

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

Absent : Associate Members Peter Donovan and Keith Hutchings were absent.

The following hearings were continued as noted:

Mill Creek Road, Chatham Highway Department, Town of Chatham, SE 10- at applicant's request, the hearing was continued to June 3, 2009

4 Port View Road, Stello Construction-applicant, Piper Realty Trust-owner, SE 10-2539: At the applicant's request, the hearing was continued to June 3, 2009

86 Plum Daffy Lane, Whitaker Qualified Personal Residence Trust, SE 10-2537: At the applicant's request, the hearing was continued to June 3, 2009

44 Cedar Street, Robert/Kristin Tishman, SE 10-2545: At the applicant's request, the hearing was continued to June 3, 2009

184 Eastward Road, Leslie/Robert, Jar Abbott-applicants, Abbott Realty Trust, Leslie K Abbott & Robert G Abbott, Jr-Trustees-owner, SE 10-2530: At the applicant's request, the hearing was continued to June 3, 2009

16 Sears Point, Brune Levering: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed removal of 12 Pines and 2 oaks with mitigation plantings to be determined at 16 Sears Point. The applicant was present and returned the abutter notification cards. He stated that the property is over an acre in size; approximately 3000 sq ft of property is within the jurisdiction of the Commission. There is a wetland across Sears Road, a portion of the work is within 100-ft of the BVW. There is no work proposed within the NDZ, the first 50 ft of Adjacent Upland Resource Area (AURA) to the BVW.

The removal of selected trees from the steep bank area will be completed to promote the health of existing hardwoods. There are at least 30 trees on the bank, several will be removed as shown on the plan, there will be approximately 28 shrubs and replacement small trees being re-planted. The plants have been selected from the approved list of native plant material. In response to a question from the Chair, Mr. Levering stated that there is no intent to convert the tree removal area to lawn, although the area may be mowed once annually; this mowed area may be somewhat closer to the top of the slope than prior years.

It was moved, seconded and voted for a Negative Determination; the vote was 6-in favor with Commissioner Bates opposed. She objected to the planting of low bearberry and shrubs for the removal of trees.

Approval of Minutes: The minutes of March 4 and March 11, 2009 were approved as amended at the table.

Bay View Road, Forest Beach Conservation Area, Town of Chatham: The hearing was opened for an RDA for the proposed removal of invasive species and proposed planting at the Forest Beach Conservation Area. Conservation Agent/Kristin Andres represented the applicant and returned the abutter notification cards. She stated that Seth Wilkinson of Seth Wilkinson Design had completed a land management plan for the area known as Forest Beach Conservation Land. In the report, he identified the presence of several species of invasives, including Japanese knotweed, Love grass, Scotch Broom, Bittersweet and Autumn Olive. As is often the case, although the Town has identified some of the Conservation lands for management, funding for the work is often non-existent.

AmeriCorps volunteers have been scheduled for June 1 to manually remove primarily the knotweed and the Love grass. As time allows, the removal of the other invasives will be completed. After removal, the area will be seeded with coastal salt tolerant grasses and grass plugs. Additionally, two fence rails will be replaced.

Discussion ensued regarding some of the plant species present.

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

After the vote, from the audience, abutter Gordon Baker questioned the inclusion of Scotch Broom as an invasive plant. Ms Andres explained that it is on the state-listed invasive plant list and although many local residents believe the plant is native to the Cape, the plant is not native.

Shore Road & Claflin Landing, Chatham Bars Inn-applicant, CBI PC LLC-owner, SE 10-2452: The hearing was re-opened for a Request to Amend the existing Order of Conditions under SE 10-2452 to include the installation of walkway lighting on the existing pier and float at Shore Road & Claflin Landing. Sean Riley of Coastal Engineering Company, Inc. represented the applicant. He reminded the Commission that the applicant had withdrawn the application to ZBA for lighting at the pier in January 2009. Subsequently, the applicant had re-considered the proposal. For safety and security reasons, CBI would like to install low voltage lighting that casts light onto the decking, but does not shed a lot of light over the water. The applicant has re-applied for ZBA approval.

The lighting would be controlled by motion sensors, one sensor on the float and one at the beginning of the pier. The lights are on a timer and only stay on for approximately 15 minutes, in response to motion.

