a violation regarding the removal of four trees without benefit of a valid permit. The issue had been discussed on December 20 and the Commission now wanted to discuss the issue with the contractor and homeowner.

Mr Mann stated that he relies on the homeowner to obtain the necessary permits and expects that they do so. Additionally, when viewing the property, it appeared that the trees were approximately 200-ft from the water. The Commission noted that the flood plain is usually contiguous with the ocean and that flood plain contours are sometimes difficult to ascertain in the field. The Commission advised that it is prudent to consult the Conservation office when there is a question regarding the location of the resource areas.

Ms Wynn apologized to the Commission for her negligence in not contacting the conservation office prior to the removal of the trees. The Commission had reviewed other applications for this property and the homeowners were aware that the front part of the property was in a resource area. She circulated photographs of the property showing the location of the trees, stating that the pine was dead and the other poplar trees, one of which was damaged, were notorious for falling during severe windstorms. They had already lost several poplars in recent years.

The Commission re-iterated that they would like to see a planting plan by February 13, 2008 as outlined in the letter accompanying the Enforcement Order. When the Commission receives the plan, they will consider mitigating the fine that has been imposed.

The following projects were continued as itemized below:

160 (Lot 3) Crow's Pond Rd, Richard/Judith Morrissey, SE 10-2203: Continued to March 5, 2008

272 Kendrick Road, Charles Burlin, Jr –applicant, 272 Kendrick Road LLC-owner, SE 10-2358: Continued indefinitely

59 Barcliff Avenue, Leslie Borkowski, SE 10-2385: Continued to March 5, 2008

24 Ryder's Cove Road, Sean & Rosarie Summers, SE 10-2339: Continued to March 5, 2008

25 Skippers Way, Susan Seibert, SE 10-2386: Continued to February 20, 2008

150 Stage Island Road, DMD Properties, LLC, SE 10-2299: Continued indefinitely

83 Holway Street, 83 Holway Street Nominee Trust, William Litchfield, Trustee, SE 10-2346: Continued to February 6, 2008

Lot 7A Uncle Alberts Drive Extension, John Schumacher, SE 10-2396 : Continued to January 16, 2008

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27 Strong Island Rd, Richard/Joan Drury: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed removal of an existing sun porch and construction of a new deck at 27 Strong Island Road. Steve Tarquino of Home Watch represented the applicant; photographs of the existing site conditions were circulated.

Mr Tarquino stated that the sunporch will be removed; the sono tubes for the deck will be dug by hand. An existing shed in the resource area will be moved, probably up to the end of the driveway. Discussion ensued regarding the status of the existing, but somewhat deteriorated chain link fence. There were no plans to remove the fence at this time; the Commissioners agreed that the presence of the fence is keeping the applicant from allowing the lawn to encroach further into the resource area.

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

- ⇒ **The sono tubes be hand dug**
- ⇒ **The shed be removed from its present location**
- ⇒ **The debris from the demolition be removed daily**
- ⇒ **Changes in the work protocol or project will be discussed with the Agent**

27 Old Academy Road, Peter/Beverly Castrichini: The hearing was opened for an RDA for the proposed demolition of existing dwelling and proposed construction of new dwelling at 27 Old Academy Road. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. He stated that there is an isolated wetland to the west of the property, the entire project is down gradient from the wetland and is at the outer edge of the 100-ft setback to the wetland. The hay bale work limit line will be set to the north of Old Academy Road since there will be a large over-dig for the installation of the leaching facility.

There will be no substantial increase in footprint of the dwelling. **It was moved, seconded and voted for a Negative Determination.**

517 Old Harbor Road, Richard/Harriet Larsen: The hearing was opened for an RDA for the proposed construction of an addition at 517 Old Harbor Road. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The new addition will be constructed on a frost wall in existing lawn and foundation planting area. A large pine may have to be removed during the construction.

It was moved, seconded and voted for a Negative Determination with the condition that the applicant consider using a trench drain along the drip line of the addition instead of the proposed drywell that is proposed.

