

Present: Vice Chairman DeeDee Holt, Carol Scott, Paul Chamberlin, John Geiger, Chairman Jay Putnam, Billie Bates, Robert Lear, Associate Member Patti Morrison, Conservation Agent Kristin Andres and Secretary Mary Fougere.

39 Young's Farm Lane, Patrick & Jeanne Lee, SE 10-2622: The hearing was re-opened for the proposed removal of existing garage; proposed construction of new garage on frost foundation with second story construction at 29 Young's Farm Lane. **.At the applicant's request, the hearing was continued to May 19, 2010.**

86 Palmer Drive, Raymond/Mary Melo: The hearing was opened for a Request for Determination of Applicability (RDA) for the proposed removal of invasive vines and their root systems; proposed re-planting of the area at 86 Palmer Drive. The applicant was present and described the proposal; it was noted that the area of proposed work was within 100-ft of an isolated wetland across the road. The Commission reminded the applicant that the abutter to the east of their property was required to install mitigation plantings in an area of the shared property line. The Melos had a well established naturalized wildlife habitat and the Chiltons would be required to enhance what was existing and provide contiguous wildlife habitat as mitigation for their project.

The removal of invasives on the eastern side of their property could be permitted, however the wildlife area described above would have to be restored and allowed to naturalize; lawn area would be unacceptable and evergreen trees would be required. It appeared that the area of proposed work had already been grubbed out or disturbed by a gravely machine.

Ms Melo stated that she wanted to plant rhododendrons and would be amenable to including evergreens after the removal of the invasive plant roots.

It was moved, seconded and unanimously voted for a Negative Determination with the condition that the applicant provide a planting plan to the Conservation Agent for approval prior to re-planting.

Rt 28(Main St-Between #1715 to #1749 and #2095 to #2175), Town of Chatham, National Grid-applicant: The hearing was opened for an RDA for the proposed repairs to existing gas main in the road right-of-way along Rt 28 (Main Street- Betw #1715 to #1749 and betw #2095 to #2175). Brad Malo of Coastal Engineering Company Inc represented the applicant. The proposed work will be occurring east of Rt 137 up to Barnhill Road. It will be necessary for National Grid to obtain a permit for the work from Mass Highway. There are

two wetland areas along Rt 28, one on the southern side of Rt 28 near Evergreen Lane and one on the eastern side of Rt 28 near Huckleberry Lane.

The gas main will be installed within the paved portion of the roadway. The existing sewer main is in the middle of the road.

Hay bales will be in place in front of the existing guardrail. Near the wetland areas, the work will take about a week, usually gas main installers can finish several hundred feet of roadway a day.

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

97 Riverview Drive, Cheryl Newton-Applicant, The June M Newton Trust & Richard/June Newton-owners, SE 10- The hearing was opened for a Notice of Intent (NOI) for the proposed re-construction of existing dock in same footprint and the proposed maintenance of re-constructed dock at 97 Riverview Drive. Tim Brady of East Cape Engineering represented the applicant. He had prepared revised plans, revision date April 21, 2010 that were handed out at the table. The revised plans contained Construction notes; there was no change to the proposal or the site plan data.

The proposal involves a direct replacement of an existing dock, removal of the old one and installation of a new one. The pipe supports will be replaced as well. All the work will be completed by hand.

Discussion ensued regarding the possible removal of the existing, deteriorating swing that is in to the bordering vegetated wetland to Pickerel Pond. Portions of the swing are underwater due to the abundant rainfall and high water level of the pond. Mr. Brady would check with the applicant.

The existing paved run-off area shown on the site plan channels storm water from Riverview Drive into the pond. The Commission observed that the inland bank is bare in the area of the drainage pipe and it appears that all the natural duff, pine needles, leaves etc are raked from the area so that erosion of the bank is occurring.

The hearing was continued to May 5, 2010 to allow for response from NHESP and to allow Mr. Brady time to check about the removal of the swing and the pile of debris near the top of the inland bank.

368 Seapine Road, Beth Kressley-Goldstein, SE 10-: The hearing was opened for an NOI for the proposed maintenance of existing shorefront erosion control and addition of erosion control mats at 368 Seapine Road. Commissioner Jay Putnam recused himself from the hearing. John Schnaible of Coastal Engineering Company Inc and Seth Wilkinson of Wilkinson Ecological Design represented the applicant. The abutter notification cards were received. As part of an-going maintenance clause in a previous filing, the applicants have been nourishing the beach area on the southern side of their property, at the end of an existing revetment. There are existing fiber rolls at elevation 4.6 that have been covered with sand to encourage salt marsh expansion.

