

MINUTES March 17, 2010

6:30 Discussion//7:00 PM Hearings & Continued Hearings

The Selectmen's Meeting Room 549 Main Street

**Present:** Chairman Jay Putnam, Carol Scott, Paul Chamberlin, John Geiger, Robert Lear, Vice Chair DeeDee Holt, Billie Bates (arrived for 7 PM meeting), Conservation Agent Kristin Andres and Secretary Mary Fougere.

**Discussion re: Shorefront Protection:** The Agent had drafted Commission Guidelines for use in filing Notices of Intent for Shorefront Restoration due to March Storms 2010. The minimum requirements for those filings were discussed. The draft was approved.

The North Chatham shoreline has been damaged by the March 2010 storms. Ms Andres circulated photographs of sites that the owners had asked her to observe storm damage.

**32 Old Salt Works Rd, Gerstley:** This property has two coastal stairways and it appears that they have installed rock armour protection without a valid permit. Of all the properties affected by March storms, the house is closest to the coastal bank.

**74 Eastward Road:** This property had a small fiber roll installation project permitted. Monday March 12, the applicant covered the fiber rolls with a sand veneer. Since then, all the sand has washed away, there appears to be no harm to the fiber rolls. There is an irrigation system right at the edge of the fiber rolls. Portions of the property are in the Flood Plain.

**104 Eastward Road, Zervas:** This property also has a permitted fiber roll project. The fiber rolls are wire encased, some have deteriorated leaving exposed casings on the beach. A portion of this property is in the Flood Plain

**110 Old Salt Works Road, Watkins:** There had been significant flooding on this lot. A major portion of the yard area is in the Flood Plain.

**58 Old Salt Works Rd, Helides:** Mr. Helides has contacted the office and DEP regarding the protection of several trees with exposed root systems on the Coastal Bank. He has asked if the Commission would consider an Emergency Certificate permitting the addition of nourishment along the coastal bank to protect the vegetation and further erosion.

The Commission agreed that there is no regional impact from the eroding bank and further, that there is no danger to his dwelling. Public health and safety are not compromised to warrant an Emergency Certification.

The Commission voted unanimously on the following:

- The applicant could add nourishment sand around the roots of the four trees under an Administrative review; no mulch is permitted

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- The applicant must file a Notice of Intent for additional work

**444 Cockle Cove Road, Dunne:** The bulkhead in front of the Dunne property appears to be failing; the existing stairway leading to the deck is un-usable. Several Commissioners had seen the property and their observations were discussed. It appears to some that the weight of overwash behind the bulkhead is causing the wall to push seaward.

Roy Okurowski of Coastal Engineering Company sent a letter requesting an Emergency Certification for repairs to the bulkhead. The Commission felt that the house is not in jeopardy and there are no concerns for Public Health and Safety. The Commission voted unanimously to deny the Request; the applicant could file an RDA for the repairs.

**41 Ladyslipper Lane, Thomas & Jocelyn McNulty:** The hearing was re-opened for a Request for Determination of Applicability (RDA) for the proposed removal and replacement of existing deck in the same footprint and proposed siding work at 41 Ladyslipper Lane. No one was present to represent the applicant since the Commission had already heard the presentation on March 3, 2010. The abutter notification cards were received. The applicant had to confer with the Zoning Enforcement Officer and re-advertise the hearing regarding the installation of a sunroom on the existing deck.

**It was moved, seconded and unanimously voted to approve the work as described with the conditions that excavated material be removed from the site( including a large, existing debris pile) and that the applicant allow spacing between the deck planks.**

**629, 631, 637, 641 & 593 Main Street, Town of Chatham, Department Health & Environment-applicant SE 10-:** The hearing was re-opened for a Notice of Intent for proposed improvements to Main Street Parking lot including the addition of parking spots and proposed improvements to remediate storm water run-off to Oyster Pond including a proposed rebuilt wetland and a series of grass strips/rain gardens at 593, 629,631, 637 & 641 Main St. Director of Health & Environment , Dr Robert Duncanson , represented the applicant. The abutter notification cards were returned by the consultants. The town developed a stormwater mapping system in 1992 that identified the areas of contribution to the Oyster Pond and the outfall at Oyster Pond Furlong. Over the last few years the drainage systems in the downtown area were analyzed and work has been on-going to clean up stormwater. The town has completed stormwater improvements at Cedar Street/Stage Harbor Road, Pond Street/Stage Harbor Rd, and Depot Road/Main Street School. The Main Street contribution area is the last area to be done. The town parking area ties into this drainage system.

