

Present: Acting Chair DeeDee Holt, Carol Scott, Billie Bates, John Geiger, Bob Lear, Paul Chamberlin, Associate Member Patty Morrison (left at 5:45 PM), Conservation Agent Kristin Andres and Secretary Mary Fougere.

28 Nob Hill Road, John Marsh, SE 10-2650: The hearing was re-opened for a Notice of Intent (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. No one represented the applicant.

The proposal had been approved by the Zoning Board of Appeals (ZBA) on July 22, 2010. **It was moved, seconded and unanimously voted to close the hearing.**

Pcl J7 John Gilpin Lane, Charwich Realty: In response to a violation involving the creation of a pathway/trail without benefit of a valid permit, Terry Eldredge of Eldredge Surveying and Engineering LLC was present representing Charwich Realty Ventures. Mr. Eldredge stated that there are 10 other lots in the subdivision on John Gilpin plus 8 condo units adjacent to the subdivision that have use of an access way to White Pond. The following documents were reviewed:

- Parcel ID map
- Partial subdivision plan by Eldredge Surveying & Engineering
- Photographs of existing site conditions showing pathway

Ms Andres stated that the pathway location had been brought to her attention by three separate parties. The work had been done on the vacant lot owned by Charwich, not in the areas owned by the condominium association. The pathway was located on Pcl J7 and began slightly off the cul-de-sac which is outside the AURA to the pond and extended to the water's edge, inside the AURA to the pond. The clearing was done in early June.

Mr. Eldredge maintained that his client did not do the work; they felt that it may have been someone in the condominium association.

It was moved, seconded and unanimously voted to require the owner of Pcl J7 to repair the pathway and post signage indicating that the lot is not an access to the pond and is private property by August 18, 2010. The Agent will send a letter to Charwich Realty notifying them of the Commission's decision and a letter to the abutters explaining the details of this discussion.

Strong Island, Cashman, SE 10-2516: Mr. Cashman and his representative, Mr. Riley requested that the Commission allocate time for discussion of several conditions issued as an Amendment for the construction of the new dwelling at Strong Island.

Point of Order from Commissioner Geiger: The Commission did have this request some time ago; the Commission at that time decided that they would not entertain an Amendment Request and voted, at a public hearing, to avoid further discussion. Is the information the same as what was submitted in the request a couple months ago or is there new information that the Commission should hear?

The Acting Chair felt that the Commission could allow a limited amount of time for a discussion. Mr. Riley had submitted a letter dated April 23, 2010 asking if the Commission would consider amending the Order of Conditions (SE 10-2516) issued for the construction of the house on Strong Island to change some of the wording in the Order. Further Mr. Riley claims he was never notified that his request was on the agenda. As an explanation, The Agent stated that the Commission follows the DEP policy that allows Commissions to decide whether a proposal should be heard under an Amendment Request. There never was a formal hearing which would have required abutter notification and advertisement because the Commission voted not to allow Mr. Riley's request under an Amendment. This vote was done at a public meeting.

Mr. Riley maintained that the changes requested in the wording did not reduce the authority of the Commission, but would give the applicant a degree of comfort. Discussion ensued on the 22 points of proposed alteration. Ms Andres stated that in previous discussions with Mr. Riley, the issue of lighting was potentially resolved by using the word "recommended" instead of "required", and there was some objection to the language that required the tug and barge operators to meet with the Harbormaster. The major sticking point related to prop scour has not been resolved. Mr. Riley suggested to the applicant and Mr. Nylen in Boston, that prop scour be dealt with immediately. The solution that was discussed would not be feasible in the ACEC.

The Commission asked that Mr. Riley limit the discussion to proposed changing in wording in the Conditions of the Order rather than propose changes in the Findings. Because the Order is under appeal, it would be improper for the Commission to change the findings that led to their conclusions.

From the audience, Mr. Cashman thanked the Commission for working with them. Commissioner Chamberlin stated that the Commission never intended to stop the house construction should a mistake happen at the shoreline.

Commissioner Geiger made a motion to correct the wording regarding lighting and to review information from Mr. Cashman regarding the correction of prop scouring on the site, should it occur. The motion was seconded. The vote was 5 in favor of the motion, 2 abstentions.

The Commission agreed that the Order is valid and there is nothing in the document that would stop the project to go forward. Except for the two changes noted above, the Commission will not make any further changes.

185 Sears Rd, McDonald, SE 10-2311: Don Monroe of Coastal Engineering Company Inc was present to represent the application for an Extension Permit under SE 10-2311. The Agent had reservations about the request since there are conditions involving mitigation plantings in the Order that have not been met. The question remains as to why the applicants completed the bulk of the work that they specifically wanted to complete without doing the required mitigation plantings. The re-sculpting of the bank was completed in Spring 2009 and no work has been done since then.

