

Present: Chairman Paul Chamberlin, Vice Chairman Jay Putnam, Corinne Johnson, John Geiger, Billie Bates, Associate Members Keith Hutchings, DeeDee Holt, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Absent: Commissioners Barbara Waters and Carol Scott and Associate Member Peter Donovan

The following hearings were continued at the request of the applicants:

- * **20(Lot 4) Kendrick Harvest Way, Eastward Homes Business Trust, SE 10- 2494:** At request of applicant, hearing continued to April 1, 2009
- * **10 Sedge Lane, Scott Glass, SE 10-2533:** At applicant's request, hearing was continued to April 1, 2009
- * **125 Stage Harbor Road, Gregory, SE 10-2486:** At applicant's request, the re-advertised hearing to include relocation of the driveway was continued to April 15, 2009
- * **125 Stage Harbor Road, Daniel/Martha Gregory, SE 10-2486:** At the applicant's request, the hearing for demolition of dwelling etc was continued to April 15, 2009
- * **184 Eastward Road, Leslie/Robert, Jr Abbott-applicants, Abbott Realty Trust, Leslie K Abbott & Robert G Abbott, Jr-Trustees-owner, SE 10-2530:** At the applicant's request, hearing was continued to May 20, 2009
- * **30 Bridge Street, Roger Vose-applicant, Hen Coop Point Trust-owner, SE 10-2487:** At the applicant's request, hearing was continued to May 20, 2009
- * **175 Balfour Lane, Norman Stein, SE 10-2468:** At the applicant's request, the hearing was continued to April 15, 2009
- * **346 Bridge Street, Russell/Anna Gail Campanelli, SE 10-2525:** At the applicant's request, the hearing was continued to June 3, 2009

145 Lakeshore Drive, Robert Steele, SE 10-2497: The hearing was opened for a proposed request to amend existing permit under SE 10-2497 to include installation of cobblestone driveway apron, installation of fire pit, replacement of tie wall and construction of replacement steps to front walk at 145 Lakeshore Drive. John Malone/Landscaper represented the applicant; he would return the abutter notification cards to the office. He stated that after a lengthy approval process for an addition on the dwelling, the homeowner recognized that there were existing landscape features that were in disrepair. The proposal consists of the following items, the areas of proposed work are shown in color on the partial site plan submitted with the application:

- * Furthest from the resource areas, a set of stairs leading to the driveway need repair to make a more consistent rise/run. Cobblestone risers are proposed with bluestone steps.
- * The steep slope of the existing driveway will be leveled with cobblestone set in concrete. The center of the drive will have a grass strip for storm water control
- * The 80-ft rail tie retaining wall along the driveway is leaning forward and showing voids due to bee nests. The applicant would like to re-build the entire wall with ACQ treated lumber and set it back on the property line. Lattice will be attached to the face when the work is completed. The wall on the opposite side of the driveway beginning at the edge of the dwelling and leading to the street will not be touched. The excavated materials will be stockpiled along the top of the wall.
- * An open fire pit adjacent to the patio

Mr. Malone noted that the addition as previously permitted may not be constructed. The mitigation planting along the edge of the BVW west of the dwelling was required because of the non-permitted activity that the Commissioners discovered when doing on-sites for the addition proposal, much of it in the No-Disturb Zones to the BVW. There was a significant amount of non-permitted development on this lot in the NDZ including a patio, pathway, Sauna, Jacuzzi, installation of shed and expansion and enhancement of beach area. The Commissioners felt that the addition of a fire pit would not be permissible in the NDZ. Mr. Malone agreed to withdraw that portion of the application.

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

75 (Lot 14) Plum Daffy Lane, Brian/Anne Truesdale, SE 10-2414: The hearing was opened for a proposed request to amend existing permit under SE 10-2414 To included view pruning, tree removal, mitigation plantings and slope stabilization at 75 (Lot 14) Plum Daffy Lane. Seth Wilkinson of Seth Wilkinson Ecological Design and David Chalker of Bartlett Tree Experts represented the applicant. Mr. Wilkinson stated the two objectives of the proposal:

- * Replanting of the existing, eroded areas on the coastal bank
- * Creation of several view corridors as illustrated on the site plan submitted with the proposal. Photographs of the proposed view corridors were submitted with the application

The property is located on the shoreline to Oyster River, which is designated as NHESP 2008 MA Priority Habitat of Rare Species and Est. habitat of Rare Wildlife. The coastal bank and the steeply sloped buffer areas are vegetated with a mix of herbaceous and woody plants. The toe of the coastal bank is

stabilized with a stone revetment. There are portions of the steeply sloping buffer area which are de-stabilized and sparsely vegetated due to high density of small oaks, existing run-off patterns, wildlife activity, as well as former land use practices of disposing of brush and debris on the slope. Additionally, there is erosion taking place at the top of the slope where the vegetative root mat is undermined.

