

Present: Chairperson DeeDee Holt, Carol Scott, Billie Bates, Bob Lear (left at 6 PM), John Geiger, Associate Steve Kuzma, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Absent: Commissioner Paul Chamberlin.

The Chair announced that the session was being recorded; when queried, nobody in the audience acknowledged they were recording.

184 Mill Creek Road, Gillis, SE 10-2567 :Ms Andres observed that there was much more disturbance on the Gillis property for the demolition of the dwelling, reconstruction of same and installation of a new IA Technology septic system than the Commission had expected. David Clark of Clark Engineering LLC, contractor Mike O'Loughlin and Architect Sam Streibert were present representing the applicant.

Documents for referral:

- ◆ Excavation photographs of existing site conditions , taken June 22, 2011
- ◆ Site Plan dated May 12, 2011, prepared by Clark Engineering LLC
- ◆ Landscape plan dated May 20, 2011

Mr. Streibert stated that they have brought a landscape plan that was prepared using aerial photographs superimposed on the Clark site plan. The septic system is shown as a large rectangle. One of the mitigating agreements for the project was that the installation of the Perc--right septic would be minimal given the technology; the Commission had hoped that there would be less disturbance in the back yard. The Commission was looking for resolution as to how the back yard area will be restored, given the amount of excavation that has been completed. Mr. Clark stated that typically, the limits of excavation for a foundation are not shown on a site plan. For safety reasons, the slope from the excavation for a foundation should be 2:1; this would put the top of the slope about 30-ft from the foundation. Mr. Clark stated that the contractor has done a good job of holding the excavation to 24-ft rather than 30-ft The height of the house has been kept to a minimum to satisfy abutters.

Mr. Streibert stated that the area can be stabilized with fill to hold the slopes or Install a permitted, small stone wall. The septic system is not installed to date

The Agent asked why there are no new contours shown on the site plan and why is the back yard shown as an undisturbed area when clearly it is disturbed. Commissioner Geiger stated that the Perc-rite system was supposed to be installed with a ditch witch that would cause minimal disturbance. Currently, about a third of the leaching area has been excavated. The approved plan has not been followed.

The southwest corner, the backside of the house, Mr Streibert stated that the retaining walls may have to be extended. On either side of the septic system the grade needs to be

retained, the sides cannot be sloped. Mr Clark stated that the topography of the lot drove the excavation and dictated the house design. There were no grade changes because it was thought that the grades would be restored to the original. .

Mr O'Loughlin stated that of the cedars shown on the landscape plan, one cedar behind the foundation has been moved.

The Commission wanted to understand how the area would be restored; Commissioner Lear stated that there are discrepancies on the site plan and the landscape plan, the applicant must present one plan showing the restoration area consistent with the discussion. One plan showing restoration on the entire west side is necessary.

The hearing was continued to July 6, 2011 for receipt of a plan showing all proposed restoration and the limits of excavation.

19 Old Wharf Road, Cummings: Contractor Bill Benoit represented the applicant. Ms Andres stated that there had been an initial violation and a restoration planting. The restoration area is within the Flood Plan and within 100-ft of a salt marsh; however mulch and irrigation had been added to the area so that it does not appear to be a naturalized area as the Order of Conditions stipulated. Mr Benoit met with The Agent on site. .

Mr Benoit had completed some fall pruning on the overgrown plantings. It was noted that the pruning was done to enhance the growth and they will all restore themselves to the state they were before pruning. Although he realizes now that the area was supposed to be allowed to naturalize in perpetuity, maintenance has been done in the past.

The Commission re-iterated the need to remove the irrigation system and permanently delineate the bounds of the restoration area. A low fence was suggested , whatever is used the delineation must be evident.

Mr Benoit was unhappy with the fence suggestion; he felt that the Order of Conditions dictated that the area will be left to naturalize. He will talk to the client and develop a proposal. The hearing was continued to July 13, 2011 to allow Mr Benoit time to consult with the homeowner. A proposal must be received by July 6, 2011.

434 Ridgevale Road, Cunningham: Mr Cunningham and his son were present in response to the violation involving the clearing of vegetation and vines in an area within the 100-yr Coastal Flood Plain and within 100-ft of salt marsh, at the corner of Nantucket Drive. The Commissioners had visited the site prior to the hearing.

Mr Cunningham stated that he had cleared about 15-ft of naturalized area including vines, poison ivy and some trees in response to complaints from the neighbors. Commissioner Scott acknowledged that the neighbors have been demanding , but it was necessary to obtain a permit from the Commission. The Commission probably would have allowed

some removal of invasives and planting. As it stands, there was habitat that was destroyed.

The area was naturalized and looks now like a landscape area; it was moved, seconded and unanimously voted to allow the area to grow one full season, do nothing now and re-visit in the fall.

183 Taylor's Pond Road & Pcl T6A -Common Area, Riverside Trust, Richard/Gloria Rochette, Trustees and Taylor's Pond Road Owners Association- owner/applicants, SE 10-2727: The hearing was opened for an NOI for the proposed installation of fiber rolls, erosion control mat and planting at 183 Taylor's Pond Road & Pcl T6A Common Area. David Lyttle of Ryder & Wilcox, Inc represented the applicant.

