

MINUTES May 6, 2009

549 Main Street Auxilliary Meeting Room

7:00 Hearings & Continued Hearings (Delayed Meeting start 7:25 PM)

Present: Chairman Paul Chamberlin, Carol Scott, Jay Putnam, Corinne Johnson, DeeDee Holt, Billie Bates, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Absent: Commissioner John Geiger and Associate Members Peter Donovan and Keith Hutchings.

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.

Due to the size and scope of the proposal, the Commission voted to schedule a Special Hearing. The project will be reviewed on Monday June 8, 2009 at 4:00 PM.

Strong Island, Jay Cashman-applicant, Chatham Conservation Foundation Inc-owner, SE 10-2516: The hearing was re-opened for an NOI for the proposed house renovations including reconstruction of existing dwelling, addition of second story and deck; proposed cleanup of waste area; proposed improvement of existing access across beach; proposed meadow restoration at east end of island and proposed trail maintenance activities at Strong Island. An *On-Site held on March 27,2009. No one represented the applicant at the hearing.*

Due to the size and scope of the project, the Commission agreed to schedule a Special Meeting. The hearing was continued to May 13, 2009 to allow time for Commissioners to review their schedules.

Strong Island, Jay Cashman-applicant, Chatham Conservation Foundation-owner, SE 10-2519: the hearing was re-opened for an NOI for the proposed seasonal pier construction at Strong Island. Bob Cummings of EMS Services had mailed revised plans; the plans were distributed at the meeting. It was noted that the proposal for the pier construction had been continued on the ZBA schedule to May 28, 2009. A Conservation Commission on-site was held March 27, 2009.

Due to the size and scope of the project, the Commission agreed to schedule a Special Meeting. The hearing was continued to May 13, 2009 to allow time for Commissioners to review their schedules.

164 Old Wharf Road, James Dolan /Mary McGuire Dolan: The hearing was opened for a Request for Determination (RDA) for the roposed installation of subsurface irrigation & landscape planting at 164 Old Wharf Road. David Clark of Clark Engineering LLC and Peter Polhemus of Polhemus Savery Da Silva represented the applicant; the abutter notification cards were returned.

Mr Clark noted that almost the whole property is within the jurisdiction of the Commission; the house is located approximately 20-ft from the top of the coastal bank as delineated by the coastal flood plain contour at elevation 11.0 ft. Most of the landscape plan, including the planting in the back yard, was approved already, there will be no additional hardscape. The construction material for a previously approved walkway on the western side of the dwelling will be changed.

Mr Polhemus stated that the only work to be considered under this application is the installation of a subsurface irrigation system outside the 50-ft No- Disturb Zone to the coastal bank and the additional plantings. The Commission remarked that the landscape plan is difficult to read.

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

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2756 Main Street, Town of Chatham-owner, Chatham Water Department-applicant: The hearing was opened for an RDA for the proposed construction of new chemical treatment facility building and proposed demolition of existing building after completion of new building at 2756 Main St. William Redfield, Director of the Chatham Water Department and Bruce Adams from Weston & Sampson represented the applicant. Mr Redfield noted that the existing building is in need of replacement; repair to the existing structure is cost prohibitive and there is asbestos that must be removed and transported to a licensed facility.

The resource area is Red River, although the portion of the river in the project area has not been wet in many years, the water is subsurface. There was no wetland vegetation present per Mr Adams. Since there is potentially underground flow, Mr Redfield noted that the polyphosphates, chlorine and potassium hydroxide are stored on the site; however there has not been a spill since the early 1990's. The area is secured, new fencing will be installed as well.

The limit of work is marked by haybales primarily for erosion control; revegetation plantings are proposed for any disturbed areas, similar to that planted in the Town Forest. Native species plantings will be used. The power companies do not use herbicide spray in this area.

It was moved, seconded and voted for a Negative Determination; the vote was five in favor, one opposed.

85 Cedar Street, Jonathan/Bonnie Farber, CWP06-069N: The hearing was opened for a Request to Amend an existing Order under CWP06-069N to include proposed construction of an 8-ft by 19-ft fishing shed to the garage and proposed enlargement of entry steps to the dwelling at 85 Cedar St. Commissioner Jay Putnam recused himself from the hearing.

Peter Farber, Esquire represented the applicants; he returned the abutter notification cards. He stated that the screened porch on the southerly side of the garage was approved under an Order issued in 2006. This amendment request seeks approval for the fishing shed on the east side of the garage and enlargement of the steps and deck area. The screened porch was 180 sq ft, the shed is 152 sq ft and the deck will be 58 sq ft, all totaling 390 sq ft.

