

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

39 Young's Farm Lane, Patrick & Jeanne Lee, SE 10-2622: At the applicant's request, the hearing was continued to August 4, 2010.

560 Fox Hill Road, Lawrence & Susan Lepard, SE 10-2637: At the applicant's request, the hearing was continued to Aug 4, 2010.

151 Deep Hole Road, 151 Deep Hole Road Nominee Trust, Gary F Terry, Trustee, SE 10- The hearing was opened for a Notice of Intent (NOI) for the proposed demolition of existing single-family dwelling and proposed construction of a new, single-family dwelling with new septic system, utilities & garage at 151 Deep Hole Road. The David Clark of Clark Engineering LLC and the applicant were present. Mr. Clark returned the abutter notification slips. The following documents were reviewed at the hearing by the Commission:

- Clark site plan dated 7-1-2010, Drawing # 0471030C
- Clark Site plan dated 7-1-2010, Drawing # 0471030D
- Locus Map & Street Directions to project site
- Legal Advertisement
- Clark Alternatives Analysis/Request for Conservation Variance, dated July 6, 2010
- Zoning Board of Appeals (ZBA) comment letter dated July 12, 2010

The project site is impacted by a coastal bank, Flood Plain and a salt marsh which are part of the Red River tidal estuary. Two proposals are offered. In the first proposal, the existing cottage will be demolished down to the foundation. The intent is to keep the existing foundation, however Mr. Clark cautioned that if the foundation is not usable, they would have to excavate for a new one. This action would change the work limit area to allow machine access, etc. The existing cottage straddles the 0-50 ft No-Disturb Zone (NDZ) and covers about 850 sq ft. The new dwelling will increase coverage in the 0-50 ft (NDZ) to 1200 sq ft and up to 2100 sq ft in the 50-100 ft outer AURA (Adjacent Upland Resource Area). A landscape plan has not been presented; the applicant is open to suggestions from the Commission regarding density and size of plantings and use of native species.

The first proposal would require a slab foundation under a portion of the house in order to meet setbacks to the new septic system, required by the Board of Health (BOH).

This project requires zoning relief.

This project shown on 0471030D adds about 300 sq ft of new disturbance to the NDZ. Since the regulations call for minimizing the amount of new disturbance in the NDZ, the

Commissioners preferred the proposal shown on Clark site plan dated 7-1-2010, Drawing # 0471030C. Mr. Clark stated that the only difference between the two plans is the slightly improved view that would be gained from the first proposal. This second plan is more permissible since there is less disturbance in the NDZ. The mitigation will have to be substantial and include instant canopy as there will be 5 trees removed within the limit of work. The less you lose in the NDZ, the easier it is to proposed successful mitigation. The lot next door should have mitigation plantings installed as quickly as possible since the Order of Conditions for that property requires that the lot not be left barren for over six months.

There is storm water control proposed for the area on the west side where there will be some re-grading.

The second proposal will meet all zoning setbacks and would comply with the BOH regulations. The septic system will be upgraded with IA Technology.

From the audience Hillary and Anne Le Claire objected to the proposal since there will be construction disturbance that will disturb the salt marsh habitat. They also stated that this applicant has two foundations on the lot to the east of this project that were installed two years ago. Work stopped on this lot and the foundations are unsightly and barren of vegetation. From the audience, Mr. Terry stated that he would not do any work on this proposal until work on the first lot was completed.

The hearing was continued to August 4, 2010 for a landscape plan and re-consideration of the proposed mitigation.

29 Lord's Pond Lane, Mary Langille, SE 10- The hearing was opened for an NOI for the proposed garage addition at 29 Lord's Pond Lane. David Clark of Clark Engineering LLC represented the applicant. Associate Member Patty Morrison recused herself from the proceedings. The following documents were reviewed at the hearing:

- Locus map and street directions to project site
- Alternatives Analysis/Request for Conservation Variance, prepared by David A Clark
- Clark Engineering Landscape Plan dated 6-21-10
- Clark Engineering Site Plan dated 4-21-10
- Photographs of project site dated July 19, 2010

The lot is impacted by the 100 yr Flood Plain, a perennial stream connecting Lovers Lake to Frost Fish Creek and the Pleasant Bay ACEC. The entire project is proposed in the NDZ to the Flood Plain and within 200-ft of the River. The applicant has considered an alternate location for the garage and the opposite side of the house. This proposal is not cost effective because it would involve moving the existing septic system. This change could add approximately \$40,000.00 to the project cost.

