

Present: Chairman DeeDee Holt, Carol Scott, Patty Morrison, John Geiger, Bob Lear, Billie Bates (left at 9:45 PM), Paul Chamberlin, Conservation Agent Kristin Andres and Secretary Mary Fougere.

No one was absent.

The Chairman opened the meeting and stated requests had been received to continue the following hearings:

58 Whistler Lane, Carsey, SE 10-2651: At the applicant's Request, continued to September 22, 2010

676 & 684 Orleans Rd, Bearse, SE 10-2605: At the applicant's Request, continued to March 2, 2011

560 Fox Hill Road, Lepard, SE 10-2637: At the applicant's Request, continued to November 3, 2010

3 Lady Slipper Lane, Lubin, SE 10-2657: At the applicant's Request, continued to October 6, 2010

151 Deep Hole Road, Terry, SE 10-2654: At the applicant's Request, continued to October 20, 2010

28 Harbor View Road, Anika Agarwal, Trustee-applicant, Anika Agarwal Trust-owner:

The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed construction of an addition over existing driveway at 28 Harbor View Road. David Clark of Clark Engineering LLC represented the applicant; the following documents were discussed:

- * Project Description submitted with application
- * Partial Site Plan

The applicant would like to sever the construction of the addition from the original Notice of Intent filing (NOI) in order to begin construction as soon as possible. The addition is proposed on the upland side (street side) of the lot, a portion of which will be incorporated into the footprint of the existing house. The addition is located in the outer AURA to the coastal bank. Minimal excavation will be required for a garage slab and 4-ft frost walls. A large tree on the north side of the dwelling will be removed for the construction.

It was moved, seconded and unanimously voted for a Negative Determination.

61 Eliphamet's Lane, Vahram/Lisa Erdekian: The hearing was re-opened for an RDA for the proposed replacement of split rail fencing and a stone wall with stockade fencing at 61 Eliphamet's Lane. No one was present to represent the applicant. It was noted that the project requires a Special permit and that the Special Permit hearing had been re-scheduled on the ZBA agenda to Sept 23, 2010. **It was moved, seconded and unanimously voted to continue the Conservation hearing to October 6, 2010.**

227 Woodland Way, Walden Woods Nominee Trust, William Marsh, Trustee, SE 10-2604:

The hearing was opened for a request to Amend existing Order under SE 10-2604 to include proposed creation of view corridors using a tree management plan at 227 Woodland Way. Seth Wilkinson of Wilkinson Ecological Design and David Chalker of Bartlett Tree Service represented the applicant. The following documents were discussed:

- * View Corridor Protocol for 227 Woodland Way & accompanying Tables 1 & 2
- * Cover letter dated August 27, 2010 from Eastward Companies
- * Site Plan prepared by Clark Engineering showing location of trees

Almost all the proposed work is within the inner AURA to the Coastal Bank. Mr. Wilkinson stated that historically the area had been cut between the original limit of work line and the estuary. The applicant is not proposing creation of view corridors but rather a canopy reduction through a Tree Management plan. To enhance the view to Ryder's Cove, the applicant proposes the creation of openings in the canopy and shrub layer. The density of the vegetation within the view project area lends itself more to a general thinning and pruning of trees. The creation of openings in the canopy will increase the sunlight reaching the interior of the woodland promoting the new growth of understory vegetation. The majority of the trees proposed for cutting and pruning are situated between elevation 20 and 30, where the vegetation is very dense and the woodland could benefit from some selective thinning. The steepness of the grade allows the applicant to capture views underneath the needles of pines. A simple footpath leading to Ryders Cove is staked and requires minimal pruning.

Mr. Wilkinson reviewed Tables 1 & 2 in the application that detailed the tree inventory and the specifics of the proposal. A total of 40 trees of varying sizes are proposed for removal; a total of 25 trees will be pruned.

From the audience, William Marsh stated that a previously approved deck and patio will be relocated; he will file an additional amendment request for this work. The relocation of the bluestone patio will allow future property owners to further take advantage of the proposed view enhancement.