37 Bucks Lane, Kathleen Wilson, SE 10-2225: The hearing was opened for a proposed request to amend an existing permit under SE 10-2225 to include alterations to the approved landscape plan at 37 Bucks Lane. Phil Cheney, David Clark of Clark Engineering LLC and Peter Polhemus of Polhemus Savery & DaSilva represented the applicant ; Mr Clark returned the abutter notification cards. The Chairman noted that the proposed dwelling is minimally larger than the

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original dwelling and that the coastal dune was outside the original limit of work. All of the lot is in Conservation Commission jurisdiction and most of the demolition and construction of the dwelling is in the No-Disturb Zone. Although the Commission had reservations when permitting the project, the landscape plan presented at the time showed naturalized areas with no hardscape features on the seaward side of the dwelling. After a site inspection, it appeared that soil had been added to the dunal area.

Mr Cheney listed the proposed changes under this amendment request:

- ⇒ On the southeast side of the dwelling, facing the Sound, an access stairway to the deck and refined parking areas are proposed.
- ⇒ Inclusion of a hardscape travertine stone sitting area near the deck overlooking the water
- ⇒ Removal of trees near the northeast corner of the property where there is a large ivy patch
- ⇒ Mulched perimeter planting beds on the south side of the dwelling to shield the dwelling from the Hardings Beach parking lot
- ⇒ A deck on the western side of the dwelling was constructed in the footprint of the original dwelling, the newly constructed dwelling has been pulled further from the resource area, per Mr Polhemus of Polhemus Savery DaSilva.

The Commission felt that there the proposal for the area closest to the Hardings Beach lot should include more pervious areas, perhaps set the pathway stones in sand. The area also needed additional, diverse plantings consisting of native plant materials. **The hearing was continued to January 16, 2008 for receipt of revised landscape plans.**

17 Sky Way, Hunter Family Trust, Richard/Susan Hunter, SE 10-: The hearing was opened for a Notice of Intent (NOI) for the proposed construction of an elevated timber stairway to provide access to White Pond at 17 Sky Way. David Lyttle of Ryder & Wilcox, Inc represented the applicant and returned the abutter notification cards. He circulated photographs of the existing site conditions of the inland bank to White Pond. Currently there is a lot of erosion at the bottom the bank from foot traffic over the years. This area should restore itself over time once the stairway is constructed.

The applicants would like to construct the stairway for the grandchildren to access the pond, in an area where there is little understory shrubbery and brush. The stairway will be 4-1/2 ft wide with a railing. Prior to construction some of the tall pines would have to be removed ; Mr Lyttle noted that the applicant is willing to mitigate, possibly planting additional understory shrubbery in the eroded area.

The proposal will have to be heard by the ZBA; the Conservation hearing was continued to February 20, 2008.

448 Shore Road, Robert/Barbara Carroll, SE 10-2352: The hearing was re-opened for an NOI after re-advertisement for proposed construction of stairs and proposed improvement of at-grade steps over a coastal bank at 448 Shore Road. David Clark of Clark Engineering LLC and

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William Riley, Esquire represented the applicant and returned the abutter notification cards. Commissioner Eric Hilbert recused himself from the hearing.

Mr Clark stated that the applicant would like to have the Commission consider an alternative proposal with revised plans showing an elevated walkway down the coastal bank with viewing platforms located midway down the bank and at the top of the stairway. There is no increased disturbance to the top of the revetted coastal bank since the timber treads will be placed in an existing pathway leading to the proposed stairway. The path from the stairway north is to be planted with beach grass and its use abandoned. The platform at the top of the stairway will contain storage benches. The project is within the ACEC; the proposal was approved by the ZBA on September 27, 2008

It was moved, seconded and voted to close the hearing. Commissioner Richard Woodward did not vote.

35 Oyster Pond Lane, Kenneth Nickerson/Katherine Devst, SE 10-: The hearing was opened for an NOI for the proposed demolition of existing single family dwelling and proposed construction of new dwelling with landscaping and Associated Utilities at 35 Oyster Pond Lane. John Schnaible of Coastal Engineering, David Hawk of Hawk Design and builder Peter Polhemus of Polhemus Savery DaSilva represented the applicant.; Mr Schnaible returned the abutter notification cards. There is an existing single family dwelling on site with an in-ground irrigation system and deck. The existing Title V sewage disposal system will be replaced with one using IA treatment; the septic proposal will require no variances from the Board of Health other than that for the IA use; the proposal is scheduled before the BOH on January 7, 2008. The lot runs from approximately elevation 3 to elevation 33; the resource areas include a coastal bank to the Oyster Pond, flood plain, BVW and Salt Marsh. The property is not in the ACEC or in NHESP jurisdiction.