The shed will be on a monolithic pour. Commissioner Bates noted that the mitigation area is currently under water. Ms Andres reminded the Commission that the mitigation area was lawn and was selected for planting under the original Order to eliminate fertilized lawn area. The area will be allowed to naturalize and the plants that were selected are water tolerant.

The mitigation plantings completed recently, cover approximately 800 sq ft of area adjacent to the wetland. This already completed planting is adequate for the planting required under the original Order plus the new proposed work. Two sprinkler heads in the mitigation area will be removed as well.

It was moved, seconded and voted to close the hearing; it was moved, seconded and voted to approve the proposal. Signature sheets were circulated.

60 Hammond Hill Road, William T Young, Jr-settlor, J P Morgan Trustee, SE 10-2429: The hearing was opened for a Request to Amend an Existing Order of Conditions under SE 10- 2429 to include proposed landscaping at 60 Hammond Hill Road. Commissioner Jay Putnam recused

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himself from the hearing. Stephannie Sequin of Ryder & Wilcox Inc and Landscape Designer Allen Abrahamson represented the applicant; Ms Sequin returned the abutter notification cards.

Mr Abrahamson stated that this dwelling has had a significant remodeling job. The deck in front will not be re-built and the deck over the garage and the stairs leading to it will not be rebuilt. The amount of area taken away from the reconstruction is 240 sq ft. The bank had been cleared by the landscaper and under an Enforcement Order, a 4-ft buffer around the top of the coastal bank was approved. There is still a lot of Japanese knotweed that will be addressed in a different filing. The applicant is working with Seth WEilkinson and Mr Abrahamson to re-establish plantings on the bank and remove invasives. Additionally, when the banking work is done, the pathway between the two properties will be used for beach access, instead of a new pathway.

This application will add 198 sq ft of hardscape coverage, however there were some stepping stones not included in the hardscape calculations. There will be a strip of lawn around the house, the plan depicts the installation of shrubbery along the top of the bank, already approved in the Enforcement Order. The applicant has supplied approximately 1:1 mitigation.

There is a drainage easement on the town-owned land adjacent to the property. The water coming down Hammond Hill Road misses the drain; the applicant would like to add a cobble stone curbing to direct the water to the drain.

The original Order of Conditions stipulated that there be no irrigation on the lot. Mr Abrahamson felt that since the applicants are away most of the year, an irrigation system is necessary to establish the shrubbery and maintain the lawn. The main lines are already in the ground although not connected for use. The Chair explained that it is impossible to monitor whether the applicants install water monitors or stay away from fertilizers. This is an environmentally sensitive lot with the Mill Pond on one side and a wetland on the other. Since the original Order dictated that no irrigation system be installed and that the applicant restrict the use of lawn chemicals, it would be remiss on the part of the Commission to remove those Special Conditions. Temporary watering systems area allowed to establish new vegetation.

It was moved, seconded and voted to close the hearings, provided the applicant provide mitigation calculations than include all the new hardscape. It was moved, seconded and voted to approve the project. Signature sheets were circulated.

282 Stage Island Road, John/Pamela Farrell, SE 10-2512: The hearing was opened for a Request to Amend an existing Order under SE 10-2512 to include proposed installation of stairs and kayak rack at 282 Stage Island road. Stephanie Sequin of Ryder & Wilcox Inc represented the applicant and returned the abutter notification cards. James Norcross, Esquire of Toabe and Riley also represented the applicants. Ms Sequin noted that although shown on the approved plan, the Commission did not address the location of the stairs and kayak rack during the public hearing for the Original Proposal covered under the existing Order. At the end of the existing pathway, there is evidence of erosion and ruts; Ms Sequin stated that elevated stairs will help to alleviate the erosion caused by foot traffic over the area. Several Commissioners noted that the stairs stop at a bed of fiddler crabs at the marsh edge.

Ms Sequin asked for some leeway in locating the staircase; a large tree will remain but lower branches will be pruned and the final location of the stairs will be determined by an on-site with the Conservation Agent at the start of the project.

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Mr Norcross stated that the proposal was approved by ZBA on April 30, 2009.

It was moved, seconded and voted to close the hearing; it was moved, seconded and voted to approve the project. Signature sheets were circulated.

15 Lady Slipper Lane, John/Alice Reed, SE 10-2538:The hearing was opened for a Request to Amend existing Order under SE 10-2538 to include changes to the size of the already permitted addition at 15 Lady Slipper Lane. Stephanie Sequin of Ryder & Wilcox, Inc represented the applicant and returned the abutter notification cards. The hearing on the original Order of Conditions had been closed; immediately after that hearing the applicant decided to increase the size of the addition by 61 sq ft. Ms Sequin provided additional calculations showing the increased footprint of the addition; she noted that there are several bare areas on the bank that would benefit from increased mitigation plantings of 800 + sq ft that are proposed.

