

A quorum was present. Those in attendance included Chairman Paul Chamberlin, Carol Scott, Billie Bates, Corinne Johnson, Eric Hilbert, Jay Putnam, Associate Member Keith Hutchings, Conservation Agent Kristin Andres and Secretary Mary Fougere.

347 Stony Hill Road, (Lot 25B) Rushnak: Mr. Rushnak was present in response to a violation consisting of the clearing of under story growth within 100-ft of a vernal pool. He circulated a conceptual restoration plan showing areas of proposed restoration plantings. The details of a narrative accompanying the plan were reviewed and discussed. It was noted that the hay bale work limit line shown on the partial site plan that was established during construction of the dwelling, has been replaced by a low retaining wall.

After some discussion, the Commission agreed to accept the sketch as presented without requiring a more detailed landscape plan by a landscape designer. The applicant would provide a species list, indicating the size and density of plantings. The Commission would arrange an on-site to view the extent of the clearing and the amount of re-growth that has occurred. Ms Andres had not been to the site since June 23, 2008.

Ms Andres stated that it is important for the applicant to seek out larger planting specimens and provide the site with good density of native plants to provide restoration of the site as soon as possible.

16 Seapine Road, Freethy: Joe Thomas from A to Z Treez was present in response to a violation regarding the clearing of trees and vegetation from 16 Seapine Road. The lot is impacted by the 100-ft Adjacent Upland Resource Area (AURA) to a coastal bank and the AURA to Lily Pond. Ms Andres prefaced the discussion by stating that the entire lot had not been cared for a number of years; there was a lot of vegetation and the dwelling is located 50- ft from the pond.

Joe stated that most of the work on the pond side was up near the dwelling. There were a lot of felled trees and branches from storm damage; all the overgrown brush hid the location of the pond edge. The trees that had been removed were covered with bittersweet vines; many of them were already down. Ms Andres would like to have the debris from one large pine removed from the wetland, however the work could wait until fall when it could be better established the location of the pond and how much debris was in the wetland.

The Commission encouraged the landscaper to be more observant of wetland areas and their locations; whenever there is a question of jurisdiction, the landscaper was advised to call the Conservation Office prior to the commencement of work.

1015 Orleans Road, Gadbois: Several Commissioners observed that the banking at 1015 Orleans Rd was getting overgrown and that there were several sprouting oaks. There are

still bare areas, approximately 24 trees had been removed. The applicant had provided the Commission with a restoration proposal in a previous meeting, however the proposal should be re-evaluated so that restoration can be completed utilizing the species that are growing back. The Commission would like to see the oaks pruned to enable single leaders to become established.

Misty Meadow Lane, Roffman: The Chair had re-visited the site where clearing around an isolated wetland had occurred. The area is still damp in the bottom and would benefit from a restoration plan involving planting of native species.

69 Strong Island Road, Nina Saberi, : The hearing was re-opened for an NOI for the proposed construction of a 14-ft gazebo on sonotubes and proposed construction of additions on a crawl space foundation and over an existing deck at 69 Strong Island Road. William Riley, Esquire represented the applicant; Commissioner Eric Hilbert was recused from the hearing. The Commission was in receipt of a revised plan dated July 22, 2008 from Ryder & Wilcox, Inc and a Variance request narrative & Alternatives analysis from Mr. Riley.

Mr. Riley reviewed the alternatives analysis. He stated that should the applicant try to put the additions on the street side of the dwelling, the whole roof structure would need to be changed; the addition would still be in the NDZ to the coastal bank. Using the entire deck for the gazebo support would eliminate view from the rest of the dwelling. Mitigation for the new work is shown on the revised plan.

After some discussion regarding mitigation, it was agreed that the status of mitigation plantings for the other outstanding Orders on this property had been adequately addressed. Buffers need to be established and the location of the coastal bank must be marked, by a low fence, or some other permanent delineation. Mr. Riley stated that during his previous hearing on this filing, he was unaware that there were outstanding issues but he has conferred with his client regarding the previous requirements and she now understands the need for mitigation. The ornamentals along a portion of the top of bank will be moved to edge of lawn; the Commission agreed that the hammock area on the north side of the dwelling would remain as lawn.