While on-site two Commissioners observed storm water flow from north to south and from west to east. It appears that the natural contours of the property are conducive to storm water containment and allow percolation. There may be need for some additional storm water management on the east side of the driveway, but it appears that the mitigation area proposed on the east side of the garage would better serve the wetland areas by being placed further south of the dwelling, or elsewhere on the lot. An old apple tree will be removed for the garage, the applicant will provide canopy in the mitigation.

The proposal must be reviewed by ZBA; the **Conservation hearing was continued to Aug 4, 2010 for receipt of a revised mitigation plan showing a 2:1 ratio and a storm water control plan.**

29 Lord's Pond Lane, Mary Langille, SE 10: The ZBA had requested comment on the proposed construction of a garage at the above address. Commissioner Chamberlin had prepared a draft comment letter that he read into the record. **It was moved, seconded and unanimously voted (6-0) to approve the letter.**

58 Whistler Lane, Whistler Lane Nominee Trust, Jackie Carsey, SE 10-: The hearing was opened for an NOI for the proposed Shorefront Protection at 58 Whistler Lane. John Schnaible of Coastal Engineering Company Inc and Lindsay Strode of Cape Organics represented the applicant. The abutter notification cards were returned.

The following documents were referenced:

- * Pg 1 of WPA Form 3- Notice of Intent
- * Project Narrative and Construction Protocol submitted with application
- * Cape Organics narrative , undated, addressed to Coastal Engineering Co
- * Town of CHATHAM Conservation Commission checklist
- * Site plan dated 6-28-10, prepared by Coastal Engineering Co Inc, signed and stamped by John A Bologna
- * Photographs of site provided by Coastal Engineering Co Inc dated July 21, 2010
- * Photographs from the Agent dated 7-19-2010 and 7-20, 2010
- * Emails dated July 13 & July 16, 2010
- * Letter from Coastal Resources Director, Ted Keon
- * A Guide to the Coastal Wetlands Regulations, MGL 131 chi 40

Mr. Schnaible stated that the project site with an existing single family home is impacted by coastal bank, coastal beach and a V zone going into a C zone as mapped by FEMA in 1992. Due to higher tides, the goal of the project is to protect the coastal bank with fiber rolls, planting of beach grass and building a sacrificial dune. Fifteen hundred sq ft of lawn area will be removed.

In his letter dated July 20, 2010, Mr. Keon noted that this portion of Pleasant Bay has experienced changes in water levels and wave energy following the formation of the

new inlet. Several Commissioners questioned whether there was a coastal bank on the site. The Agent observed that as one walks from the town landing at Scatteree, there is scarping on the Maclver property. The dune then continues and has rolled over to the toe of the bank on the Carsey property. Mr. Keon wrote that this property is located adjacent and likely down-drift to an area that had undergone a rather significant retreat of the beach and dune system this past winter. Further erosion may continue in this general area as the new inlet continues to develop. However, there is little evidence of erosion or loss of coastal bank at this time and the structure is not in imminent danger of erosion damage. The Commissioners observed that there has been accretion of sand along the shoreline and there has been coastal dune development at the toe of the bank.

The Commissioners were opposed to the excavation and de-stabilization of the existing dune and vegetation in order to install fiber rolls which will then be covered and planted to re-establish virtually the same dune profile which is proposed to be removed.

The Commission agreed that:

- * The part of the proposal that involves planting to trap sand is a good idea.
- * The resource area must be identified since the fiber rolls are proposed in an area that may be dune and not coastal bank. It is not permissible to armor a dune
- * The removal of a portion of the existing irrigation system in the lawn area must be verified
- * The applicant must provide answers to the questions presented by Ms Andres in an email to John Schnaible prior to the hearing
- * The areas of proposed work and the resource areas should be staked in the field

The hearing was continued to August 18, 2010.