Due to a change in tidal dynamics for this area, nourishment sands placed over the fiber rolls are only lasting a week. There is a stony beach where there should be salt marsh and the marsh has stopped migrating landward. Additionally, there is no peat on this site. Over wash of the fiber rolls is evident; however there are still upper marsh plants evident. MHW in this area is hard to determine, and it is thought that the intensity of the wave action will continue for some time. Mr. Wilkinson stated that this seems to be a resource area in transition.

Mr. Wilkinson had a detailed Power-point presentation with photographs of the site showing the extent of damage and the need for restoration work. The proposal consists of restoration of upper marsh border plants right above MHW. Nourishment and planting will extend to the original limits of previous Order. The use of biodegradable matting is proposed on the coastal beach in an attempt to hold the substrate while the plants get established. The Commission noted that the mats were not really appropriate on a coastal beach because they do not allow sand to migrate as required in the performance standards. Commissioner Chamberlin questioned whether this is a barrier beach.

Discussion ensued regarding the possibility of considering this project as an experiment for 3-5 years with the understanding that monitoring of the area will be documented and nourishment will be completed as needed. Since there is no sediment source for this beach/marsh, it is not easily determined if sand will accrete or not. The amount of sand cover will determine how much UV light gets to the mats/blanket which will affect the longevity of the mat. This project should not trigger a Chapter 91 license.

The alternative to this experiment is to do nothing, just allow some fiber roll repairs as shown to be necessary and see if the break in North Beach becomes less dominant.

The hearing was continued to May 5 for the following:

- **Definition of the experiment**
- **Determination of a method to judge success of the project**
- **Site visit to example in Town of Orleans.**

50 Old Salt Works Road, Eagles Nest Realty Trust-owner, Joseph/Mary Ellen Fitzpatrick-applicants, SE 10- The hearing was opened for an NOI for the proposed repair of existing shorefront protection (gabions) and proposed nourishment and plantings At 50 Old Salt Works Road. John Schnaible of Coastal Engineering Company Inc represented the applicant and returned the abutter notification cards. He stated that there had been a great amount of erosive activity this winter and the existing gabions need to be stabilized. He circulated photographs of the existing site conditions showing some exposed gabions.

The project involves the installation of duck-bill anchoring systems as shown on the plan and the placement of about 40 cu yds of sand over the entire gabion structure. Mr. Schnaible stated that an excavator will be necessary to unearth the gabions and anchor them in place.

Discussion ensued regarding the necessity of the project. Several Commissioners observed that the existing shorefront gabions are covered by vegetation with strong root systems that are holding the gabions in place. On the western side of the beach, there are no gabions exposed and the Commission questioned whether the gabions had been installed the entire length as shown. As proposed, the excavator would have to dig quite deep into the beach and bank to expose a shorefront protection system that appears to be in fine shape. Mr. Schnaible stated that his field crew did not probe the beach area to determine the depth of the rocks.

The applicant's representative was asked to reconsider the project as proposed.

The hearing was continued to May 5, 2010.

444 Cackle Cove Road, Richard Dunne-applicant, Edna P Dunne LT-owner, SE 10-2636: The hearing was opened for an NOI for the proposed repairs of existing wooden bulkhead and replacement of existing stairs at 444 Cackle Cove Road. John Schnaible of Coastal Engineering Company, Inc represented the applicant and returned the abutter notification cards. The proposal involves the repair through re-enforcement of the existing bulkhead.

To date, there are no plans to replace the structure. The project involves the following:

- Repair of the stairs
- Repair to the whales of the bulkhead; one will be replaced and one will be added
- Filling in the hole above the return on the eastern side of the property
- Strengthen the rest of the bulkhead structure with anchors

Most of the work will be from above the bulkhead; if necessary a rubber-tire machine may be on the beach for a short amount of time.

Discussion ensued regarding the viability of the bulkhead. The Chair questioned whether the existing wall is being over-topped on a regular basis. He felt that the reason the bulkhead failed in March was because waves overtopped the structure, softened the sand and the anchors let go. In response, from the audience, the applicant stated that the bulkhead had been overtopped during the storm and that it had not re-constructed correctly the last time; it was not bolted properly. He was seeking approval for the repairs to allow time to consult with Coastal Engineering regarding plans for the possible future replacement of the structure.