It was moved, seconded and voted to close the hearing; it was moved, seconded and voted to approve the proposal. New signature sheets were signed.

56 Stage Island Rd, Susanne Wamsler Redetzki, SE 10-2496:The hearing was re-opened for a Request to Amend existing Order of Conditions under SE 10-2496 to include the proposed installation of a sewage disposal system at 56 Stage Island Road. Stephanie Sequin of Ryder & Wilcox represented the applicant. She stated that the proposal had been approved by the Board of Health (BOH) on May 4, 2009. The BOH did not require the applicant to install IA technology. The old Soil Absorption System (SAS) for this property, located across the road on an adjacent property, will remain although the pipes will be cut so it will no longer be used.

Access for the installation will be from Stage Island Road.

It was moved, seconded and voted to close the hearing; it was moved, seconded and voted to approve the project. Signature sheets were circulated.

43 Holway Street, S H Central Park North Family limited Partnership, SE 10-2528: The hearing was re-opened for a Notice of Intent (NOI) after re-advertisement to include the installation of a new, Title 5 compliant sewage disposal system in the proposal for demolition of a portion of an existing dwelling and construction of an addition at 43 Holway Street. David Clark of Clark Engineering LLC represented the applicant. He stated that the proposal had been approved by the BOH with IA technology, due to the close proximity of the isolated wetland.

The ZBA had approved the demolition and reconstruction prior to the hearing; As part of their approval, they required the planting of a row of arborvitae shown on the plan.

The applicant is decreasing the portion of the building closest to the wetland, but increasing constructed area in the outer AURA to the wetland. There is flood zone There is a net increase in building of less than 300 Sq ft, but overall there is a 400 sq ft decrease of impervious disturbance when considering the removal of the driveway and the auxiliary buildings.

Although no mitigation is required for increased disturbance in the NDZ, the Commission would like a landscape plan once the construction is completed. Mr Clark stated that David Hawk is currently working on a plan.

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It was moved, seconded and voted to close the hearing; it was moved, seconded and voted to approve the proposal. Signature sheets were circulated.

119 Eastward Road, John Santanella-applicant, Eric/Laura Nyman & John Santanella-owners, SE 10-2544 :

The hearing was opened for an NOI for the proposed Landscaping improvements including foundation plantings; proposed lawn enhancements; and proposed fill to cover concrete wall of septic system at 119 Eastward Road. John Santanella/applicant represented the proposal to the Commission and returned the abutter notification cards.

He stated that the existing plants around the SAS portion of the septic system are not doing well; they were installed prior to the sale of the property. The applicants understand that the "mountain" of soil over the new SAS cannot be disguised by adding fill and planting. The area is flood plain and the Commission felt that planting native materials and allowing them to naturalize would be permissible. The septic area is more than 100-ft away from the isolated wetland in the backyard. The applicant would like to add fencing and plantings to try and hide the sewage absorption system.

Mr Santanella referred to a landscape plan by John Fougere. The foundation plantings were selected from the approved list of native plants and lawn in the back would not be irrigated.

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

442 Old Harbor Road, Michael Reilly et ux., and David Morgan, SE 10-2546: The hearing was opened for an NOI for the proposed Removal of existing septic tank and portion of the driveway; proposed installation of I A septic tank ; re-grading over D box; proposed construction of shell driveway with block apron; proposed installation of water service and proposed construction of future addition at 442 Old Harbor Road. Terry Eldredge of Eldredge Surveying & Engineering LLC and Lisa Still, Esquire represented the applicant; Mr Eldredge Returned the abutter notifications cards. The site is an already developed site, there are three cottages previously under a single owner and under condominium ownership. Currently the cottages are on individual lots; this site is the middle cottage; a common driveway (roadway) serves all four lots . Mr Eldredge maintained that the proposed project would predominantly impact land subject to coastal storm flowage, elevation 11.0, and will have very little impact on the other resource areas on or adjacent to the site, coastal beach, salt marsh and land under the ocean. Most of the proposed work on #442 is within the No-Disturb Zone (NDZ) to the Flood Plain under the local bylaw.