Cranberry Lane & Bog Way, Cranberry Lane Homeowners Association-owner/applicants, Chatham Conservation Foundation-owners, SE 10-2652: The hearing was opened for an NOI for the proposed replacement of existing pipe with a concrete box culvert in the roadway of Cranberry Lane; proposed re-vegetation & road restoration at intersection of Cranberry Lane & Bog Way. Chad Yaindl of GeoSyntec represented the applicant. The following documents were referenced during the hearing:

- * Notice of Intent Application with Exhibits 1-9
- * Division of Marine Fisheries comment letter dated July 29, 2010—in an email
- * DEP File number notice with comments

This is a resource improvement project, the purpose of the project is to restore tidal flow The existing salt marsh system to the north of Cranberry Lane is connected to Sulphur Springs salt marsh system via a 2-ft diameter round culvert. This hydraulic connection

limits the tidal exchange into the Cranberry Lane salt marsh. In addition the topography of the cranberry bog north of Cranberry Lane limits the area potentially viable for salt marsh restoration since the high tides within Sulphur Springs only reach 2.5-3.0 elevation about 30% of the time.

It is proposed to install a 3-ft x 4-ft concrete box (with no grates) to replace the 2-ft pipe near the intersection of Cranberry Way and Bog Way, in an effort to restore tidal flow to the salt marshes north of Cranberry Lane. There will be no grade changes or elevation changes. The culvert will be placed according to CZM recommendations. The installation of the culvert will last a few days, the installation of the rip-rap stone and planting will add a couple more days. A total of 1960 square feet of salt marsh will be disturbed, but restored. The addition of riprap stone to protect the areas around the headwall will impact 310 sq ft of salt marsh area. The applicants feel that the benefits of the restored tidal action outweigh this permanent impact.

The project will not begin until all permits are secured. A Water Quality Certification and a Chapter 91 license will be required.

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

28 Nob Hill Road, John Marsh, SE 10-2650: The hearing was opened for an NOI for the proposed demolition of existing garage, existing deck, existing bulkhead, existing paved driveway and walkway; proposed construction of new garage, addition to kitchen, new bulkhead, new outdoor shower and installation of new paved driveway and landscaping at 28 Nob Hill Rd. William Riley, Esquire and David Clark of Clark Engineering LLC represented the applicant. The following documents were reviewed by the Commission:

- * Notice of Intent Application
- * Site plan dated 5/28/2010 prepared by Clark Engineering LLC
- * Landscape plan dated June 21, 2010, prepared by Eastward Companies
- * Revised Landscape plan dated June 21, 2010 revised 7/16/201, prepared by Eastward Companies
- * Project Narrative packet dated 6/23/10 with photos, copy of deed and
- * ZBA comment letter

Mr. Riley summarized the application and referred to the Project Narrative. The Title 5 sewage system installation was approved under a previous Order. The removal of the garage and existing paved driveway from the 50-NDZ further from the wetland is a major benefit to the resource areas under this application. Mitigation has been provided for the area where the existing garage is located, and a Landscape plan was distributed to the Commissioners.

The limit of work has been established for the septic system installation. There is a drainage easement from Nob Hill Rd and a 10" pipe channels storm waters to the wetland and eventually over to the cranberry bog. The Commission questioned whether water from the new driveway would puddle near the new garage; they may need a trench drain in front of the garage. Commissioner Lear felt that any storm water could be mitigated by making the driveway surface pervious.

Currently, the basement floods and the source of the water has been investigated over the years by Dr Robert Duncanson, Director of Health & Environment. According to Mr. Riley, it appears to be ground water. The Commission noted that there is a metal cap which appears to be an oil fill cap, between the existing deck and the existing garage. Mr. Clark stated that there is no evidence of an old pipe going through the house foundation to an oil tank; the house is not oil-heated. Mr. Riley surmised the cap was an old monitoring well.