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The Selectmen had asked if parking lot improvements could be considered and completed at the same time that the stormwater/drainage work was being done on Main Street. The existing parking lot drainage could be tied into the Main Street system design. At that time the perennial problem of parking was acknowledged and work began on the design as presented. The design includes the following improvements:

- Additional parking spaces, by combining private parking with town-owned areas
- Better traffic and pedestrian flow
- Better aesthetic value rather than the existing sea of asphalt
- Stormwater control for a much larger area than originally considered in 1992

Don Furlough, Landscape Architect, and Russ Klecamp, Design Engineer, of Stearns and Wheler were present. Mr. Furlough noted that the run-off consists of bacteria, nutrients, trace metals, gasoline & hydrocarbons, chlorides, sediments and chemicals from adjacent lawns and parked cars. A rain garden is designed to release cleaner water through filtration into the groundwater. Environmentally the "rain garden" functions as follows:

- Collection of run-off
- Biochemical reactions in the plant materials (there are several variations of plant materials that could be used, this plan utilizes trees and shrubs)
- Habitat functions
- Thermal mitigation by the use of trees
- Attenuation features (flushing); the plan provides multiple pathways for run-off

The existing wetland is already degraded; An old catchbasin was recently discovered. It is thought that since the catch basin is a low spot, the structure eventually clogged and without adequate flow, the wetland was created. In order to improve the wetland function, excavation will be necessary from the south side. Black willow will be planted to provide shade and habitat. In total, 1200 sq ft of wetland will be removed, 3000 sq ft of area will be restored.

Mr. Furlough gave a detailed description of the rain garden proposal, their function and the type of plants to be used. Maintenance of the rain gardens was discussed in detail; Mr. Furlough noted that there needs to be a balance in the level of maintenance, being careful not to over-maintain the gardens. Leaf litter is beneficial and the bacteria necessary for the rain garden to function is contained in composted layers of natural material.

The basins should not be clogged with heavy silt materials, there will be leaves.

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The basins are connected to the rain gardens. Groundwater is very high in this area with peat and clay under the pavement. This area will not benefit from standard storm water structures. All storm water getting to the Oyster Pond has to pass through the large storm receptor already installed under Stage Harbor Road.

**The hearing was continued to March 24, 2010 for receipt of a file number from DEP. The consultants will provide a maintenance protocol for the rain gardens and a management protocol for the project.**

**113 North Skyline Drive, The Davern Family Trust, Heather MacKenzie Davern & Donald John Davern, Trustees, SE 10-** The hearing was opened for an NOI for the proposed construction of a segment of elevated stairway at 113 North Skyline Drive. Bob Perry of Cape Cod Engineering Inc represented the applicant, returned the abutter notification cards and supplied photographs of the existing site conditions. The lot is quite steep; from the upland going towards the bottom of the hill there is an existing timber supported boardwalk. At this point the land transitions to a BVW and further down ends at Lovers Lake. The lot is impacted by the Adjacent Upland Resource Area (AURA) to the BVW and by definition, the AURA also marks the limits of the ACEC.

The proposed stairway is intended to follow the slope of the bank and will be timber supported; there is no need for concrete footings. The old creosote timber ties will be removed and the new stairway will eventually connect to the existing boardwalk. After construction the disturbed areas will be heavily seeded from the ACEC line. (This is about half way down the stairway) Existing brush piles about 30-ft from the ACEC line will be removed.

A comment letter has been received from the Division of Fisheries and Wildlife, NHESP indicating there are no rare or endangered species on the site.

The proposal does not have to be reviewed by ZBA; **the hearing was continued to March 24, 2010 for receipt of a file number from DEP.**

**470 Shore Road, James/Elizabeth Eisenstein, 470 Shore Road Nominee Trust, SE 10-** The hearing was opened for a Notice of Intent (NOI) for the proposed vegetation management & proposed continued annual pruning at 470 Shore Road. David Lyttle of Ryder & Wilcox represented the applicant and returned the abutter notification cards. He reviewed the project narrative in the application. The property has always had a panoramic view and an "infinity lawn"; the coastal bank is quite steep. There is no tree work proposed and the applicant is satisfied with the current view. Mr. Lyttle circulated photographs of the existing site conditions.

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The application is to establish maintenance with some minimum invasive species control and re-planting of bare areas with native plant material. The applicant is willing to maintain a 4-ft minimum height of vegetation on the bank, with the understanding that no work will be done on the bank this year.

Commissioner Putnam felt that this property could benefit from an invasive plant management plan. Currently, the herbaceous layer on the bank is almost non-existent.