The new dwelling and the septic system are outside the jurisdiction of the Commission. The proposed walkways (hardscape), grading and an arbor are within the Commission's jurisdiction. The applicant proposes a water retention system for the irrigation of lawn and plantings, backed up with by town water; native vegetation will be used. Rainwater will be stored that is collected by gutters and downspouts to a concrete tank underground. A pump system will be necessary.

Mr Schnaible circulated a calculation sheet comparing the lawn reduction from the existing dwelling to the new proposal. The existing lot has 6750 Sq ft of lawn area, much of it outside the jurisdiction of the Commission. A total of 4052 sq ft of lawn area will be removed from the new proposal in the 0-100 ft buffer to the resource area. The area on the plan designated as beginning of the coastal bank is where the lawn ends currently. Drought tolerant grasses will be used in the new landscape.

David Hawk reviewed the landscape plan noting that the applicant would like a sustainable landscape utilizing a water retention system. Patios and hardscape are being kept out of the resource areas. The site is flat currently, it may have been elevated at one time.

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A fenced, vegetable garden will be added with raised beds near the arbor; Cape boulders and junipers will be used to mitigate any run-off from the slope of the vegetable garden. The existing swing set will remain. The larger trees will remain on site.

Irrigation in the No-Disturb Zone was discussed; the Commission acknowledged that underground irrigation systems are not permitted in the NDZ; temporary drip systems can be used to establish the new plantings. Some loam will be brought in initially for planting as well.

The applicant would like to include a 3-year management plan for the coastal bank in the application. There are a lot of invasives below the bank and Mr Polhemus stated that the applicant would hire a landscaper familiar with wetlands management.

The hearing was continued to March 19, 2008; Mr Hawk would supply calculations showing the amount of hardscape, gravel etc in the NDZ.

79 Harding Lane, Gilbert Upson, SE 10-2394: The hearing was re-opened for an NOI for the for proposed construction of elevated stairway and landings at 79 Harding Lane. William Riley, Esquire represented the applicant and asked that the Commission review the comment letter sent to the ZBA on December 20, 2007.

A comment letter from NHESP dated November 19, 2007 was read into the record.

The proposal is scheduled on the ZBA agenda for January 10, 2008; the Commission continued their hearing until January 16, 2008.

Shore Rd at Claflin Landing, Chatham Bars Inn-applicant, CBI Operations LLC-owner, SE 10-2368: The hearing was re-opened for an NOI for the proposed installation of a pier, ramp & float at Shore Rd & Claflin Landing. Michael Ford, Esquire represented the applicant.

The Agent noted that she did not have a letter from Shellfish Constable Stuart Smith but did circulate her notes taken from a conversation with Mr Moore after his initial letter. Mr Ford stated that Coastal Resources Director Ted Keon was aware of the project.

The proposal is scheduled on the ZBA agenda on January 10, 2008; the Commission continued their hearing until January 16, 2008.

181 Morris Island Road, Daniel / Gail Blanchard, SE 10-2349: The hearing was re-opened for an NOI for the proposed construction of second-floor addition at 181 Morris Island Road. No one was present for the applicant and it was noted that a Special Permit will be necessary from the ZBA. **It was moved, seconded and voted to continue the hearing indefinitely until such time as the proposal is scheduled on the ZBA agenda.**

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101 Seapine Road, Mary Pelletier, SE 10-2377: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling and proposed re-construction of a new dwelling and utilities at 101 Seapine Road. David Clark of Clark Engineering LLC, David Hawk of Hawk Design and William Riley Esquire represented the applicant. A new landscape plan dated 9/26/07 revised 11/28/07 had been received. The Commission was waiting for hardscape calculations from landscape designer, David Hawk . He assured the Commission that he will supply the Commission with this information by January 9,2008.

The hearing was scheduled on the ZBA agenda for January 10,2008. The Commission continued their hearing until January 16, 2008.