The revised landscape plan was reviewed. Mr. Riley stated that under the Septic installation Order the applicant is obligated to plant screen plantings along the Doyle property line. Money has been set aside from the estate for that purpose. From the audience, Linda Cassidy of the Doyle family asked that the Commission review the previous Order to assure her family that the screen plantings will indeed, be completed as promised.

The large pine in the front of the house does not appear on the landscape plan; Commissioner Bates questioned whether it will be removed.

Scheduled on ZBA agenda for July 22, 2010; the Conservation hearing was continued to July 28, 2010.

28 Nob Hill Road, John Marsh, SE 10-2650: Commissioner Chamberlin had drafted a comment letter to the ZBA and read it into the record. **It was moved, seconded and unanimously voted to approve the letter as drafted.**

12 Queen Anne Road & Pcl C29 Oyster Pond Furlong, Bromley Realty Trust c/o Quincy & Company, Inc, Chris Quincy, SE 10-2640: **The hearing was re-opened for an NOI for the proposed partial demolition and proposed re-development of the existing site; proposed construction of new building; proposed renovations to parking areas; proposed installation of utilities and storm water management system and proposed landscaping at 12 Queen Anne Road. Brian Murphy represented the applicant. The revised plans recently submitted after meetings with the Planning Board and the Historic Business District Committee (HBDC) are the plans of record:**

- * **Set of plans by Vanasse Hangen Brustlin Inc, C-1 through C-7; L1 through LL2 and Sv-1**

The revised plans include the following changes:

- * The hedge row along Oyster Pond Furlong will be a combination of clusters of evergreens and low perennials to overhang the low stone wall. Irrigation will be installed. There are several trees to be removed, 1 is dead and possibly another does not look healthy, however Commissioner Geiger noted that those trees were all installed by Friends of Trees and they should be informed regarding the removal of the remainder of trees. Mr. Murphy will contact the Conservation office for help in getting in touch with the "Friends"
- * The parking area on the Snow Lane side of the complex has been changed so that there will be no asphalt within the 50 ft AURA to the vegetated wetland to the north. Six parking spaces in this area will be grass-pave surface. Mr. Murphy noted that all the asphalt from the site will be removed during construction to allow re-grading to better accommodate storm waters, asphalt will be installed after the construction project is completed

The hearing for a special Permit will be held on August 5, 2010; **the Conservation hearing was continued to August 11, 2010**

155 Mill Creek Road, Dennis Linnane-applicant, Thelma Young-owner, SE 10-2607: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling & proposed reconstruction of new dwelling at 155 Mill Creek Road. David Clark of Clark Engineering LLC represented the applicant. He stated that the applicant is revising the site plan to include a change in footprint. The new plan will reflect the following changes:

- * Less site coverage, there will only be a one bay garage, resulting in less driveway also
- * A tree near the deck will be removed to appease the abutters; the applicant will add a tree in the NW corner of the lot as mitigation for its removal
- * The change in footprint of the dwelling has increased by 14 sq ft

The porch will be on sono tubes and will be open underneath. The proposal will require a Special Permit; the proposal is scheduled to be heard by the ZBA on August 12, 2010.

The hearing was continued to August 11, 2010; Mr. Clark will submit a revised site plan and a revised landscape plan reflecting the changes so that the Commission can issue a comment letter to the ZBA.

11 Mill Pond Lane, Roy / Marianne Smith-applicants, Marianne F Smith-owner, SE 10-2645: The hearing was re-opened for an NOI for the proposed construction of an addition and patio to a single family dwelling at 11 Mill Pond Lane. Acting Chair Deedee Holt recused herself from the hearing; Commissioner Chamberlin chaired the hearing. David Lytle of Ryder & Wilcox represented the applicant.

The Commission was in receipt of a landscape plan from Onie Burley and a list dated July 12, 2010 of the plants to be utilized. The area of clippings and cuttings will be

removed; the size of the mitigation area has been resolved. The client owns both properties including the area where the land slopes. The applicant has agreed to let the sloped area to naturalize.