The Chair noted that the issue concerning the Commission is light shining on the water after dark. The diagram presented at the hearing showing the location of the light fixtures does not show that light would not shine on the water. Perhaps, portions of the lighting fixtures could be blocked out on one side. From the audience, Mr. Zuest stated

that it is important for the light on the landward side, not shining into the water. The dock will be closed, a locked gate will be installed and there will be a small light over the sign on the gate. The light on the landward sign will not be on a sensor.

The proposal will be heard by ZBA on May 21, 2009; **the Conservation hearing was continued to May 27, 2009**

286/296 Shore Road, CBI, SE 10-2452: The Commission discussed a draft of a letter to the Zoning Board of Appeals (ZBA) regarding the use of lighting on the newly installed pier.

The Commission agreed that the project as currently proposed, with low voltage lighting and motion sensors, can be conditioned to minimize additional adverse impact to the coastal resource area.

470 Shore Road, James/Elizabeth Eisenstein- applicants, 470 Shore Road Nominee Trust-owner, SE 10-2549: The hearing was opened for a Notice of Intent (NOI) for a proposed construction of a timber stairway at 470 Shore Road. David Lyttle of **Ryder & Wilcox**, Inc and James Norcross, Esquire of Toabe & Riley represented the applicants. Mr. Lyttle returned the abutter notification cards. He stated that the previous owner of this property had used a well established footpath down the bank to the beach. Although there is very little beach at high tide, the Eisenstein family loves boating and would like to access the water year-round; the proposal also includes proposed installation of a storage compartment at the bottom of the stairs. The applicants have agreed to allow the abutter at 498 Shore Road access to their fiber roll installation with machinery to supply re-nourishment sand to the existing shorefront protection. The revetment in front of the Eisenstein property is integrated with the Fish Pier shorefront protection.

The construction of the proposed stairway would involve little or no removal of vegetation. The posts would be secured to the stairs to comply with the Massachusetts building code. There will be no debris on the bank.

As mitigation for the proposed work, the applicant will cease mowing lawn area 5-8 ft back from the top of the bank and allow the area to naturalize. The existing irrigation system had been installed without benefit of a valid permit; the applicant has agreed to disconnect a couple of the irrigation heads that supply water over the bank. It was thought that the system may be supplied by a private well.

Commissioner Geiger would like to see a profile of the second landing area since it appears that it is proposed to be located right at the top of the coastal bank. The applicant has agreed to supply photographs of the existing bank as well.

The proposal is being heard by the ZBA on June 11, 2009; the Conservation hearing was continued to June 17, 2009.

97 Tilipi Run, Mary Holmes, Trustee- applicant, 97 Tilipi Run Nominee Trust-owner, SE 10-2550:

The hearing was opened for an NOI for the proposed completion of single family dwelling, pool and terrace; proposed installation of gravel drive, cobble paving and landscaping at 97 Tilipi Run. James Norcross, Esq. and David Lyttle of Ryder & Wilcox, Inc represented the applicant; Mr. Lyttle returned the abutter notification cards. He stated that this entire project was permitted in 2005; that permit has expired. There is still additional work that needs to be completed in areas under the jurisdiction of the Commission; therefore the applicant has re-filed with the Commission using an updated site plan showing completed work. There has been a substantial amount of re-vegetation and re-planting that has been completed, although the plantings in the area of the old tennis court look stressed.

The No-Disturb Zone has been established since 2005. There has been some additional hardscape in the NDZ and the location of the pool fence consisting of chain link material, has changed from the original plan. Under the original application, the wall at the edge of the infinity pool was the pool fence. The fence currently extends from the wall all the way to the bottom of the bank and then along the coastal bank at the base. The fence is set to the bottom of the ground making the entire southwest side of the property inaccessible to wildlife. The Commission held a substantial discussion when permitting the original fence and considered its location when determining mitigation planting areas. The Commission agreed that the fence should be put back up to the top of the coastal bank.

Mr. Norcross stated that many of the existing pathways leading from the beach have been used by the public and the Holmes' privacy has been disrupted and safety compromised. The Commission agreed, after some discussion, that a split rail fence at the bottom of the bank may be permissible, if the applicant chose to add it to the Notice of Intent.

The hearing was continued to May 27, 2009.

