

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

Pcl 6 John Gilpin Lane, Charwich Realty Ventures, SE 10-2434: The Commission was in receipt of a letter dated September 4, 2008 from John P McCormick, Esquire requesting that the hearing for Pcl 6 John Gilpin Lane be re-opened. Mr. McCormick alleged that since Commissioner Hilbert had recused himself from one hearing on the basis of a possible conflict, his comments offered during subsequent hearings may have influenced other Commissioners. He acknowledged that the vote to deny the project was unanimous, 6 in favor of denial.

Ms Andres had reviewed the issue prior to the meeting with Town Counsel, Bruce Gilmore; he felt that the Commission could re-open the hearing and convey the issues under consideration to the applicant. Commissioner Skelley would not be eligible to hear the proposal; only the Commissioners who heard the proposal the first time can re-hear the proposal. Commissioner Eric Hilbert would be recused from the hearing.

It was moved and seconded to re-open the hearing for a Notice of Intent for Pcl 6 John Gilpin Lane. Commissioners Scott, Johnson, Putnam and Chamberlin voted in favor of the motion.

From the audience, applicant Ronald Rudnick expressed that he had not understood the reasoning behind the denial of the proposal. The Chair re-iterated the reasoning that had been offered during several hearings on the proposal. In summary, there is a 100-ft resource area from the top of the Inland Bank to the pond. The first 50-ft of that 100-ft delineation is considered a No-Disturb Zone. In the past, applicants have respected the NDZ and submitted proposals that essentially fill up the outer 50-ft of the resource area; the outer 50-ft is still a resource area under the Wetlands Protection Act and the Chatham Wetlands Protection Bylaw. The Commission has sometimes used the guideline of 50-% coverage of the outer 50-ft, which is essentially a compromise figure for development of virgin lots. For many properties, should disturbance of the outer 50 ft go beyond 50% coverage, the area would cease to be a resource area. The Commission has not codified the 50-% guideline because there are developed properties where people could disturb and restore a site beyond 50% of coverage that would enhance a resource area. The Chair used an example of a sandy lot area close to a resource area on which an applicant would develop more than half of the lot and restore the rest with native plant material. This planting of native shrubbery would serve as a much enhanced buffer to any resource area over what existed.

Mr. Rudnick had not supplied an adequate re-vegetation plan as well and there were several abutters to the property who wrote to the Commission of the existing regulations governing inland banks.

Mr. Rudnick stated that he did not feel that the Commission could dictate and use guidelines for development, especially when they were not written into regulations.

The hearing will be re-opened and heard on September 24, 2008.

Lots 3-9 Betty's Path, Minot Acres LLC, SE 10-2475-2481: J Thaddeus Eldredge was present to arrange a meeting date for the Commission to review the applications for the Minot Acres lots. **The Commission agreed to meet on Monday, September 22, 2008 at 4 PM.**

357 Stony Hill Road, Rushnak: Ms Andres had sent a letter to Mr. Rushnak reflecting the concerns of the Commission after the last discussion. The Commission felt that larger trees were needed over what was proposed and that the area would need additional shrubbery over what was proposed.

Mr. Rushnak was present and provided a landscape plan. He stated that he had already spread about 30 yds of topsoil to cover the exposed tree roots, as directed. He has provided a list of the existing trees and the size of same and has agreed to provide 6 trees of 2 ½ " cal. Additional shrubbery, as required, will also be planted.

The removal of the debris piles was discussed; the Commission agreed that since equipment will be necessary to load and remove the piles, the debris is best left where it is.

The applicant agreed to allow the area to return to a natural state; he had already seeded the area but the seed did not thrive. Commissioner Scott verified that if the pines that were infected with pine beetle/borer died, they would be left. The status of the trees and shrubbery will be assessed for survival by the Conservation Agent at the end of a year.

It was moved, seconded and voted to accept the landscape plan submitted on September 10, 2008 and to require the planting be completed by October 15, 2008.

Misty Meadow Lane, Roffman: Wetland Consultant Lyn Hamlyn presented a landscape restoration plan for the area cleared of vegetation on Misty Meadow Lane. She provided size and density of plantings and stated that the area will be planted to restore the shrub swamp by October 15, 2008.

Three brush piles have been removed, as directed. Ms Andres noted that tickets have accumulated to \$1500.00 to date. The ticketing will stop, effective September 9, 2008 when the plan was received in the Conservation office.

Ms Andres would meet the contractor on-site prior to planting.