The Chair questioned whether the project could be completed in phases. Commissioner Chamberlin moved to approve the proposal for the pruning and the removal of all saplings less than 2.5" in diameter. Further, after that work is completed, an on-site will be arranged to determine the need for additional tree removal, as proposed. **The motion was seconded and unanimously approved; the hearing was closed.**

55 Kendrick Harvest Way (Lots 8 & 9), Eastward Homes Business Trust, William Marsh, Trustee, SE 10-2641:

The hearing was opened for a request to Amend existing Order under E 10-2641 To include proposed creation of two view corridors through tree management plan at 55 Kendrick Harvest Way (Lots 8 & 9). Seth Wilkinson of Wilkinson Ecological Design and David Chalker of Bartlett Tree Service represented the applicant. The following documents were reviewed:

- * Land Management Plan for Lot 9 Kendrick Harvest Way including Vista Pruning Inventory
- * Site Plan prepared by Clark Engineering LLC
- * Locus Map

Mr. Wilkinson stated that the goal of this plan is to enhance the view from the dwelling at Lot 9 Kendrick Harvest Way to an existing Cranberry bog by creating openings in the woodland buffer. Currently there is no dwelling on Lot 8 but it is expected that the completion of the view corridors will allow views of the bog from both Lot 8 & Lot 9. David Chalker, a certified arborist, assisted in the tree identification for the trees proposed to be cut and/or pruned. On July 9, 2010 a tree inventory of the project area was conducted to demonstrate the number and size of the existing trees relative to the trees that are proposed to be removed and pruned. The inventory is shown in a Table Format that accompanied the Land Management Plan.

When completed, there will be three view corridors, one shared and one on each lot. One of the corridors is already created due to some brush removal and removal of a wind-thrown pine, approved in a previous filing. Commissioner Bates observed that this area where the tree fell is quite bare; Mr. Wilkinson assured her that the plant material is all deciduous in that area and should come back on its own.

Invasive species removal is also proposed. The invasives, including Japanese Knotweed and Autumn olive, will be selectively removed and additional native vegetation will be planted to enhance wildlife habitat and restore biodiversity on both parcels, primarily Lot 9.

It was noted that the native, mitigation plantings on Lot 4 were not thriving. From the audience, applicant William Marsh stated that there may have to be some shrub replacement due to the stressful weather for plantings this past summer. He also acknowledged that the mitigation plantings on the bog side of the fill on Lot 9 have not been installed to date. This is an additional area where there is Japanese knotweed is showing up but the bank is stable.

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

83 Seagull Road, Outermost Harbor Marine Realty Trust, Francis Facchetti, Trustee,

SE 10-2668: The hearing was opened for an NOI for the proposed repair of 326 feet of existing licensed bulkhead on the northeastern side of the marina at 83 Seagull Road. Frank Facchetti, owner of Outermost Harbor Marina, and Chris Norgeot of Anchor Marine were present to review the application. The following Documents were reviewed:

- * Chapter 91 license # 1030 and accompanying plan
- * Work protocol prepared by Frank Facchetti
- * Plan showing area of repair, highlighted in yellow

Mr. Facchetti explained that the site plan showing the basin closed in by a bulkhead that forms the Marina was developed by Ocean & Coastal Consultants about 6 years ago as part of a comprehensive evaluation of the bulkhead. The North westerly end of the wall was replaced 3 years ago. They are now proposing to repair/replace about 120 ft of the 326 length of wall along the north easterly side. These repairs along the wall will be completed in sections over a three year period until the entire length of the bulkhead is fixed.

Mr. Facchetti stated that there will be no disturbance of the existing pilings or the deadmen. The whales will be replaced as needed.

The basin is about 2-3 ft at low water, they have a permit to dredge to 4-ft. A siltation curtain will be installed on the outside of the piles about 10-ft away from the wall. There will be floating equipment used and the work will be completed in January – February 2011.

The Division of Marine Fisheries had no recommendations for the project, in their letter dated September 13, 2010.

The hearing was continued to October 13, 2010 for receipt of comment from NHESP.

500 Shore Road, Linda Geary, SE 10-2666:The hearing was opened for an NOI for the proposed Bank Stabilization at 500 Shore Road. Don Monroe of Coastal Engineering Company Inc represented the applicant. The following documents were discussed:

- * Series of photographs of existing site conditions
- * Site plan prepared by Coastal Eng Co Inc
- * "Plan showing Sections and Details" prepared by Coastal Engineering Co Inc
- * Project Description, Alternatives Analysis & Construction Protocol

Mr. Monroe stated that this property is north of the McGonigle property which is currently protected by fiber rolls. The McGonigle fiber roll project extends over the property line as shown on the plan. The current proposal will be along a coastal bank in an A9 Flood Zone at elevation 12.0ft. The Geary fiber roll proposal should be more successful than the McGonigle's since the bank is about a 30% angle rather than the much steeper McGonigle lot. The high bank of the McGonigle property is well vegetated and if successful with this filing, Mr. Monroe hopes to contact the McGonigles and conduct repairs to the toe of the fiber rolls. Mr. Monroe noted that the habitat in the area of the two fallen trees has been severely affected and he felt that there is need to restore the bank. The changes in this area are due to change in tidal heights caused by the newest break in North Beach. The applicant would like to restore the lost vegetation and stabilize the toe of the bank to protect against storm damage while the harbor reaches an equilibrium point. The applicant feels that this project will avoid bank failure.