The buffer to the coastal bank is quite steep and there are a number of areas where erosion exists; potentially impacting the stability of the bank and buffer zone.

The proposed work is as follows:

- * Mid-slope areas where vegetation is sparse, native, maritime seed mix will be planted and 100% biodegradable erosion control fabric will be applied. Shade tolerant herbaceous, native plants will be planted
- * Soil where trees are undermined will be raked smooth, native maritime seed mix will be planted and 100% biodegradable erosion control fabric will be applied to the slope. Plugs of shade tolerant native plants will be planted
- * Trees at the top of the slope that are in danger of falling due to undermined root systems will be flush cut and stump sprouts will be managed to maintain shrub forms. Where necessary, the slope will be contoured with hand tools, native seed mixture and erosion control fabric will be applied. Trees and groundcover at top of the slope will be left undisturbed.

Discussion ensued regarding the amount of trees to be removed. Along the top of the bank there are 11 pines and 5 oaks to be removed. Mr. Chalker stated that these trees are not too significant in the view corridors, most are dead or decayed. The increase in light from the removal will foster new growth of the understory shrubs. Most of the Sassafras will be retained; a total of 40 trees will be removed on the bank.

The markings in the field were somewhat confusing, several Commissioners expressed that they would like to re-visit the site to review the extent of the proposed work. Commissioner Bates stated that she was uncomfortable with the amount of work proposed in the NDZ and would not be in favor of the current proposal. The Chair questioned whether the work could be completed in phases.

The hearing was continued to March 25, 2009; an on-site will be arranged by staff.

3 & 7 Champlain Road, Stage Harbor Enterprise LLC & Chatham Fisheries – applicants, Stage Harbor Enterprise LLC & Lillian A Eldredge –owners, SE 10-2536: The hearing was opened for a Notice of Intent (NOI) for the proposed concrete retaining wall to replace timber retaining wall and proposed repairs under existing concrete slab at 3 & 7 Champlain Rd. Ernie Eldredge represented the applicants; the abutter notification cards were returned for the file. An on-site meeting had been held on March 16, 2009 to view the extent of the proposed work. Photographs of the existing site conditions dated February 24, 2009 were included in the filing.

Mr. Eldredge stated that during the storms of Fall 2008 and 2008-2009 winter season, there was an increase in the number and severity of the southwest gales at high water. The combined effects of these natural conditions have caused minor damage to the pier properties on the boundary of #3 and #7 Champlain Rd and beneath the truck-loading platform of the dock at #7 Champlain Road.

All the proposed work is above the MHW line. The repair work involves the replacement of failed wooden bulkheads with small concrete bulkheads and to fill the area behind the new bulkheads and beneath the existing slab(s) with concrete. Minimal digging is required to access the area underneath the slabs at the north end of the SHE pier and the north end of the ice trailer.

The Chair questioned whether the retention basin underneath the pier for fuel spills has been approved by the Fire Department. In a letter dated March 17, 2009, Deputy Chief Richard E Hunter wrote in support of the reconstruction of the containment berm and ramp.

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

325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534: The hearing was opened for an NOI for the proposed shorefront protection at 325 Fox Hill Road. Roy Okurowski/Coastal Engineering Co Inc and Jack Farrell represented the applicants; Mr. Okurowski returned the abutter notification cards.

The Commission agreed that an on-site would be necessary.

In a brief overview describing the property Mr. Farrell noted that the Eastward Ho! Club owns approximately a mile of shoreline, which has experienced erosion from the new break in North Beach. The proposed work will affect approximately 1800 linear ft of shoreline, about one-third of the total. He felt that the members realize that they have a valuable asset in the property and have been good stewards of the area in recent years, being

attentive to conservation concerns through several restorations, the addition to the main building, etc.

In 1997, the members of the club sought legislative relief to allow protection of a portion of their shoreline. The State Legislature and the Town Meeting approved their proposal and gave the club the opportunity (access to the process) to apply to DEP for a rock revetment. The original document contained wording limiting revetment work to hole #7. That draft document was reviewed and an amendment was filed which deleted the stipulation that only hole #7 would be protected. Subsequent to the filing In June 2008 a tide gauge was installed; data from this gauge is indicating a 6"- 8" average rise in the tide levels due to the recent break in North Beach. Mr. Okurowski felt that this higher tidal action will cut out the bottom of all stable banks in the area eventually causing landslide effects.

Two fiber roll projects have been permitted and installed, one at the eastern point of the property and one at the western end. The western side fiber rolls have been ripped apart; it was noted that these fiber rolls would be re-used near the 15th tee.

Salt marsh restoration has been tried as well; however it is thought that the waters are getting too deep for this type of project along the western end. The project narrative submitted with the application contains details of the already permitted work as well as the proposed work.

Beach nourishment is proposed in some areas. The Commission questioned where the access would be since the transportation of approximately 1000 yds of sand, up to two times annually could be problematic.

