

Chatham Conservation Commission
MINUTES April 23, 2008
The Annex 261 George Ryder Road
4:00 PM Work Session & Continued Hearings

A quorum was present. Those in attendance included Jay Putnam, Carol Scott, Eric Hilbert, Corinne Johnson, Nat Mason, Associate Member Billie Bates, Conservation Agent Kristin Andres and Secretary Mary Fougere. Those who were absent included Commissioner Paul Chamberlin and Associate Members Ira Seldin and Josepha Manteiga.

88 Happy Valley Road: Commissioner Eric Hilbert recused himself from the discussion. Henrietta Cooper was present in response to a violation involving the removal of trees beyond the limit of work at 88 Happy Valley Road. Ms Cooper explained that she had tagged the trees and hired someone she was not familiar with to remove them. Unknown to her, the tree removal person apparently came back and removed additional trees that were not tagged.

Ms Cooper reviewed the Bennett & O'Reilly Landscape plan showing proposed mitigation that had been approved under SE 10-2188, showing the approved limit of work. She stated that since the house is not built yet, she would like to review the possibility of shifting the proposed dwelling so that less of it is constructed in the No-Disturb Zone. She would also provide a mitigation planting sketch for the work already performed without a valid permit.

The hearing was continued to May 14, 2008.

Between 120 & 132 Cranberry Lane, Cranberry Lane Association c/o Victor DiCristina, SE 10-2426: The hearing was re-opened for a Notice of Intent (NOI) for the proposed installation of timber catwalk in the Association right-of-way, Between 120 & 132 Cranberry Lane. Arnold Goldstein represented the applicants; he stated that the proposal had been denied by the Zoning Board of Appeals (ZBA) on April 17, 2008; **the Conservation proposal was continued indefinitely.**

40 Bearse's ByWay, Philip Merola, SE 10-2442: The hearing was re-opened for an NOI for the proposed replacement of lawn, shed, patio and fencing due to fallen tree at 40 Bearse's ByWay. A file number from DEP had been received; **the hearing was continued to April 30, 2008 to allow the applicant to contact the Chief Zoning Officer to determine what type of shed could be installed. A site plan would be necessary as well.**

224 Stage Neck Road, Guy/Michelle Henderson, SE 10-2443: The hearing was re-opened for an NOI for the proposed creation of 8-10 ft grass, level walkway around back deck at 224 Stage Neck Road. A file number had been received; **the hearing was continued to April 30, 2008.**

Lot A Old Harbor Road (corner of Cow Yard Ln), Peter/Margaret Hogan, SE 10-2438: The hearing was re-opened for an NOI for the proposed restoration of a private

beach area at Lot A Old Harbor Road. **It was moved, seconded and voted to close the hearing.**

Lot A Old Harbor Rd, etc Hogan, SE 10-2438: It was moved, seconded and voted to approve the Coastal Engineering Company Inc plan C3.1.1 dated March 25, 2008 for the proposed beach work at Lot A Old Harbor Road. **An Order of Conditions was written.**

21 Patten Lane, Janina Longtine, SE 10-2439: The hearing was re-opened for an NOI for the proposed Landscaping Activities at 21 Patten Lane. A file number had been received; **it was moved, seconded and voted to close the hearing.**

21 Patten Lane, Longtine, SE 10-2439: It was moved, seconded and voted to approve the Keith Le Blanc Landscape Architect plan dated March 18, 2008 for landscaping and associated work at 21 Patten Lane. **An Order of Conditions was written.**

Area opposite 154 Champlain Road, Town of Chatham Highway Department-applicant, Fitzhugh Realty Trust-owner, SE 10-2436: The hearing was re-opened for an Abbreviated Notice of Intent for the proposed re-installation of a fiber roll for toe protection, proposed limited filling, re-grading and re-vegetation to protect a public roadway at Area opposite 154 Champlain Road. A file number had been received; **it was moved, seconded and voted to close the hearing.**

Area opposite 154 Champlain Rd, etc, SE 10-2436: It was moved, seconded and voted to approve the partial site plan submitted with the filing showing area of proposed work at the area opposite 154 Champlain Rd. **An Order of Conditions was written.**