The proposal includes sand nourishment in a volume that is proposed to be compatible to the amount of sediment provided by the coastal bank. Commissioner Chamberlin asked if littoral drift could be determined. Mr. Monroe felt that much of the sand goes into the

channel and some goes into the area near the Fish Pier. Mr. Munroe noted that a beneficial use of dredge material is to place it on coastal beach locations such as this to help against erosion. It was recommended that a comment from Coastal Resources Director Ted Keon, be sought with regard to access over the fish pier as well as the possibility of using dredge material.

The fiber rolls will not be encased in wire; 4 rows of fiber rolls will be buried in the beach material on the site. Some excavation will be necessary. Beach grass will be planted over the fiber rolls.

The need for fiber rolls was questioned, noting that the coastal bank provides sediment to the beach and that the slumping of portions of the bank is a natural process. It was questioned whether the applicant was aware that nourishment would be an annual requirement as mitigation for the fiber rolls and thus an annual expense. An alternative would be to restore the bank with material and vegetation at will. Mr. Munroe state that the applicant is aware that nourishment must be maintained over the fiber rolls as mitigation although Mr. Monroe felt that there will be little erosion and end scour due to the more gentle sloping of the bank. Commissioner Geiger asked that the fiber roll installation be kept further away from the property line to the north.

The Commission reviewed a series of photographs of 498/500 Shore Road taken by Ms Andres over time. For the record it was stated that the house was constructed after 1978 and the erosion poses no threat to the building.

The hearing was continued to October 6, 2010 for the following:

- * **Comment letter from Ted Keon**
- * **Revised plan showing a reduction in the linear length of the fiber rolls on the north side**
- * **The Commission can consider the nourishment proposal as mitigation for the installation of the fiber rolls. A nourishment plan is expected**

384 & 414 Fox Hill Road, Holmes Nominee Real estate Trust-owner, Robert F

Boynton-applicant SE 10-: The hearing was opened for an NOI for the proposed creation of a pervious walking pathway and elevated stairway to the beach at 384 & 414 Fox Hill Road, Stan Humphries of LEC and Seth Wilkinson of Wilkinson Ecological Design represented the applicant. The following documents were discussed:

- * Notice of Intent Application packet dated August 30, 2010 with project narratives sections 1-6
- * Photographs showing location of proposed pathway
- * Planting Specifics narrative-- 414 Fox Hill Road
- * Site Plan prepared by Eldredge Surveying & Engineering LLC

Mr. Humphries addressed the construction phase of the project which involves the building of a 4-ft wide pervious walkway through the Adjacent Upland Resource Area from 384 Fox Hill Road and a 4-ft wide, 30-ft long elevated timber stairway with three landings

on the coastal bank and partially on a coastal beach. There will be 14 vertical supports made of pressure treated wood, and the construction will be completed by hand and hand held equipment. Commissioner Chamberlin questioned whether the bottom landing and stairway were in the intertidal area, thereby interfering with public access. Mr. Wilkinson stated that the recent high tides of late were an anomaly and that he expected the upland plant material he would use to survive in this locale,

Materials will be stockpiled over 50-ft from the top of the bank on Lot 1 and siltation fencing will be installed to isolate the stockpiled materials.

Both the path and the stairway have been designed not to impact or displace trees or significant vegetation. The pathway will serve as access from #384 to the stairway on #414. Currently, both lots are owned by the same family, one lot is for sale.

The Commission agreed that the current proposal is more environmentally responsible than the previous plan. Seth Wilkinson reviewed the re-vegetation plan and planting specifics for the disturbed area under the stairway. He submitted a planting protocol.