The future addition is part of this filing, there are no plans currently to construct the addition. Ms Andres noted that should the permit expire before the applicants decide to build the addition, Extension permits could be obtained. The Addition will require ZBA approval; the addition is not in the jurisdiction under the State Act which could allow the Commission to close the hearing and approve the addition now without a Zoning permit. The Chair objected to inclusion of the addition when there is no date for a Zoning hearing; the zoning hearing could be years away. He felt it better to approve the plan showing the future addition, but having the applicant withdrawing the construction of the addition now and filing for an Amendment in the future. Ms Still noted that much of the mitigation they have provided such as the removal of asphalt and plantings are for the inclusion of the addition.

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Stormwater run-off has been addressed in the new proposal. Each lot will have new, pervious surface driveways. The roadway portion in front of #442 will have two trench drains connected to leach pits that will collect water currently flowing downhill and eroding the lawn and beach of #444. East of the drainage structures the parking area for #444 will be a shell surface and GrassPave will be installed on either side of the paved turnaround. A draft covenant addressing the maintenance of the drainage structures was circulated. The covenant establishes a fund for maintenance.

Abutter Bob Black questioned the location of the trench drains in the existing roadway.

There is an existing Order of Conditions to renourish the beach and repair the bulkhead. A substantial amount of money has been placed in escrow for this work.

The water main from Old Harbor Road has been approved by the Chatham Water Department providing that the Order of Conditions stipulate that the water main is outside the jurisdiction of the Commission. It ends just short of the 100-ft outer AURA to the Flood Plain.

The BOH approved the proposal for the septic system with IA Technology on May 4, 2009. The existing leaching system will be used. A central wastewater system for all three cottages was not possible. A small retaining wall on the northerly side will be necessary to accommodate the 1-ft of fill over the septic tank.

The hearing was continued to June 3, 2009 for the following:

- * Calculations for mitigation purposes
- * Decision regarding the inclusion of the addition
- * Inclusion of jurisdictional lines on the plan

444 Old Harbor Road, David Morgan, SE 10-2547: The hearing was opened for an NOI for the proposed removal of existing septic tank and a portion of existing driveway; proposed installation of I A septic tank and correct D-box; proposed construction of shell driveway and block apron; proposed installation of water service and proposed construction of future addition at 444 Old Harbor Road. Terry Eldredge of Eldredge Surveying & Engineering represented the applicant. He stated that there is no proposed addition at #444.

The drainage maintenance draft covenant was reviewed as described above. The agreement recognizes that David Morgan will be responsible for the maintenance of the drainage structures and that a fund will be established to provide monies for same.

Board of Health approved the proposal on May 4, 2009. The existing system is not H2O rated and Town Water and Stormwater installations will require separation from the septic, therefore a new system will be installed. The turning "T" for both homes is actually on this lot.

A comment letter from abutter to the south, G Warren Chane was read into the record.

The landscape plan dated April 15, 2009 and narrative prepared by Joyce K Williams was reviewed for both #442 Old Harbor Road and #444 Old Harbor Road. Ms Still noted that areas to be pruned as shown on the plan, have a lot of debris that must be removed.

The hearing was continued to June 3, 2009 for the following;

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- * Calculations of hardscape proposed

44 Cedar Street, Robert/Kristin Tishman, SE 10-2545: The hearing was opened for an NOI for the proposed construction of pool, pool house, patio, fence and planting of native shrubs at 44 Cedar Street. Terry Eldredge of Eldredge Surveying & Engineering LLC represented the applicant and returned the abutter notification cards. The plan of record is colorized and dated April 7, 2009 revised April 21, 2009. Also representing the applicant was landscape designer David Troaste. Mr Eldredge stated that this is an already developed site with an existing dwelling, driveway and lawn. There are several resource areas on or adjacent to the subject site that include land subject to coastal storm flowage, a coastal bank, a salt marsh and Land under the Ocean (Oyster Pond).

Abutter Lily Mulvaney questioned how storm water would be controlled; she stated that she already has a lot of stormwater run-off she associates with previous construction and she would like assurance that the stormwater run-off from the pool construction will be addressed to her satisfaction.

Mr Eldredge stated that this lot has perched water and unless it goes overland during storms, there should be no run-off from the Tishmans affecting the abutter. He stated that the pool patio slopes so water should drain into lawn areas. The existing tennis court has drainage installed around it. There is an old drainage pipe that should be cleaned from both ends that may be contributing to a stormwater problem.