**The proposal was continued to March 24, 2010 for receipt of a file number from DEP.**

**225 & 275 Champlain Road, Burton Staniar & Champlain Road Realty Trust, Dorian A Vergos, Trustee, SE 10-** The hearing was opened for a Notice of Intent (NOI) for the proposed installation of stone steps on a coastal bank at 225 & 275 Champlain Road. David Lyttle of Ryder & Wilcox Inc represented the applicant and returned the abutter notification cards. **At Mr. Lyttle's request, the hearing was continued to April 7, 2010 at which time he will provide a project narrative and additional information.**

**39 Youngs Farm Lane, Patrick & Jeanne Lee, SE 10-** The hearing was opened for an NOI for the proposed removal of existing garage; proposed construction of new garage on frost foundation with second story construction at 39 Young's Farm Lane. Tim Brady of East Cape Engineering represented the applicant. The project involves the construction of a larger garage closer to the top of the coastal bank than the original. The lot fronts a salt marsh. On the property to the southeast, the coastal bank is less steep and the top of the slope is the flood plain contour. On this property, it is alleged that the lot was filled years before the Wetlands Protection Act became law and there is a steeper angle to the bank making it appear as a true coastal bank because of its steepness and its location to the coastal flood plain contour. However, the coastal bank on this site is not eroding or providing a sediment source to a wetland area and the bank is heavily vegetated with invasive species.

There are two variances requested; one will pertain to the setback to the coastal bank and one will be from the setback to the Adjacent Upland Resource Area (AURA).

The limit of work line is shown; there is very little easy access here so some of the excavated materials will have to be carted away. The existing concrete retaining wall will be cut away but most of it will remain.

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Mitigation is offered in the coastal bank area, lawn will be removed between the garage and the bank and vegetation will be provided. A planting plan will be provided. There are two large brush piles that will be removed.

**The hearing was continued to April 21, 2010 for receipt of a file number and to review whether mitigation will be provided at the top of the bank. The project must be reviewed by ZBA also.**

**384 Fox Hill Road, Holmes Nominee Real Estate Trust, Robert Boynton, SE**

**10-** The hearing was opened for an NOI for the proposed elevated timber stairway at 384 Fox Hill Rd. Stan Humphries of LEC Environmental represented the applicant and returned the abutter notification cards. The applicant had provided a set of 4 plans. This lot is within the Pleasant Bay ACEC; is impacted by a coastal bank and its AURA and the 100 yr Flood Plain. Most of the work will occur on the Coastal Bank to Crows Pond, the bank is not in a velocity zone although the bank is providing sediment to the beach.

There is a town landing a few feet away and the adjoining lot on the opposite side is for sale.

The Chair questioned whether the risers on the stairs are structural; ordinarily the Commission does not allow risers on a coastal bank stairway. Mr. Humphries noted that the risers are only on the stairs above the first landing.

Photographs of the coastal bank taken from the beach were circulated. The Commissioners were concerned that the bank could collapse from the impact of the construction.

**The hearing was continued to April 7, 2010 for additional information on the construction protocol.**

**156 Morris Island Road, 156 Morris Island Road Realty Trust, Richard**

**Marks, SE 10-** The hearing was opened for an NOI for the proposed two small additions (porches) to existing dwelling at 156 Morris Island Road. J Thaddeus Eldredge represented the applicant and returned the abutter notification cards.

All work is within the NDZ to Land Subject to Coastal Storm Flowage and a bordering Vegetated Wetland. Mr. Eldredge noted that the architect has designed the project for the least possible impact to the wetland areas. Frost wall footings will be adequate support for the new porch.

Commissioner Bates noted that there was an existing irrigation system near the coastal bank; Mr. Eldredge stated that there was some re-construction work in the 1990's on the site, the irrigation has been installed since then.

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Mitigation in the ratio of 1:1 is offered; a landscape plan will be provided as part of the Order of Conditions.

The proposal is scheduled on ZBA agenda for April 8, 2010; **the Commission hearing was continued to April 14, 2010 at 4 PM.**

**202 Eastward Road, 202 Eastward Road Nominee Trust, SE 10-** The hearing was opened for an NOI for the proposed maintenance of existing footpath; proposed maintenance of vegetation along top of coastal bank; proposed replacement of existing timber stairs; proposed installation of mechanical pool cover and proposed trenching to facilitate relocation of pool equipment location at 202 Eastward Road. David Clark of Clark Engineering LLC represented the applicant and returned the abutter notification cards.

The applicants purchased the property in the fall of 2009; there is no pool fence on the site and the applicants want to secure the pool area since they have small children. Instead of installing a fence, the applicants have opted for the installation of a mechanical pool cover. This will require shallow trenching for power lines; while doing the project the applicants would like to re-locate the pool operating equipment from the basement of the house to the pool patio area.