A Special Permit is required for stairway and the project is scheduled on the ZBA agenda for 9/23/2010. **A motion was made, seconded and unanimously voted to continue the Conservation hearing to October 6, 2010.**

32 Old Salt Works Road, Robert Gerstley, SE 10-2669: The hearing was opened for an NOI for the proposed stabilization of storm damaged bank; proposed removal of leaning, evergreen tree; proposed repair of supports to existing beach access steps at 32 Old Salt Works Rd. Dan Croteau of Moran Engineering represented the applicant. The following documents were discussed at the hearing:

- * Photographs of existing site conditions provided by applicant; photographs of existing site conditions dated Sept 7, 2010
- * Site Plan prepared by Moran Engineering Inc
- * Project Narrative, Alternatives Analysis and Work Protocol

Mr. Croteau stated that the coastal bank restoration project at this site is being proposed in order to address the significant erosion of the bank; the erosion was caused by frequent storms in 2009-2010. The existing house was built pre-1978 is now only 32 ft from the edge of the bank. The steep, unvegetated and unstable bank now offers little protection in the case of a major storm. The coastal bank on this property is significant to storm damage prevention and flood control primarily because it provides a vertical buffer to storm waters. The presence of a healthy marsh system in front of the coastal bank deflects some of the wave energy before it gets to the bank. The proposal for erosion control involves the use of coir logs, biodegradable re-enforcement matting, compatible soil fill and planting.

The current proposal was chosen due to its short term and long term protection benefits of the project. The long term solution is to establish a stable root structure system to protect

the bank. This cannot be completed without the help of biodegradable matting to hold the bank materials while the plants are establishing their roots. Mr. Croteau reviewed the specifics of the design and demonstrating how the matting will be placed into the bank.

Commissioner Chamberlin noted that the applicant will be required to maintain nourishment over the fiber rolls once they are installed. This maintenance is considered mitigation for the installation of the fiber rolls and mats on the coastal bank and will be required in the Order of Conditions. Should the applicant decide to simply nourish and plant the bank, there would be no requirement for annual nourishment .

The applicant would like to complete the project in October; late October-November is prime time to plant beach grass, although there is loss of growing season when planting is completed this late in the year. Commissioner Bates suggested using some woody, native shrubs as well to hold the fiber rolls in place.

Ms Andres questioned who would supervise the installation of the matting and coir rolls. From the audience, the applicant, Mr. Gertsley, stated that he had not hired a contractor to date but he assured the Commission that Mr. Croteau would be involved.

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

363 Old Comers Road, David Cook-applicant, Charles/Patricia Farfaglia-owners, SE 10-2665: The hearing was re-opened for an NOI for the After-the-fact filing for the construction of an elevated timber walkway from dwelling to existing stairs; proposed construction of pergola at 363 Old Comers Road. No one was present to represent the applicant; Mr. O'Reilly had submitted a revised plan dated 8/16/10 revised 9/15/10 for the file showing the location of the mitigation area and the pergola (on the deck).

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

74 Mill Pond Road, Stello Family Trust, Ralph Stello, Trustee, SE 10-2642: the hearing was re-opened for an NOI for the proposed removal of two existing dwellings and shed; proposed construction of one single-family dwelling at 74 Mill Pond Road. David Lyttle of Ryder & Wilcox, Inc represented the applicant. The following documents were discussed:

- * A revised Landscape plan, undated, stamped "Received Sept 8, 2010 Town of Chatham conservation"
- * An Alternatives Analysis
- * Revised calculation sheet showing areas of coverage

Mr. Lyttle had not provided an engineering report regarding the stability of the existing concrete retaining wall as requested at the last hearing. He did consult with an engineer who informed him that if the Limit of work is set at double the distance of the height of the wall, landward, then the wall stability would not be compromised. The wall is not in good shape but Mr. Lyttle has shown the limit of work on the revised plan as suggested by a structural engineer. The shed will be removed from the site.

The landscape plan shows a new walkway and an additional parking area on the street side of the dwelling. Mr. Lyttle provided a calculation sheet comparing the amount of pervious surface on the existing site vs. the proposed site. He noted that the new dwelling will be outside the Flood Zone.

The project requires a Special Permit from the ZBA; the proposal is scheduled on the ZBA agenda for Oct 21, 2010 . A motion was made, seconded and unanimously voted to continue **the Conservation hearing to October 27, 2010 for the following:**

- * **Revised mitigation plan showing the addition of trees and the re-configuration of the mitigation areas. The mitigation area should total 600 sq ft.**

74 Mill Pond Road, Stello, SE 10-2642: The Zoning Board of Appeals had requested comment on the proposal at the above address. A draft comment letter was read into the record; **it was moved, seconded and voted to approve the letter as drafted.**

58 Whistler Lane, Whistler Lane Nominee Trust, Jackie Carsey, SE 10-2651: The hearing was re-opened for an NOI for the proposed Shorefront Protection at 58 Whistler Lane. **It was moved, seconded and unanimously voted to accept the applicant's request for a continuance to Sept 22, 2010**