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

11 Mill Pond Road, Smith, SE 10-2645: Mr. Lyttle asked if the Commission would approve vista pruning and invasive plant management under an Amendment to this Order. The Commission agreed that since the work does not pertain to construction handled under this Order and the applicant will want to have permission for on-going maintenance, a new Notice of Intent would be necessary.

Pcl 34 (18102) North Beach, Donald / Sally Gould, SE 10-2646: The hearing was re-opened for an NOI for the proposed relocation of existing camp, camp will remain on owners property at Pcl 34 (18102) North Beach. J Thaddeus Eldredge represented the applicant, the applicants were also present.

The following documents and items were reviewed during the hearing:

- * Revised plans dated 6-1-2010 revised 7-15-10 have been received showing the location of the deck on the structure. The applicants were initially undecided about keeping the deck but have since decided that they are interested in re-installing the deck once the cottage is re-located.
- * Photographs were circulated of the surrounding area
- * Comment letter from NHESP was read into the record
- * A model of the anchor that will be used to secure the camp cribbing once it is moved

It was noted that although the revised plans shows two proposed camp locations, the Commission is approving only one move at this time. The location of the camp further to the east on the island is not to be permitted at this time. This location may be proposed in the future should the erosion continued at the current location.

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

Monomoy Island, Monomoy Wildlife Service, SE 10-2639: In response to several questions from the Commission from the July 14, 2010 discussion and several emails from the Agent, a narrative dated July 16, 2010 from David Brownlie, Refuge manager, was received. The project involves the stabilization and restoration of the existing lighthouse keeper's house, the project does not involve demolition and reconstruction. As previously discussed with the Agent, Mr. Brownlie wrote that the jurisdiction of the Massachusetts Wetland Protection Act over federal agencies rests upon the express waiver of sovereign immunity contained in the Clean Waters Act. This waiver applies only to activities which would result in the discharge of water pollution. Since the MA statute covers many interests which are broader than water pollution, many of the concerns expressed by the Commission appear to be outside the scope of matters that

the Commission may address. Mr. Brownlie was present to answer questions and review the work protocol. The following points of the narrative dated July 16, 2010 were discussed:

- * The location of the temporary pier-there are no eelgrass beds in the immediate area, however there are dense eelgrass beds south of the pier location- the use of a barge on the beach has been abandoned. There will be two barge visits for the project during high tides. A 50-ft temporary walkway with a handrail at MHW and a walkway in the intertidal zone will be used to off-load the barges
- * Project oversight-the Commission would like the Agent to have contact information for contractors that will be on-site
- * Use of vehicles
- * NHESP has been contacted and information involving bird monitoring has been shared
- * Permitting from CZM or DEP Waterways is not necessary, Mr. Brownlie cited Sovereign Immunity
- * Submission of daily reports

It was moved, seconded and unanimously voted to accept the work protocol as presented with the caveat that the Agent receive contractor contact information and that the Agent be notified of any "Stop Work" orders issued on site by the project overseer.

Re-appointments to the Commission: Commissioner Geiger expressed his concern regarding the action taken by the Selectmen in their recent departure from the norm when considering Commission re-appointments.

The following projects were approved under an Administrative Review:

- **195 Bridge St, Mack:** Project description and photographs were presented showing the area of proposed pruning of white poplar saplings for enhanced view of an osprey pole----The vote was unanimous (6-0) for approval
- **33 Sky Way, Kahn:** Project description and photographs were examined showing the damaged pines to be removed. The vote was unanimous(6-0) for approval
- **71 Stage Island Rd, Murphy:** Project description, Site plan and current photographs were reviewed for the limited pruning proposed on the front side of the home. The vote was unanimous (6-0) for approval

74 Old Salt Works Rd, Palmer, SE 10-2643: Duplicate Signature sheets for the existing Order were signed.

A duplicate Extension Permit was signed for 70 Queen Anne Rd, SE 10-2305:

Zoning Board of Appeals Request for Comment: The draft comment letter for 28 Nob Hill Road, Marsh, SE 10-2650 was read and unanimously approved.

Adjourn: It was moved, seconded and voted to adjourn the meeting at 10:25 PM.

Respectfully submitted,
Mary Fougere, Secretary