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

28 Nob Hill Road, Estate of Francesca Stone, c/o William Riley, Esq, SE 10- The hearing was opened for an NOI for the proposed construction of a new Title 5 subsurface septic system for an existing dwelling at 28 Nob Hill Road. David Clark of Clark Engineering LLC and William Riley, Esq represented the applicant; MR. Clark returned the abutter notification cards.

The entire lot is within the jurisdiction of the Commission. The project involves the replacement of a cesspool system with a new Title 5 sewage disposal system. The project is proposed within 100-ft of a BVW. The proposal was continued at the Board of Health hearing held on March 12, 2010; the applicant is seeking two variances, one for the depth to groundwater and another for distance of the leaching facility to the wetland. Two Innovative-Alternative components are proposed for this site. The existing cesspools were not uncovered but are thought to be in the rear of the existing dwelling. They will be uncovered and removed during excavation.

One large tree in the front of the house will be re-located. Another large pine and a large oak will be removed. Since the water changes in the wetland with

rain events or when the bog is flooded, the Commission questioned the wetland delineation. The engineer stated that the wetland edge was shown conservatively based on 2 feet above the elevation of the discharge pipe that was at elevation 28.8ft.

Mr. Clark stated that the applicant has promised the neighbor that a vegetated buffer along the eastern side property line would be established. A planting plan will be provided that include plantings for a visual barrier. There are no plans to restore the eastern property line area since the new leaching field will be located in this area.

The hearing was continued to May 5, 2010 for the following:

- **Receipt of a planting plan**
- **Receipt of a written project narrative**
- **Acknowledgement that the abutter will remove a portion of his driveway that crosses the property line- the new Perc Rite leaching System cannot be installed underneath a driveway**

560 Fox Hill Road, Lawrence & Susan Lepard, SE 10- The hearing was 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. Commissioner Jay Putnam was recused from the hearing. Seth Wilkinson of Wilkinson Ecological Design, Rob Calderero of Gregory Lombardi Design and David Clark of Clark Engineering LLC represented the applicant; Mr. Clark returned the abutter notification cards.

The proposed dwelling will increase permanent disturbance in the No-Disturb Zone (NDZ) by about 200 sq ft and there is almost a 2000 sq increase in permanent disturbance in the outer AURA (Adjacent Upland Resource Area) that includes a pool, pool patio and spa. The location of the top of the bank was discussed. The plan shows the top of the coastal bank at the retaining wall, however there was no information provided showing that this is actually the top of the bank. The Commission questioned the extent and size of the project, and questioned whether the bank was stable enough for the expansion. Commissioner Chamberlin felt that the coastal bank is the top of slope on the eastern side of the lot, and that the whole bank serves as a vertical buffer to storm waters.

The applicant is not proposing to remove the creosote timbers of the three existing retaining walls on the bank at this time; the Commission agreed that it may create more disturbance to the bank to remove and replace them. The

retaining wall on the northern side of the new dwelling will be removed. There are no plans for work on the steel bulkhead under this application.

Seth Wilkinson distributed "Land Management Plan for 560 Fox Hill Road". The Lombardi Design Plan shows areas of restoration and revegetation as mitigation. The Commission noted that there are native plantings in the restoration area that should remain; these are not noted on the plan.

The hearing was continued to May 19, 2010 for the following:

- Colorized Diagrams showing existing and proposed site disturbance
- Alternatives Analysis as required for a Variance
- Profiles of the bank where the retaining walls are located and where there are no walls
- Information on whether the applicant will consider reducing the size of the project including the new dwelling and reconsider the pool
- Schedule an on-site
- Identification of existing native plants to be saved
- Schedule date for ZBA

175 Balfour Lane, Mindy Lubber/Norman Stein, SE 10-2631: The hearing was re-opened for an NOI for the proposed demolition and replacement of an existing single family dwelling at 175 Balfour Lane. John Schnaible of Coastal Engineering Company Inc represented the applicant. He had provided a detailed work protocol and a "Spill Hazard Control" plan prior to the meeting.

Discussion ensued regarding the types of vehicles that would be using the access road for the project. Mr. Schnaible stated that they have tried to eliminate the use of larger trucks such as the cement mixer and the large lumber delivery trucks over the narrow area between White Pond and Black Pond. The Commission questioned whether the size of the drywall delivery trucks could be minimized as well.