676 & 684 Orleans Road, Frederick Bearse, SE 10-2605:The hearing was re-opened for an NOI for the proposed Shorefront Protection at 676 & 684 Orleans Road. After some discussion, **it was moved, seconded and unanimously voted to accept the applicant's request to continue the hearing to March 2, 2011 with the understanding that the applicant's representative will be present at that time. The Commission also wanted photographs of current conditions in the file by September 30, 2010. Ms Andres will supply the photos.**

149 Cotchpinicut Road, Galaxy Nominee Trust, Richard Perkins/Lisa Mullen-Trustees, SE 10-2663: The hearing was re-opened for an NOI for the proposed razing & replacement of guest house; proposed utilities installation; proposed removal of invasive vines & proposed vista pruning at 149 Cotchpinicut Road Sean Riley from Coastal Engineering Company Inc represented the applicant. The following documents were reviewed:

- * A variance Request and Alternatives Analysis
- * Revised plan showing mitigation for 240 sq ft proposed; Coastal Engineering Co Inc plan dated 8/16/2010 revised 9/14/10

After an on-site meeting with the Agent, Mr. Riley had contacted Seth Wilkinson of Wilkinson Ecological Design in order for him to provide an invasive control plan. The mitigation plantings will still be completed and Mr. Wilkinson will do those plantings and remove the vines from the trees.

A Special Permit was approved by the ZBA on 9/9/2010. **It was moved, seconded and unanimously voted to close the hearing.**

560 Fox Hill Road, Lawrence & Susan Lepard, SE 10-2637: The hearing was re-opened for an NOI for the proposed demolition of existing dwelling; proposed construction of a new dwelling and swimming pool; proposed invasive species control at 560 Fox Hill Road. **It was moved, seconded and voted to approve the applicant's request to continue the hearing to November 3, 2010.**

3 Lady Slipper Lane, Stello Construction-applicant, Cheryl Lubin-owner, SE 10-2657: The hearing was re-opened for an NOI for the proposed removal of pile supported addition and proposed construction of smaller addition with deck at 3 Lady Slipper Lane. **It was moved, seconded and voted to approve the applicant's request for a continuance to October 6, 2010. The project requires a Special Permit and is scheduled on the ZBA agenda on 10/7/2010.**

151 Deep Hole Road, 151 Deep Hole Road Nominee Trust, Gary F Terry, Trustee, SE 10-2654: The hearing was re-opened for an 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. **It was moved, seconded and voted to approve the applicant's request to continue the hearing to October 20, 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 re-construction of new dwelling at 155 Mill Creek Road. The ZBA approved the project on 9/9/2010. The following document was reviewed:

- * Email from William Riley to Agent Kristin Andres dated Sept 15, 2010
- * Landscape plan by Phil Cheney, revision date July 30, 2010

Mr. Riley noted that the ZBA approved the project with the understanding that two large trees will be removed; the Commission had previously asked that the trees remain. **The hearing was continued to September 22, 2010 to discuss the mitigation for the project.**

205 Champlain Rd-Progress report: An Emergency Certification in August allowed the applicant to repair a leaking portion of the septic system. The applicant has hired an engineer to file the Notice of Intent as required and would like to include the construction of retaining walls in the application.

The following projects were approved **under an Administrative Review:**

- **141 Landing Lane:** Minor trimming for view-photos provided- **Unanimous**

- **101 Moonbeam Lane, Quincy**: Minor pruning-photos provided. It was noted that the mitigation plantings that had been replanted last spring have survived and are thriving -**Unanimous**
- **34 Clifford Place, Hughes**: Removal of several trees that are very close to the house and within 100- ft of the bog –**Four in favor of the project, 1 abstention and 1 opposed**
- **306 Forest Beach Road**: Tree removal to clear utility lines-photos provided – **Unanimous Approval for #1, #3, #4 & #5 only**
- **121 Oyster Pond Furlong**- Minor removal of canopy and broken limb-photo provided- **Unanimous**
- **63 Woodland Way, Carroll**: Removal of dead pine-**Unanimous**
- **71 Stage Island Rd, Murphy**: Addition to cobblestone apron at head of the driveway- site plan provided- work almost outside the Commission's jurisdiction- **Unanimous**

45 Stoughton Ln, SE 10-2266- The Commission reviewed and unanimously approved a Request for an Extension of the permit for the demolition and re-construction of a dwelling.

Duplicate signature sheets were signed for 60 Hammond Hill Lane, Young, SE 10-2655.

Adjourn: It was moved, seconded and unanimously voted to adjourn the meeting at **10:00 PM.**

**Respectfully submitted,
Mary Fougere**