The Commission would like the Zoning Board of Appeals to condition the Special Permit that the applicant obtains Certificates of Compliance for old Orders of Conditions. **The hearing was continued to August 20, 2008.**

114 Seaquanset Road, Limentani, SE 10-2464: It was moved, seconded and voted to approve the Moran Engineering site plan dated Feb 10, 2005 revised Feb 15, 2005 and the Amended Narrative received by the Conservation Commission on July 11, 2008 for the proposed work at 114 Seaquanset Road. **An Order of Conditions was written.**

434 Old Comers Rd, Foster, SE 10-2461: It was moved, seconded and voted to approve the Eldredge Surveying site plan dated February 6, 2008 revised July 17, 2008 and the Streibert Associates landscape plan dated June 2008 for work proposed at 434 Old Comers Road. **An Order of Conditions was written.**

50 Morris Island Road, Friscia, SE 10-2462: It was moved, seconded and voted to approve the Coastal Engineering Company Inc plan dated May 19, 2008 revised June 6, 2008 for work proposed at 50 Morris Island Road. Commissioner Carol Scott was recused from the hearing. **An Order of Conditions was written.**

211 Vineyard Ave, Aghajanian, SE 10-2440: It was moved, seconded and voted to approve the Clark Engineering plan dated March 10, 2008 revised April 22, 2008 for the work proposed at 211 Vineyard Avenue. **An Order of Conditions was written.**

69 Strong Island Road, Saberi, SE 10-: The Zoning Board of Appeals had requested comment on the proposal at 69 Strong Island Road. The Commission has reviewed the Ryder & Wilcox plan dated June 10, 2008 revised July 7, 2008 for the proposed additions to an existing dwelling at the above address. Two small additions are to be on crawl space foundations and a gazebo is proposed to be constructed on sono tubes.

All proposed work is within 100-ft of the top of a coastal bank and within the 50- ft No-Disturb Zone (NDZ) to a coastal Flood Zone at elevation 11. 0 ft. A portion of the gazebo is within the Flood Zone. A request for a variance for work in the NDZ has been submitted to the Commission.

Two years ago the Commission wrote a letter of approval to the ZBA for a proposed gazebo to be elevated above an existing gravel driveway, a project which was denied by the ZBA. Although the gazebo is now proposed within 2 overlapping NDZs, the Commission believes that this portion of the project could be conditioned to protect the resource area.

However, the two additions with foundations are of concern to the Commission as they would permanently sequester areas of the NDZ which are currently open under decks. The Commission has already approved two construction projects on this dwelling within the last 6 years but the proposed mitigation for these projects has never been satisfactorily completed and neither project has received a Certificate of Compliance.

A plan showing a proposed mitigation area for this project was faxed to the Conservation office on July 22 but has not been reviewed on-site by the Commission. Should this mitigation prove to be sufficient to approve the overall project, the Commission is likely to require that Certificates of Compliance be obtained on the previous projects and that the new mitigation plantings for the current project be installed prior to construction.

12, 14 & 16 Love Lane, Bogardus, SE 10-: The ZBA had requested comment on the proposal. The Commission has reviewed the Ryder & Wilcox plan dated October 23, 2007 revised July 3, 2008 for the demolition of three cottages and a garage and the reconstruction of three dwelling units with a common sewage disposal system at the above address.

Two of the new units are proposed as an attached duplex structure and are located within 100-ft of the top of the coastal bank fronting Nantucket Sound. Only a portion of the new decks will be located in the No-Disturb Zone (NDZ) representing a 700 sq ft net decrease in structure in the NDZ. The building site is currently disturbed and other than one large pine tree, no native vegetation will be cut for construction purposes.

There will be a net increase in structure of 1226 Sq ft within the outer 50- Adjacent Upland Resource Area(AURA) for which the applicant has proposed mitigation plantings along the top of the bank. A landscape plan by Joyce Williams dated July 10, 2008 also proposes some tree removal and pruning for view in the NDZ for which the Commission is likely to require that replacement trees be planted.