101 Geranium Drive, McCauley, SE 10-2417: It was moved, seconded and voted to approve the Eldredge Surveying & Engineering Plan dated January 14, 2008 for the retaining wall & patio at 101 Geranium Drive. Ms Andres noted that Mr. Eldredge had submitted a planting plan showing segmented areas of mitigation plantings instead of planting areas contiguous with existing wildlife areas. This plan was unacceptable and Mr. Eldredge agreed to submit a revised plan that would satisfy the concerns of the Commission. **An Order of Conditions was written.**

24 Ryders Cove Road, Summers, SE 10-2339: It was moved, seconded and voted to approve the Clark Engineering LLC plan dated April 19, 2007 revised March 5, 2008 for the construction of a porch at 24 Ryders Cove Road. Mitigation plantings were shown on the revised plans. **An Order of Conditions was written.**

16 Cranberry Lane, Lane, SE 10-2406: It was moved, seconded and voted to approve the Ryder & Wilcox plan dated November 30, 2007 revised January 22, 2008 for the demolition of a garage and the construction of an addition and installation of new Title 5 Septic system at 16 Cranberry Lane. **An Order of Conditions was written.**

Zoning Bylaw Re-write: The Commission reviewed proposed draft wording prepared by Commissioner Nat Mason for the current Warrant Article #29 coming up at Town

Meeting on May 12, 2008. The Warrant Article addresses proposed changes in the Conservancy Districts having to do with roads.

The article as written, uses broad terms “driveways” and “vehicular access” to grant property owners the right to alter a Conservancy Districts to obtain access to their property. The Commission felt that vehicular access is not adequately defined and the word “primary” could be added to further describe vehicular access. There is concern that the word “driveways” and “Vehicular Access” will allow property owners to alter the Conservancy Districts so that other vehicles, such as boats, could be stored and that people would be able to have multiple accesses to their properties by right, not by Special Permit.

The Commission agreed that additional wording should be added in their letter to the Planning Board, urging them to re-consider the wording in the warrant article. This change would have to be handled on the floor of Town Meeting.

Approval of Minutes: The minutes of February 27, 2008 and April 9, 2008 were approved as written.

10 Sedge Lane, Glass, SE 10-2408: Ms Andres had circulated copies of the notice to appeal the Commission’s decision denying the installation of a rock revetment at 10 Sedge Lane. The Commission discussed that the applicant had not added nourishment or any other soft solution to the property in over twelve years. The applicant had not provided an Alternatives Analysis in the application and the house was not in danger at this time.

Northgate Road, SE 10-2007: An Extension Order was signed for the existing Order of Conditions allowing the reconstruction of Northgate Rd and the installation of Storm water Retention System as shown on the approved Bennett & O’Reilly plan.

74 Old Salt Works Rd, Alvarado, SE 10-1494: A Certificate of Compliance was signed for the property at 74 Old Salt Works Road.

60 Hammond Hill Road, Young, SE 10-2429: The Zoning Board of Appeals (ZBA) had requested comment on the proposal at 60 Hammond Hill Road. The Commission has reviewed the Ryder & Wilcox Inc plan dated March 10, 2008 for the proposed removal of the east and west wings of the existing dwelling and the proposed re-construction of same on essentially the same footprint as the original house. A Coastal Bank to Mill Pond exists to the north with an Inland Bank on the southern side and ditch that flows into Mill Pond to the west. The ditch appears as a blue line on the USGS map and therefore under the MA Wetlands Protection Act the property is presumed to be within Riverfront area. A portion of the proposed work falls within the inner 50ft of the Adjacent Upland Resource Area (AURA) to the coastal bank, most of the work is within 50-ft of the Inland Bank, the No-Disturb Zone.

The excavation will occur from the southerly side and the limit of work has been set to minimize encroachment to the top of the coastal bank. The applicant has provided a construction sequence narrative. The Commission feels that the proposed expansion is

minor and does not present a significant impact to long term environmental concerns. The Commission believes the project can be conditioned to protect the resource areas.