At the previous hearing, Commissioner Bates had asked the applicant to consider moving the limit of work hay bales and silt fencing closer to the dwelling. She noted that the pond levels are very high and the placement of hay bales as shown on the plan would have them in the water. Also any foot traffic or small vehicles would be in the mud on the White Pond side of the project. Mr. Schnaible stated that it would be very difficult to move the limit of work closer to the building.

The Commission noted that the landscape plan must include all straight native plantings, wisteria and Rose of Sharon should not be included.

The applicant has completed a filing for MESA Review due to the proposed installation of the detention basin.

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

110 Old Salt Works Road, Goodrich Chatham Realty Trust, Joseph Marzilli, Trustee, SE 10-2582: The hearing was re-opened for an NOI for the proposed upgrade to existing septic system, removal of old septic components and restoration of disturbed areas at 110 Old Salt Works Rd. Peter Markunas of Woods hole Group and William Riley, Esquire represented the applicant. He had provided revised plans dated April 21, 2010 indicating that the only project to be considered under this application is the replacement of the septic system. The revisions apply to the septic system details on the southern side of the property and were made to insure water-tightness. The rest of the backyard restoration proposal has been withdrawn.

Originally, there was a lot of proposed re-contouring in the Flood Plain. The removal of the old septic components will be considered under a new application. For this project, they will be located and pumped dry.

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

57 Tappan Drive, Jeffrey Davis-applicant, Gilbert Davis-owner, SE 10-2630: The hearing was re-opened for an NOI for the proposed removal of five pines and two oak trees, proposed pruning of additional oak trees and proposed re-establishment of vegetated buffer at 57 Tappan Drive. David Clark of Clark Engineering LLC represented the applicant. An on-site meeting had been held on April 21 to determine the scope of the project.

The Commissioners at the on-site felt that the proposal was reasonable; the issue was whether all 5 pines in the cluster on the northeast property line would be removed. It was agreed that all the tall ones as seen from the deck could come down, #8 oak tree (as shown on the plan) will remain and #6 and #3 oak trees will be removed. The Agent will determine the amount of pines to be removed for the creation of a view window.

The applicant has proposed a 7-ft wide planting buffer along the entire length of the coastal bank.

It was moved and seconded to close the hearing. The vote was 6 in favor of the motion, 1 opposed.

227 Vineyard Avenue, Stephen/Lisa Turnblom, SE 10-2580: The hearing was re-opened for an NOI for the proposed construction of living space addition and porch over existing deck and a second addition on upland side of dwelling at 227 Vineyard Avenue. David Clark of Clark Engineering LLC represented the applicant; he stated that the proposal had been approved by the ZBA on March 25, 2010.

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

56 & 58 Jericho Ln: The applicant owns both properties and is seeking to prune oaks and pines and remove deadwood from several trees for view enhancement. Photographs of the site were circulated. The Commission agreed that the work could proceed under an Administrative Review; no additional filing would be necessary.

235 Vineyard Ave, McLean: When the contractor was completing the on-going view pruning at the above address, he did a little extra work and removed a cedar tree. The contractor, Mike Mann, reported that the cedar was dead. **It was moved and seconded to approve the additional work under an Administrative Review; the vote was 6 in favor of the motion, 1 opposed.** No additional filing would be necessary.

Ryder's Cove, Town of Chatham: Ms Andres circulated photographs of a vine covered tree on the old Marconi property that was leaning into the public roadway to Ryder's Cove. The tree was hazardous to traffic, parked vehicles and a beach area.

It was moved and seconded to approve the removal of the tree under an Administrative Review. **The vote was 6 in favor of the motion, 1 opposed.**

110 Seashells Drive, Dickey: Ms Andres reported that nourishment sands were put over the fiber rolls in the last two weeks. The fiber rolls are exposed somewhat now, but there are still old, wire cases on the beach from past fiber roll damage.

Request for Comment, Planning Board: Queen Anne Rd, CVS & Village Market: The Commission drafted comments to be included in a letter to the Planning Board Re: the development of the site to include partial demolition and construction to accommodate the Village Market & CVS, at the above address. There are two wetland resource areas within 100-ft of the project site; the applicants have filed a Notice of Intent, that will be heard on May 5, 2010.

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

Respectfully submitted,

Mary Fougere,
Secretary