In response, Mr. Monroe had a letter from the applicant's landscaper, Darren Eldridge of Cape Caretakers, noting his intent to plant the mitigation area in September of 2010. Mr. Eldridge also supplied a sketch of where the plantings will be and a list of the types and numbers of plants. The Commission noted the importance of planting a mixture of native plants rather than monoculture rows along the top of the bank. The sprinkler system head in close proximity to the top of the coastal bank will be moved landward 15-ft, as specified in the Order. .

The Commission unanimously voted to grant an Extension Permit for one year with the understanding that the mitigation plantings will be completed by September 30, 2010. An Enforcement Order will be issued if the planting is not completed by that date. The contractor will contact the Agent prior to planting.

Cranberry Ln & Bog Way, Homeowners Assn, SE 10-2652: It was moved, seconded and unanimously voted to approve the GeoSyntec set of plans (Drawings 1-3) dated May 18, 2010 for the culvert replacement in the roadway of Cranberry Lane and Bog Way. **An Order of Conditions was written.**

11 Mill Pond Lane, Smith, SE 10-2645: It was moved, seconded and unanimously voted (5-in favor, 1 abstention) to approve the Ryder & Wilcox Inc plan dated May 2, 2010 revised June 8, 2010 for the addition to the dwelling. Commissioner DeeDee Holt recused herself from the discussion and the vote.

The Commission asked that a revised plan be submitted to the file that indicates the location of a large tree on the site. **An Order of Conditions was written.**

Pcl 34 (18102) North Beach, Gould/Schluter, SE 10-2646: It was moved, seconded and voted to approve the Eldredge Surveying & Engineering LLC plan dated July 15, 2010 for the proposed move of a camp building further inland. The vote was unanimous in favor of the proposal. **An Order of Conditions was written.**

28 Nob Hill Rd, Marsh, SE 10-2650: It was moved, seconded and unanimously voted to approve the Clark Engineering LLC plan dated May 28, 2010 and the Eastward Homes Landscape plan dated June 21, 2010 for the removal of an existing garage, deck and driveway and the construction of a new garage, kitchen extension, new driveway and landscaping at 28 Nob Hill Road. **An Order of Conditions was written.**

Approval of Minutes as follows:

- The minutes of March 1, 2010 were approved as written, the vote was 4-in favor with 2 abstentions;
- The minutes of April 14, 2010 were unanimously approved as amended at the table
- The minutes of July 7, 2010 were unanimously approved as written.
- The minutes of July 14, 2010 were unanimously approved as amended at the table

At the request of the ZBA (Zoning board of Appeals) the following comment letters were reviewed; the Commission unanimously voted to approve the letters.

- **155 Mill Creek Road, Linnane, SE 10-2607**
- **12 Queen Anne Road, Bromley, SE 10-2640**

Agent Report: Chatham Yacht Club: The Commission reviewed emails between The Agent and Chatham Yacht Club representative Alan McClennan regarding the temporary installation of a new 12-ft section of pier landward of the existing seasonal pier. There will be a Yacht Club event with substantial numbers attending. The Club is concerned that the possibility of slipping and falling, already a problem at high tide, will increase. There is concern that injuries could result.

The Commission agreed in the interest for public safety, the Yacht Club could install the temporary pier extension for the weekend.

Monomoy Island: The Agent had visited the Wildlife Refuge on July 27, 2010 at the request of David Brownlie to review the details of the proposed renovations and restoration of the light keeper's house. Use of machinery, access road use, and siting of the pier walkway for off-loading of construction materials were discussed.

It was noted that the project has been somewhat minimized in scope due to lack of federal funding. The septic system will still be installed, but the proposed deck work will not be completed. The interior work will be completed to restore plumbing and install new electrical wiring.

Certificates of Compliance were signed for the following projects:

- **989 Main St, Aldridge, SE 10-2023 - reconstruction of garage**
- **51 Old Queen Anne Rd, Audi Bert, SE 10-2553: Addition and planting**
- **336 Forest Beach Road, Simple, SE 10-2311:**

Extension Permits were granted for the following projects:

- **293 Barnhill Road, McGrath, SE 10-:**

A duplicate signature page was signed for the following project:

- **74 Old Salt Works Road, SE 10-2643**

Adjournment: It was moved, seconded and voted to adjourn the meeting at 6:10 PM.

Respectfully submitted,
Mary Fougere, Secretary