The hearing was continued until April 15, 2009 for receipt of the following items:

- * **A copy of the amendment to the state permit**
- * **An alternatives analysis, clearly demonstrating that there are no other alternatives on each section where rocks are proposed**
- * **A narrative detailing the tide gauge data**
- * **Narrative detailing the proposed beach nourishment**

End of Holway Street, Chatham Highway Department-applicant, Town of Chatham-owner, SE 10-2535: The hearing was opened for an NOI for a proposed construction of turnaround, proposed installation of guard rail and proposed leach basin installation at the End of Holway Street. Jeff Colby/Chatham Highway Dept represented the Town of Chatham and

returned the abutter notification cards. The Town has been waiting for the Barsamians to complete the renovations to their property prior to proposing repairs to the end of Holway Street, a public way. Many departments have come together to design the area to avoid leaving it in the disrepair of last summer. Engineers from Coastal Engineering Company have reviewed the plan for storm water standards as they pertain to municipal infrastructure.

The highlights of the proposal include:

- * Paving of the street area/pavement will be well defined and signage will direct people away from the private driveways
- * A wooden guard rail will be installed; discussion ensued regarding the careful placement of the posts in order to preserve the integrity of the filter fabric of the revetment
- * Storm water management has been included in the proposal
- * The existing grass area will be replaced and/or augmented with native plantings

Commissioner Bates noted that the area appears to be draining storm waters adequately already and questioned whether the addition of asphalt would inhibit that process.

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

435 Cackle Cove Road, Coastal Resources Director, Ted Keon- applicant, Town of Chatham –owner, SE 10-2529: The hearing was opened for an NOI for the proposed sediment budget mitigation for the Emergency Rip-Rap Authorization, for the protection of Cackle Cove Beach public parking area at 435 Cackle Cove Road. A file number has been received from the DEP.

A letter dated March 9, 2009 from the Division of Fisheries & Wildlife, NHESP was read into the record.

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

52 Tisquantum Road, Frank/Roberta Schultz, SE 10-2521: The hearing was re-opened for an NOI for the proposed construction of a driveway and proposed removal of an existing driveway at 52 Tisquantum Road. David Clark of Clark Engineering LLC represented the applicant; he had provided revised plans showing the following:

- * Re-grading on the northern side of the new driveway, on the neighbor's property, along a portion of the existing driveway which served both houses for a number of years

- * A change from asphalt paving to porous asphalt, making it unnecessary for drainage structures. There are two drainage swales constructed in the neighbor's driveway—there is concern that sediment run-off will damage them; Mr. Clark has proposed extension of the swales and installation of filter fabric
- * Tree removal (shown on separate sheet dated March 19, 2009) A total of 52 trees, 4" cal or larger will be removed, although Mr. Clark stated that the contractor will attempt to minimize the amount of trees to be removed

Discussion ensued regarding the maintenance of the "popcorn" asphalt to keep it as a porous surface. It was noted that the gravel base is engineered for storm water amounts.

The Commission would like a re-vegetation/restoration plan prior to closing the hearing. There is an area near Tisquantum Rd that could benefit from additional trees, shrubs and groundcover.

The hearing was continued to April 15, 2009

Lot 106 Stage Island Road, DMD Properties, LLC. SE 10-2513: The hearing was re-opened for an NOI for the proposed construction of a single family dwelling and proposed mitigation planting at Lot 106 Stage Island Rd. David Clark of Clark Engineering LLC represented the applicant. He stated that the Board of Health (BOH) had approved a two bedroom dwelling recently. The Commission requested a revised plan showing the following information:

- * The revised footprint for a two bedroom dwelling
- * A landscape plan; the Chair noted that the landscape plan should show adequate mitigation for the construction of a new dwelling on a lot with so many wetland resource constraints. Essentially, since the applicant is using all the available area for the dwelling, the mitigation should return the lot to thicket with no room for fertilized lawn area. Mr. Clark noted that there may be a little room for lawn area since the leaching part of the septic system will be somewhat smaller than that of a three bedroom system that was originally proposed.
- * Access for the excavation equipment off Stage Island Rd

The hearing was continued to April 15, 2009.

20 Woods End Drive, Arthur/Regina Hanrahan, SE 10-2523: The hearing was re-opened for the proposed construction of a 12-ft x 12-ft deck on pier

foundation at 20 Woods End Drive. David Clark of Clark Engineering LLC represented the applicant; the *proposal was approved by ZBA on March 12, 2009*. It was moved, seconded and voted to close the hearing; the vote was 4-0, Commissioner Bates abstained from the vote.

6 Stephen Drive, J Ricci, contractor: Ms Andres circulated photographs of the Woody adelphid damage to the row of hemlocks at 6 Stephen Drive. The hemlocks are all dead; there is no plan to re-plant the area to date. The Commission approved the removal of the hemlocks under an Administrative Review and requested that the Agent require the applicant to remove the diseased trees to an appropriate disposal site.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 9:10 PM.

Respectfully submitted
Mary Fougere, Secretary