

Present: Chairperson DeeDee Holt, Carol Scott, John Geiger, Paul Chamberlin, Steve Kuzma, Paul Chamberlin, Billie Bates, Associate Members Jackie Meaney & Stephanie Hamilton, Conservation Agent Kristin and Secretary Mary Fougere.

Absent: Commissioner Bob Lear

37 Chatharbor Lane, Cramer: William Riley, Esq. and David Clark represented the applicants to provide an update to the on-going site restoration

Documents for Review:

- ◆ Mr. Clark had submitted a revised plan dated 8/12/2011 revised 9/13/2011 with a profile and showing new contours on the inside of the lower wall.
- ◆ Previous "Alternative Plan" dated 8/12/2011, prepared by Clark Engineering LLC
- ◆ Letter dated September 8, 2011 from Mr. Riley to Building Commissioner Kevin McDonald, asking for a determination as to the minimum excavation required for Building Cod Compliance.

Several Commissioners re-visited the site after the last discussion. The upper retaining wall on the southern and eastern sides of the dwelling has been removed. The Clark plan shows new contours inside the still-remaining lower retaining wall. Commissioner Chamberlin questioned what direction the flood waters come when, in fact, the area does flood. The plan seems to indicate that the 8-ft contour forms a spot for water to enter on the south side of the dwelling. It does not appear that the removal of the lower wall will have an impact on the flood waters ability to flow.

Mr. Riley stated that by leaving the lower wall in place and burying it would save the applicant the cost of having it removed. Further it is unlikely there will be significant erosion in this southern area. Commissioner Geiger questioned whether there was a perceived disadvantage to having contours on the inside of the wall. He felt that if the wall is allowed to remain and the area re-planted, eventually there could be problems with the root development and possibly the health of the plants if the vegetation is planted "over a rock".

Commissioner Kuzma stated that the existing wall is in the NDZ and is an increase in hard-scape. The Commission has agreed to allow the existing window wells, the west side stairs, and the roadway steps, all of which were not included in the original plan. The planting and the grading will be completed also.

It was moved, seconded to have the applicant remove the retaining wall from the east stairway towards the west stairway and have the applicant

Amend the order to include the changes. The vote was 5-in favor of the motion with 1 opposed.

30 Indian Trail, Mount, SE 10-2083: It was moved, seconded and unanimously voted to approve the Eldredge Surveying and Engineering LLC plan dated 11/27/2004 revised 8/18/2011 and the Polhemus Savery DaSilva Architectural drawings for the decreased hardscape proposal. **Special Conditions were drafted at the table.**

Conservation Land Management Discussion: Assistant Conservation Agent Lara Slifka was present for Land Management updates on two properties owned by the Town of Chatham.

- ❖ **Poison Ivy Control: re Ryders Cove Triangle, Orleans Road:** An Order of Conditions for pathway improvements was issued about a year ago. Barbara Cotnam had obtained permission from the Selectmen to do work on Town-owned land. Ms Cotnam has a concern that poison ivy is now coming up in the pathway, obstructing the ability of citizens to use the Marconi path to access the overlook. She has contacted a spraying contractor who could do the work.

Several Commissioners had visited the site and agreed that there was minimal poison ivy incursion into the pathway, so little that it probably could be pulled by hand.

It was moved, seconded and unanimously voted for no spraying of any vegetation, particularly poison ivy anywhere on the lot.

- ❖ **Captain Harding lot:** Ms Slifka had received a proposal to install bluebird boxes on the Captain Harding lot. The Commissioners felt that the addition of bird boxes would be beneficial to wildlife; however Commissioner Scott stated that the blue bird boxes must be maintained and cleaned out spring and fall annually for habitat success. Reports should be submitted to the Commission annually; if the maintenance is not kept up, it should be agreed that the bird boxes will be removed.
- ❖ **Sylvan Gardens:** There is a public meeting scheduled for review of the Sylvan Garden Management plan scheduled for 7 PM on September 19, 2011.