53 Grist Mill Lane, Peter/Norah Geraghty, SE 10-2374: The hearing was re-opened for an NOI for the proposed construction of a porch addition at 53 Grist Mill Lane. David Clark of Clark Engineering LLC was present for the applicant; he noted that the project had been approved by the ZBA on Nov 15, 2007. **It was moved, seconded and voted to close the Conservation hearing.**

296 Shore Road, CBI: The Commission reviewed their previous comment letter written to the ZBA. After some discussion changes were made so that the comment letter reads as follows: The Commission has reviewed the Coastal Engineering plan dated August 20, 2007 revised October 30, 2007 for a proposed seasonal pier, ramp and float into the waters of Chatham Harbor at the above address. The pier is proposed as a launching platform for a boat owned and used by the Inn to take guests to offshore beaches.

Protected resources within the project area include Coastal Beach, Coastal Dune, Land Under the Ocean and Land Containing Shellfish. The pier would be of the standard design elevated on 4” x 4” posts, while the float would be anchored via two elastic rodes to helical anchors in the sea floor. The pier and float will extend 80-ft seaward from MHW and the float has 3.5 ft of water depth at low tide.

The Commission’s chief concern with this project is that the proposed pier and float are sited in the area of a viable mussel bed. This concern may be somewhat mitigated by the following:

- ✓ Mussel beds tend to be transient in nature, and this area may not always have a harvestable set of mussels
- ✓ The small size of the current mussel bed would likely not lend itself to commercial harvest. Recreational harvesting could occur under the pier which is a minimum of 8-ft high in the mussel bed area. There is no season on mussel harvesting.
- ✓ The area is not seeded with shellfish by the Town’s shellfish propagation program.
- ✓ Since this is a launching pier only (no boat would be moored to it), the seaward side of the float would be open most of the time.

The Commission may wish to consult further with the Shellfish Constable prior to closing our hearing on this project.

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There is no eelgrass nor record of historic eelgrass beds in the vicinity of the pier.

The Inn is currently using the area to beach launch its boat. Returning launching activities to deeper water may well have less impact on the beach and the mussel bed and will be an improvement over current practice.

This water-dependent structure will facilitate water access for the many visitors served by the Inn.

The Commission feels that the project can be conditioned to minimize adverse impact to the resource areas,

185 Balfour Lane, Wohl: The ZBA had requested comment on the proposal at 185 Balfour Lane. The Commission had reviewed the Coastal Engineering Company Inc plan dated July 30, 2007 for the proposed demolition of the center section of an existing dwelling and the reconstruction of this section on the existing footprint. Also proposed was an extension of the existing Title 5 septic system to accommodate an additional bedroom.

All proposed construction work is within the 50-ft NDZ(No Disturb Zone) of BVWs fronting Black Pond to the east and White Pond to the west. The re-constructed portion of the dwelling will be on a grade beam foundation supported on helical piers requiring little or no excavation work. However, excavation will be required for the larger septic tank and pump chamber and this work is likely to be within the water table connecting the ponds on either side of the work site.

No clearing of native vegetation will be necessary and no changes in land contours are proposed. The applicant has shown a Limit of Work (LOW) very close to the structure on the south side to protect White Pond and the Commission is likely to require a similar restriction on the North side of the dwelling to protect the heavily vegetated bank.

Despite the considerable challenge of protecting the resource areas on this site during actual construction, the Commission believes that the completed project will have little adverse impact on the adjacent resource areas.

103 Wapoos Trail: The Enforcement Order requiring Mr Brown to appear before the Commission and present a restoration plan for the unauthorized tree removal on private property and federal land has not been picked up by the applicant. Ms Andres stated that she can have the Chatham Police Department deliver it. Commissioner Hilbert recused himself from the discussion.

Discussion ensued regarding the incident and the process necessary to ensure that a restoration plan is implemented.

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Oyster Pond Lane: A property owner(the first house on the corner) has requested that she be allowed to hand trim an existing pathway within an easement leading to the Oyster Pond. A topographical site plan was presented with the request and photographs showed the location of the existing path. Most of the area is wide opened and landscaped, the only portion of the pathway needing maintenance is closer to the water.

The Commission felt that the trimming to a width of 4-ft be allowed once, however any further maintenance of the pathway will require the filing of a Notice of Intent.

Contractor seminar: Assistant Conservation Agent James Gallagher will put together n educational forum/ seminar for the local contractors and other interested parties. The target date for this forum is sometime the end of February and depending on the quality of success, other forums may be scheduled.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 9:05 PM.

Respectfully submitted,
Mary Fougere, Secretary