82 Uncle Albert's Drive, Ext, Adamo/Sage Group, SE 10-2200: The ZBA had requested comment on the proposal at 82 Uncle Albert's Drive Extension. The Commission has reviewed the Clark Engineering LLC plan dated January 10, 2006 revised March 14, 2008 for the proposed construction of a 4-ft wide pathway at 82 Uncle Albert's Drive Extension. The path begins at the roadway and extends along the property line through Riverfront Area and in the Flood Plain.

The applicant has pulled the location of the pathway away from the BVW on the west side and has provided mitigation for the increased disturbance in the Riverfront area. Although four-foot wide pathways are permitted under the local Wetlands Regulations, the pathway appears to have no apparent purpose in that it ends at the edge of the Bordering Vegetated Wetland and does not lead to the water.

Chairman nomination: The Commission drafted a letter requesting that the Selectmen appoint Paul Chamberlin as Chairman of the Commission for another term. Vice Chairman Jay Putnam had read the letter at the Selectmen's meeting on April 22, 2008.

2 Salt Pond Road, Milden, SE 10- 2334: The work on the Holmes revetment will begin shortly ; the work will be performed by Anchor Marine. Ms Andres had received a request from Bob Perry of Cape Cod Engineering Company to allow Anchor Marine to place a row of rocks on the beach against the failing bulkhead at 2 Salt Pond Road. Mr. Milden has a valid wetland permit in place to repair the bulkhead using helical anchors He also has a permit to repair his bulkhead. Mr. Milden feels that the bulkhead will fail before he has time to secure a contractor to perform the already permitted work.

The Commission agreed that although they would allow Mr. Perry time on the April 30, 2008 agenda to review the details of the request, piling rocks on the clam flats in front of Mr. Milden's bulkhead (in the intertidal zone) is not permissible as an Emergency repair. It was noted that Mr. Milden already has two permits to perform work on the bulkhead, both of which he has not acted on.

Lot 14 Plum Daffy Lane, Truesdale, SE 10: Commissioner Nat Mason recused himself from the discussion. MS Andres had been contacted by the contractor who would be constructing the new dwelling for the Truesdales at Lot 14 Plum Daffy Lane. The contractor would like to clear the lot and begin construction as soon as the permit is recorded at the Registry of Deeds.

The existing Order restricts the start of the construction until after nesting season, however the Truesdales believe that the new dwelling will be ready by July 1, 2009. The contractor was requesting an Extension of the window for clearing the lot.

After much discussion the Commission agreed that the clearing work could proceed with the following conditions:

- ❖ The limit of work must be pulled in closer to the proposed house

- ❖ The work must proceed quickly and be completed by May 2, 2008, as requested by the contractor
- ❖ Ms Andres must be contacted prior to the commencement of work so that she can work with the contractor regarding the extent of clearing

83 Holway St: The applicant would like to replace existing brick walks and re-set in the original area at 83 Holway Street. Photographs were submitted.

The Commission agreed that the work could proceed under an Administrative Review ; Ms Andres would confirm with the caretaker that the patio will be the same size as the original one.

26 Watch Hill Way, David Burnie Electric: The applicant would like to provide lighting to an outdoor shed, the work would involve the hand digging of a trench from the main house to the shed at 26 Watch Hill Way.

The Commission agreed that the work could proceed under an Administrative Review since the hand digging of the trench should not cause disturbance to the wetland areas.

687 Fox Hill Road, Frye: The applicant would like to perform light pruning and the removal of bittersweet vine along an existing fence at 687 Fox Hill Road. Bill Southwick provided photographs of the area.

The Commission agreed that the work could proceed under an Administrative Review; Ms Andrews had met with the contractor several times at this property for other work.

1105 Orleans Road, Gadbois: The homeowner would be present at the April 30, 2008 meeting to respond to a violation involving the removal of trees and vegetation within 100-ft of a coastal bank. Ms Andres had sent a letter detailing the extent of work.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 6:25 PM.

Respectfully submitted,
Mary Fougere, Secretary