There is no existing Order for maintenance of vegetation on the coastal bank. The previous owner had completed some trimming for view prior to the sale, the applicants would like to keep the vegetation "as is" at a height of 3-ft. Two pines on the Northwest Corner of the house may eventually have to be removed, they will be added to the maintenance trimming now, A good portion of the vegetation is Rosa rugosa, which does not get too much higher.

An existing pathway to the beach has some eroding timber steps; the worse ones will be replaced in the same footprint, the amount of steps will remain the same.

**The hearing was continued to March 24, 2010 for receipt of a file number from DEP.**

**201 Old Harbor Road, Thor Magnus/Katherine Skahan, SE 10-2613:** The hearing was re-opened for an NOI for the proposed demolition of existing cottage and shed and proposed re-construction of cottage and shed in same footprints at 201 Old Harbor Road. Robin Wilcox of Sweetser Engineering Company represented the applicant. In response to the concerns expressed by the Commission at a previous hearing, the applicant has decided to move the shed outside the 50-ft No-Disturb Zone to the wetland; the large rhododendron will remain. The location of the new shed was staked in the field in the lawn area. The location of the septic system prevents the applicant from moving it further.

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The area of the old shed will be planted with native species, including blueberry and Shad. A landscape sketch will be provided for approval by the Conservation Agent.

The house will be demolished under a new Notice of Intent filing. **It was moved, seconded and unanimously voted to close the hearing.**

**676 & 684 Orleans Road, Frederick Bearse, SE 10-2605**: Re-opening of hearing for proposed Shorefront Protection at 676 & 684 Orleans Road , Assessors Map 12J parcels 5 & 4. **Applicant has asked for a continuance to June 16, 2010.**

**165 Taylor's Pond Road, Timothy Painter/Joanne Bauer, SE 10-2617**: The hearing was re-opened for an NOI for the proposed renovations to a single family dwelling, proposed landscape improvements and proposed deck expansion at 165 Taylor's Pond Road. No one was present to represent the applicant.

The project had been approved by the ZBA on March 11, 2010; **it was moved, seconded and unanimously voted to close the hearing.**

**29 Manamock Road, Manamock Realty Trust-owner, Richard/Stefi Chilton-applicants, SE 10-2599**: The hearing was re-opened for an NOI for the proposed construction of addition to existing single family home at 29 Manamock Road. The proposal was withdrawn from ZBA on Mar 11, 2010; **at the applicant's request, the project was withdrawn from the Conservation Commission also.**

**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 reconstruction of new dwelling at 155 Mill Creek Road. David Clark //Clark Engineering represented the applicant. A landscape plan had been received ; Mr. Clark noted that the applicant has included trees in the Landscape Plans at the request of a neighbor.

The proposal has been approved by the Board of Health.

The proposal is scheduled on ZBA agenda Mar 25, 2010; **the Conservation Commission hearing was continued to April 7, 2010.**

**231 Eastward Road, Douglas//Kim Burcin, SE 10-2614**: The hearing was re-opened for an NOI for the proposed renovation of existing sunroom and addition of proposed new deck area at 231 Eastward Road. No one was present to represent the applicant; the proposal was **approved** by ZBA on March 11, 2010.

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

**52 Oyster Bluff:** David Clark supplied the Commissioners with revised plans for the repairs to the coastal bank at 52 Oyster Bluff.

**12 Main St, Chatham Beach & Tennis Club:** Ms Andres is scheduled to meet members of the Chatham Beach & tennis Club to review their proposal to replace the existing chain link fence around the tennis courts. Photographs of the existing site conditions submitted by the applicant were circulated at the table.

After some discussion, the Commission agreed that a filing would be necessary; there are several resource areas to consider on this property.

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

- 83 Crosswind Farms, Edson- Removal of tree from deck
- 123 Strong Island Rd, Stearns- Pruning for view
- 70 Meadowview Road- Storm damage cleanup

**14 Periwinkle Lane, Hankowski:** The new owner of 14 Periwinkle Lane was interested in knowing whether the Commission would consider his proposal for a deck expansion under an Amendment to existing Order under SE 10-2511.

The 8-ft deck addition would be inside the 50- ft No- Disturb Zone to the Coastal Bank. Additionally, the Order was for vegetation control and pruning, there was no construction proposed. The Commission felt that since the proposed work was outside the scope of the original Order the work would not be considered under an Amendment Request. The applicant can file a new application for additional work in the future.

**Reminder:** March 18, 2010 Public Workshop in the Community Center, 702 Main Street on Native Plants and Invasive Species Control

**Adjourn:** It was moved, seconded and voted to adjourn the meeting at 10:20 PM.

Respectfully submitted,  
Mary Fougere, Secretary