Documents for review:

- ◆ Email proposal from David Lyttle addressed to Ms Andres
- ◆ Literature submitted by Assistant Conservation Agent, regarding Kingfishers

At the last hearing, the Commissioners noted that there was a nesting Kingfisher in the coastal bank where the excavation for the installation of the fiber rolls was proposed. Kingfishers tend to return to nesting areas year after year according to the documentation in the file. Mr Lyttle stated that he had followed the recommendation of the Commission and spoke with Senior biologist Bob Prescott of the Massachusetts Audubon Society. From that conversation, Mr Lyttle stated that a section of bank could be left in a natural state and that a tube could be inserted with an overhang to encourage kingfishers to return to the area after excavation

It was moved, seconded and unanimously voted to continue the hearing to July 6, 2011 to close.

161 Kelley Lane, Wang: Ms Andres had met with the homeowner and her contractor and talked about the areas to be restored at 161 Kelley Lane. It was agreed that the contractor will submit a restoration plan showing species to be used and sizes. They all agreed that planting would begin in the fall.

The hearing was continued to July 13, 2011 for receipt of a landscape plan.

231 Eastward Road, Burcin: In response to a violation letter regarding the trimming of trees without reviewing the amendment to the existing Order of Conditions, Ms Andres received a letter of explanation via email from the applicant, dated June 1, 2011.

Documents for Review:

- ◆ Photographs of existing site conditions
- ◆ Existing Order of Conditions and Amended Order of Conditions under SE 10-2614

Ms Andres stated that there was an amendment under SE 10- 2614 for the re-planting of a mitigation area and the removal of invasives and re-planting with native species. This area is growing but still needs a couple more growing seasons to establish. The lot is impacted by the 100 yr Coastal Flood Plain and is within 100-ft of a wetland across the street.

Eager Beaver Tree Service had been hired to improve the health of the existing trees by removing some cherry trees and trimming others. The work was done in nesting season, nesting birds were observed while Ms Andres met on-site with the contractor.

The Commission agreed that the applicant must re-plant trees. It was moved, seconded and unanimously voted to have MS Andres consult wit the applicant regarding the specifics of planting and encourage not only the use of cedar trees but deciduous trees as well.

Pcl J 6 John Gilpin Lane, GRS Investments, SE 10-2736: The Commission reviewed two draft Orders of Conditions, one that favors a denial of the project and one that favors approval.

Discussion ensued, **the following comments were offered:**

Associate Steve Kuzma- read all the previous documentation provided in the original Order. The applicant had offered to remove the deck from the application but had installed the sliders on the house obviously with the intention of coming back before the Commission for a deck. The removal of a portion of the deck from the project was already addressed in an Order, was recorded at the Registry of Deeds and a portion of the originally proposed deck was denied. Therefore he felt that the decision should stand. Effectively, nothing has changed from the original application.

Commissioner Bates- stated that the applicant was given the opportunity to move the house further to the street and chose not to do that. The house is too big for the lot; she is not in favor of the project

Commissioner Holt- felt that the Commission was caught in the trap of trying to assist homeowners to get what they want, without going afoul of the regulations This action does not always serve the interests of the public. However in this instance, the applicant has offered to change the application, the size of the deck has changed and additional mitigation has been proposed.

Commissioner Geiger – the applicant should be submitting documentation as to how a project meets the performance standards outlined in the regulations and the Bylaw. He agreed with Steve; however he questioned whether the applicant was left with the impression that the project was approvable. He was not happy that the applicant offered to mitigate in the already-naturalized area

Commissioner Scott stated her understanding of Commissioner Chamberlin's comments from a previous hearing. He felt that the increased mitigation, even though a portion of it

would be in an area that was naturalized already, was a good deal for the wildlife habitat on this lot.

Commissioner Lear was inclined to feel that "a deal is a deal" given the fact that Special Conditions #18 from the original Order had been recorded on the deed of the property already. The applicant has not showed by a preponderance of evidence that the proposal does not meet the performance standards.

It was moved and seconded to meet on July 29, 2011, further to post the meeting for 9 AM for continued discussion on the Order of Conditions for Pcl 6 John Gilpin Lane. The vote was 4 in favor of the motion with 1 opposed.

69 Linnell Lane, Doyle, SE 10-2728: A draft Order of Conditions was reviewed. It was moved, seconded and unanimously voted to approve the J M O'Reilly site plan dated 4/19/2011 revised 5/11/2011 for the construction of an elevated walkway over the marsh at 69 Linnell Lane. An Order of Conditions was signed.

The following projects **were approved under an Administrative Review:**
94 Juniper Lane West, previously Gil Wilson: Pruning within 100-ft of the top of the coastal bank. The Agent and the Assistant Agent had visited the site. **Unanimous approval.**

64 Far End Lane, Chris Rogers: The pond located at the end of Cranberry Lane in North Chatham is connected to the marsh by an underground pipe. Mr. Rogers believes that the pipe may be broken because there is upland sand coming into the pond. Mr. Norgeot would like to dig some holes to determine the extent of work necessary.

Additionally, the pathway around the pond has been mowed annually for years; included in this application is a request to document the annual mowing of the pathway. **Unanimous approval.** .

Appointment of Commissioners: Commission Geiger offered to draft a letter to the Board of Selectmen in support of the re-appointment of Billie Bated and the Chair and for the appointment of Associate Member Steve Kuzma to fill the vacancy on the Commission.

Adjourn: It was moved, seconded and unanimously voted to adjourn the meeting at 6:15 PM.

Respectfully submitted,
Mary Fougere, secretary