The hearing was continued to May 20, 2009 for the following information:

- * Accurate staking on the site, including the location of the pool fence
- * Calculations of the coverage in the Conservation areas
- * Plan showing mitigation plantings for the increased disturbance in the AURA to the coastal bank
- * Contours, both existing and new for the pool area, although the pool is on a knoll, it may be necessary to grade around the area

37 Chatharbor Lane, Mary Jane/ Frans Cramer, SE 10-2548: The hearing was opened for an NOI for the proposed demolition of existing dwelling; proposed construction of new dwelling at 37 Chatharbor Lane. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards. The property is impacted by three resource areas, coastal bank, salt marsh and the 100-year flood plain and the whole property falls within 100-ft of one or more of the resource areas. The existing house is primarily in the flood plain.

The Overall increase in structure will be about 53 sq ft, this figure includes changing deck space to living space. The living space of the new dwelling will be elevated at least one foot above the flood plain on a crawl space foundation. All the proposed work will occur in the footprint of the new structure or in highly developed areas of the lot.

There will be no increase in number of bedrooms, no changes in the septic system. Excavated materials will be trucked off site and haybales will be set to establish the limit of work. Building materials may be stored on steel plates placed next to the dwelling. MR Clark noted that ZBA has been made more aware of the problem with contractor parking at sites where access for neighbors is impeded. He noted that a "sunset clause" has been written into Special Permits more often to restrict parking and noise from job sites.

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Abutters Loraine Lieb, Rose Marie Natale and Robert Sacco expressed their opposition to the proposal in letters dated May 1, 2009 and May 6, 2009, respectively.

Mitigation (483 sq ft) will be provided in the form of plantings along the top of the bank contiguous with existing vegetation. Currently, the homeowner mows right to the top of the bank. Eventually, the Commission will require a re-vegetation/landscape plan. The Commission asked that the area over the septic system be planted with native species.

The proposal will require a **Special Permit from ZBA; the application is scheduled on the ZBA agenda May 28, 2009. The Conservation hearing was continued to June 3, 2009.**

99 Squanto Drive, Four Oceans Inc dba Chatham Yacht Basin, SE 10-2543: The hearing was re-opened for an NOI for the proposed installation of boat wash facility at 99 Squanto Drive. Donald Monroe of Coastal Eng Co Inc represented the applicant. He had supplied a project narrative with the original application in January and an analytical report. The Commission had reviewed the details of the proposed wash pad and information about the construction of the pad.

The wash pad at this location is about 30 sq ft, much smaller than the current one at Allen Harbor in Harwich. Photographs of the Allen Harbor site were circulated. The pad is sloped 1% on all sides; the boat will be sited on the center of the pad and water flows to catch basin with a filter. In response to a concern regarding particulates from the parking area washing into the drainage system, Mr Monroe stated that the system has a reservoir designed to capture parking lot run-off in a storm event and magnetic covers that pop into drains.

The largest boat will be approximately 25 ft; the continuous-water system is portable and designed for smaller marinas. The operators of the boat wash system are trained by the manufacturers of the system. From the audience, the applicant, Mr Oppenheim stated that the wash system will probably be in use no more than 90 days a season.

A critical portion of the project would be the demolition of the existing retaining wall, if necessary. The contractor must determine the viability of the footing of the wall. If necessary, the retaining wall would be rebuilt and the concrete pad would be incorporated into the re-built structure. There is no need for retaining walls around the pad.

The applicant will seek permits from the Army Corps of Engineers (Chapter 91) and the Division of Marine fisheries, water quality certification.

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 existing driveway at 52 Tisquantum Road. David Clark/Clark Engineering LLC represented the applicant. He had supplied revised landscape plans and photographs of the existing site conditions.

The hearing was continued to May 13, 2009.

86 Plum Daffy Lane, Whitaker Qualified Personal Residence Trust, SE 10-2537: The hearing was Re-opened for the proposed removal of trees and proposed pruning of established views at

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86 Plum Daffy Lane. David Clark of Clark Engineering LLC represented the applicant; revised plans will be coming.

The hearing was continued to May 20, 2009.

102 & 106 Main Street, One Hundred Main Street Condominium-owner, David Veach Trustee-applicant, David H Veach/Naomi Turner, Carolyn Terry-owners, SE 10-2541: The hearing was re-opened for an NOI for the proposed construction of timber stairway over rock revetment at 102 & 106 Main Street. The proposal was approved by the ZBA on 4/30/09. **It was moved, seconded and voted to close the hearing.**

560 Fox Hill Road. Wm Marsh, SE 10-2133: An Extension Order was signed.

560 Fox Hill Road, Est Tomkins, SE 10-1911: An Extension Order was signed.

Lot 8 Countryside Drive, Gaffney, SE 10-2117 & SE 10-2117: An Extension Order was signed

Adjournment: It was moved, seconded and voted to adjourn the meeting at 10:55 PM.

Respectfully submitted,
Mary Fougere, Secretary