Certificates of Compliance were signed for the following projects:

- ◆ Lots 4 & 5 Crows Pond Road, Japowicz, SE 10-2493
- ◆ 236(Lot 2)Stage Neck Road, Hough, SE 10-2156

26 Pursel Drive & Pcl 17 Orleans Road, Miles, SE 10-2660: In response to a Certificate of Compliance request, Ms Andres viewed the project site for compliance. The work that was completed left the bank vegetation very short, and the height was not in compliance with the Order.

Although not terribly egregious, MsAndres asked the Commissioners to view the site before a Certificate of Compliance is issued for Compliance with the Order.

Approval of Minutes: The minutes of July 13, 2011, July 27, 2011, August 22, 2011 and August 24, 2011 were unanimously approved as amended at the table.

The minutes of August 17, 2011 were unanimously approved as written.

27 Morris Island Road, Nelson, SE 10-2735: Duplicate Signature sheets were signed.

At the Request of the Zoning Board of Appeals, comment letters were drafted and unanimously approved for the following Properties:

- ◆ 30 Indian Trail, Mount, SE 10-2083:
- ◆ 333 Hardings Beach Rd, Massa, SE 10

The following projects were reviewed under an Administrative Review:

- ◆ **45 Westward Ho! Drive, Lippis**: The property owner would like to extend an existing fence seaward along a property line. Photographs were provided. **Unanimously denied under an Admin review with the recommendation that the applicant plant along the property line under an Admin Review.**
- ◆ **49 Barcliff Ave, Dr Raye**: The applicant had filed an application for dock repairs recently. The pathway leading to the floating dock is used to haul the float seasonally. The floats are too large for the existing pathway. Dr Raye would like to open up the pathway to make the move easier. **The Commission voted unanimously to allow the widening of the pathway to approximately 7 ft in width with the stipulation that the project is overseen by the Agent or the Assistant Conservation Agent. The Commission also allowed DR Raye to remove by cutting the invasive shrubs and vines from the trees.**

87 Mooncusser's Lane, SE 10-2366: Contractor Rick Roy would like to make a change from the originally approved plan under SE 10-2366. An Order of Conditions was issued in April 2008 and is still valid until April 2013 under the Permit Extension Act.

The original plan showed a detached garage, the new proposal shows an attached garage on the northern side of the dwelling. By placing the garage in the new location, several trees will be saved and the area of disturbance for construction will be consolidated. The garage will remain completely in the outer AURA to the top of the coastal bank.

It was moved, seconded and unanimously voted to accept and “As Built” plan.

92 Indian Trail, Johanneson, SE 10-2719: The Commissioners were in receipt of two letters requesting further clarification of three Special Conditions in the Order issued ; the letters were from the applicant Peter Johannsen and Coastal Engineering. Discussion ensued;

It was moved, seconded and unanimously voted to approve the suggested change in Special Condition #12 as described in the Coastal Engineering Company Inc later September 14, 2011. The Commission agreed to remove the additional mitigation requirement for an area in front of the bulkhead. The applicant will need to submit photographic documentation of the conditions of the salt marsh. Ms Andres noted that the state has required a Water Quality certification for the project as well.

It was moved, seconded and unanimously voted to deny the request for high-density fiber roll use rather than low density fiber rolls, as were stipulated in Special Conditions # 14.

It was moved, seconded and unanimously voted to take “no action” on the request to remove the words “in perpetuity” from Special Conditions #13. Discussion centered on the possibility of requiring the monitoring of elevations and possibly require nourishment if necessary.

Fines, violations and Enforcement Orders: Most of the violations are considered on a case-by-case basis rather than using a hard and fast formula for handling violations. The Commission endeavors to work with applicants and property owners to allow restoration of violated areas. However, there are repeat offenders who continue to violate resource areas.

Philosophically and In general, The Commission does not issue fines to be punitive. The Commission endeavors to have homeowners comply with the regulations and in that regard, the fines have been more coercive than punitive. Additionally, there are different gradations of violations.

There are Administrative costs involved in the handling of all types of violations and the Commission discussed a basic fine for violators just to cover the costs of site visits by the Agent, certified mailings, etc.

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

Respectfully submitted,
Mary Fougere, Secretary