74 Meadowbrook Rd, Edwards, SE 10-2489: It was moved, seconded and voted to approve the Clark Engineering plan dated August 11, 2008 for the proposed work at 74 Meadowbrook Road. **An Order of Conditions was written.**

19 Cowyard Lane, Nicholson, SE 10-2467: It was moved, seconded and voted to deny the project based on the Coastal Engineering Company Inc plan dated January 16, 2008 revised July 7, 2008. The Commission agreed that they would encourage the applicant to re-apply for shorefront protection using a softer solution. **A denial was drafted.**

26 Salt Pond Road, Holmes, SE 10-2473: It was moved, seconded and voted to accept the Ryder & Wilcox plan dated June 24, 2008 revised August 25, 2008 for the re-grading and improvements to provide secondary access to a dwelling at 26 Salt Pond Road. As discussed, the Commission agreed that there will be no fill after the turnaround. **An Order of Conditions was written.**

63 Woodland Way, Carroll, SE 10-2263: A Certificate of Compliance was signed.

58 Pond (AKA 140 Queen Anne Rd), Gallagher, SE 10-2252: A Certificate of Compliance was signed.

191 Morris Island Road, MacConnell, SE 10- 2228: A Certificate of Compliance was signed.

Approval of Minutes: The Minutes of July 23, 2008 were approved as amended at the table.

168 Stage Harbor Road, Anselmo, SE 10-2471: The Zoning Board of Appeals (ZBA) had requested comment on the proposal. The Commission has reviewed the Ryder & Wilcox Inc plan dated Aug 11, 2008 for the proposed removal of an existing garage and carriage house, proposed remodeling of an existing dwelling and the construction of an in-ground pool, pool deck and fence, a pergola and the installation of a structure from the abutting property to serve as a pool house.

All proposed work is within the 100-ft AURA(Adjacent Upland Resource Area) to the top of a coastal bank fronting the Oyster Pond but will not extend into currently undisturbed areas. The landscape plan submitted by Gregory Lombardi dated July 1, 2008 revised August 6, 2008 shows a 1249 sq ft increase in structure and hardscape within the AURA, 157 sq ft of which is in the No-Disturb Zone. Substantial re-contouring of the westerly portion of the property will be required to drop the grade 6-ft to the level of the pool patio.

As mitigation for the 1249 sq ft of landscape disturbance in the resource area, the applicant has proposed to convert several thousand sq ft of lawn on the seaward side of the property to a densely-planted area of native shrubs contiguous with existing vegetation along the top of the bank. Also proposed is an ambitious 3-year program of invasive plant species control in the current vegetation.

The Commission finds that the proposed mitigation measures are sufficient to compensate for the increased development in the resource area and that this project can be conditioned to avoid additional adverse impact to the Coastal Bank and its AURA.

180 Stage Harbor Road, Anselmo, SE 10-2483: The ZBA had requested comment on the proposal at the property. The Commission has reviewed the Ryder & Wilcox Inc plan dated Aug 20, 2008 and the Gregory Lombardi Design landscape plan dated July 22, 2008 for the proposed remodeling and re-location of an existing carriage house, the renovation of an existing garage and the construction of an elevated boardwalk through a wetland at the above address.

All proposed work is within the 100-ft of a BVW including the No-Disturb Zone (NDZ) and the wetland itself. The site has been extensively developed in the past and the proposed activities within the Adjacent Upland Resource Area (AURA) will not result in the loss of trees or native shrub vegetation. There is also evidence that a mowed path through the wetland existed at one time.

Although the project represents a 147 sq ft decrease in building coverage on the site, the landscape plan shows a net increase of 1710 sq ft in hardscape coverage including driveways, walkways, stone walls and stairs. As mitigation for this increased coverage, the applicant has proposed to remove a substantial portion of existing lawn and to replace it with densely planted native shrub species. In addition, to mitigate for the helical pile constructed, elevated boardwalk in the wetland, the applicant has proposed an extensive program of invasive species control within and near the wetland to improve its function as wildlife habitat.

The Commission finds that this project can be conditioned to minimize adverse impact to the wetland and it's AURA.

110 Seashells Lane, Dickey: Ms Dickey had asked the Commission to allow the re-nourishment over the existing fiber rolls this fall. The work had not been completed in the spring, as directed in the current Order of Conditions. The property owner on Lot 84 adjacent to the Dickeys, and who shares a portion of the fiber roll revetment, is interested in adding nourishment as well.

Commissioner Skelley stated that there may be access problems for the Dickeys over the Association beach at this time of year.

**Chatham Conservation Commission
MINUTES September 10, 2008
The Annex 261 George Ryder Road
4:00 PM Hearings & Continued Hearings**

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Adjournment: It was moved, seconded and voted to adjourn the meeting at 6:30 PM.

Respectfully submitted,
Mary Fougere, Secretary