30 Bridge Street, Roger Vose-applicant, Hen Coop Point Trust-owner, SE 10-2487:

The hearing was re-opened for an NOI for the proposed view pruning; proposed removal of invasives; proposed re-opening of pathway and proposed annual maintenance at 30 Bridge Street. Roger Vose/applicant was present. He reviewed the email dated May 20, 2009 from Amy Coman, NHES Program- Division of Fisheries & Wildlife, indicating that a MESA filing would not be necessary.

The Commission was in receipt of a letter dated January 12, 2009 from Paula Liska, Zoning Enforcement Officer, verifying that the applicant did not need a Special Permit to re-establish the pathway over the man-made dike; essentially the path was pre-existing and Commissioner Geiger stated that the Commission had given the applicant permission many years ago to prune the path.

Discussion ensued regarding the direction of the path; Mr. Vose would not object to a meandering path that would save some of the larger plant specimens. Commissioner Bates felt that allowing a 4-ft wide path would require too much cutting since there appeared to be very little invasive plant material to eliminate. Photographs of the area indicated the height at which Mr. Vose would like to maintain the area, but there was no intent to make a hedge-like row or top cedars.

The composted material that had been accumulating for years at the edge of the wetland had been removed recently.

There were only 5 Commissioners eligible to vote. Commissioners Geiger and Holt were ineligible. It was moved, seconded and voted to close the hearing; the vote was 4-in favor of the proposal, 1-against and 2-abstentions. Commissioner Bates voted against the proposal.

325 Fox Hill Road, Chatham Yacht Club: The hearing was opened for an RDA for the proposed construction of a temporary structure for use as sail-drying area at 325 Fox Hill Road. Although no one was present to represent the applicant, it was thought that the change in venue may have contributed to non-representation.

The Commissioners had been to the site prior to the hearing; there were no objections to the proposal.

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

306 Ridgevale Road: The Commission approved the removal of two pitch pines whose roots were causing the driveway to lift under an Administrative review. . Photographs were provided by the applicant

38 Marshview Road, Schneeberger, Cape Tree LLC: The Commission approved the removal of a dead, leaning tree at 38 Marsh view Drive under an Administrative Review. There was no room on the property for mitigation planting.

68 Seashells Drive, Weller, Pine Tree Garden Center & Nursery: The Commission approved the removal of a large pine near the deck, removal of foundation plantings, removal of Autumn olive and Taxus and the re-planting of areas under an Administrative Review. The applicant had provided a detailed narrative of the scope of the work.

308 Old Comers Road, Kendrick: The Commission approved the removal of several spindly pines to enhance the health of surrounding trees at 308 Old Comers Road. The applicant had provided photographs of the existing site conditions; the property abuts Pink Wink Pond.

The applicant will re-plant trees as mitigation.

101 Seapine Road, Land Design, Bill Witkowski: The Commission approved the removal of two, dead trees at 101 Seapine Road under an Administrative Review.

55 Countryside Drive, Russell: The Commission approved the pruning of dead limbs on several trees at the above address under an Administrative review. There was no decision made on the construction of a tree house within the Riverfront Area.

10 Sedge Lane, Glass: Copies of the Appeal filed by Mr. Riley on behalf of Scott Glass were circulated to the Commissioners for their review.

Reminder: The Commission has scheduled a Special Meeting on June 2, 2009 at 4:00 PM in the Community Building Meeting Room for the two Strong Island hearings under SE 10-2516 and SE 10-2519.

Reminder: The Commission has scheduled a Special Meeting for Monday at 4:00 PM at 549 Main Street for the continued hearing regarding the proposal at 325 Fox Hill Road under SE 10-2534.

The Commission has decided to hire a consultant to review the Eastward Ho! proposal. Ms Andres has spoken to three individuals; she felt that John Ramsey from Applied Coastal Studies would be the best qualified.

The Commission is seeking clarification on the MHW determination, the need for a nourishment management plan and answers regarding the transportation of several tons of sediment. She noted that an ENF will be filed, a copy of which will be sent to the Cape Cod Commission.

Meeting place: The Commission discussed drafting a letter to the Selectmen regarding the recent snafus encountered with televising regulatory meetings when long agendas and public comment go over the allotted time frame.

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

Respectfully submitted,
Mary Fougere, Secretary