Given the decrease in structure within the NDZ and the less than 50% building coverage in the outer AURA, the Commission has determined that this project can be conditioned to avoid adverse impact to the Coastal Bank and its NDZ.

14 Periwinkle Lane, McDonough: The ZBA had requested comment on the proposal at 14 Periwinkle Lane. The Commission has reviewed the Clark Engineering plan dated May 21, 2008 for a proposed second floor deck mostly over an existing hard scape patio at the above address. A smaller existing deck in the same area is proposed to be removed.

All proposed work is within 100-ft of the top of the coastal bank fronting Mill Creek. Only a small portion of the structure, including stairways down to grade, is within the 50-ft No-Disturb Zone (NDZ).

The applicant has proposed mitigation plantings of native shrub species for 326 Sq ft along the top of the bank. The Commission found that this minor project would have no impact on the Coastal Bank and that the proposed plantings would enhance wildlife habitat in the NDZ. The project was approved under a Request for Determination.

Approval of Minutes: The minutes of April 23, 2008, July 2, 2008 and July 9, 2008 were approved as amended at the table.

CPC Appointment: It was moved, seconded and voted to ratify the memo to Selectmen that recommended that Commissioner Corinne Johnson represent the Commission on the CPC (Community Preservation Committee).

30 Periwinkle Lane, Gollop, SE 10-1748: A Certificate of Compliance was signed for SE 10-1748; the work was never undertaken.

Special Meeting date: The Commission agreed to schedule an extra meeting date to hear the application to apply alum to both Stillwater Pond and Lovers Lake Pond. The hearing will be held at the Annex Meeting room on Thursday, September 18, 2008 at 11:AM.

9 Kingsbury Way, Liebowitz: Removal of one Norway Maple between two houses; approved under an Admin Review with requirement that tree be removed after nesting season.

160 Wapoos Trail, Cantu: Photos circulated of proposed view pruning prior to the completion of hearing for an Order that contains this work. Work will be completed one time only. Approved under an Admin Review, one time only, trim to 3-ft height, reaching out over bank only as far as arm's length.

Linnell Lane & 116 Old Wharf Rd, McCarthy: Photo circulated of site where granite steps are proposed to be installed in the same manner as done at the McAdam's property. Steps would alleviate problems in accessing the walkway over the marsh. Approved under an Administrative Review.

112 Independence Lane, Copeland: Applicant proposes to replace an existing 8 x 10 shed with a slightly larger one, 10 x 10-ft. A site plan was provided; there is a wetland in the front of the house. Approved under an Administrative review.

138 Stage Island Road, Mosser: The applicant wants to remove broken branches and view prune debris from the coastal bank. There will be no tree removal. Approved under an Administrative Review.

5 Woodland Way, Pasquale: Homeowner wants to remove dead pines in existing lawn area, close to top of bank. Approved under an Administrative Review, homeowner has additional work that will require filing of an Notice of Intent.

625 Main Street, St Christopher's Church: The church will be constructing an addition to the back side of their building. Although most of the work is outside the jurisdiction of the Commission, truck access and the storage/stockpile of materials will be within 100-ft of the BVW. Approved under an Administrative Review as long as erosion controls are maintained around the stockpiled materials.

86 Plum Daffy Lane, Whitaker: The homeowner has removed a few dead pines already a couple years ago on the water side of their property. There are a few other pines to be removed and are shown on the site plan that are dead; other pines that will be removed and shown on the site plan are outside the jurisdiction of the Commission. Approved under an Administrative Review.

76 Marshview Lane, Chittick: The homeowner is seeking to selectively prune sassafras tree saplings for view enhancement. The work will be one time. Approved under an Administrative Review.

647 Riverview Drive, Weber: The applicant (tenant) would like to trim for view enhancement at the top of the coastal bank to Muddy Creek. Although the trimming will be minimal, the Commission agreed that the applicant should be sure of the property bounds and be able to assure the contractor that the work will occur on the owner's property. Approved under an Administrative Review.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 6:35 PM.

Respectfully submitted,
Mary Fougere, Secretary