

Present: Chairperson DeeDee Holt, Vice Chair John Geiger, Carol Scott, Bob Lear, Billie Bates, John Geiger, Paul Chamberlin (left at 5:30 PM), Conservation Agent Kristin Andres and Secretary Mary Fougere.

Absent: Associate Steve Kuzma

The Chair announced that the meeting is being audio-recorded, no one else in the audience was recording the meeting.

**37 Chatharbor Lane, Cramer:** In response to an on-going violation at 37 Chatharbor Lane, William Riley, Esquire represented the applicant. He noted that the applicant's representative had no prepared an Alternatives Analysis to date and that it was his understanding that the Commission had not received a report from their consulting engineer. He asked that the Commission grant a continuance.

**It was moved, seconded and unanimously voted to grant a continuance to July 27, 2011 at 4 PM.**

**19 Old Wharf Road, William Cummings:** In response to a Certificate of Compliance Request, Contractor Bill Benoit represented the applicant. Ms Andres had met on-site with Mr Cummings and MR Benoit in an effort to resolve the specifics of the Order of Conditions under SE 10-1857 so that a Certificate can be issued. She noted that Mr Cummings sent a letter dated July 5, 2011 outlining the points of the meeting.

More than 35 ft from the wetland area has been planted and has become well established and thick. Under this filing, a 35 ft buffer was established from the wetland, this area has been delineated with stakes. Per Mr Benoit, the applicant is reluctant to install any type of fencing to delineate the naturalized area. Mr Cummings has agreed to remove the irrigation system. The Commission agreed that the installation of cedar posts instead of the stakes would be a more permanent delineation of the No-Disturb Zone.

The applicant would like to retain the ability to manage the invasive vines coming from the naturalized area. After a lengthy discussion, the Commission agreed that the vines could be cut to prevent encroachment into the lawn area. he existing haybale line delineates the area to be kept free of vines. There will be no herbicide use and except for the hand removal of the invasive vines, no additional work will be allowed in the naturalized area.

The Commission agreed, and Mr Benoit understood, that when the work is complete, a Certificate of Compliance can be issued.

**497 Orleans Road, Eastward Companies:** William Riley, Esq, Susan Ladue of William Marsh of Eastward Companies were present for the on-going violation discussion regarding work that was completed beyond what was originally permitted. Although new to the project, Mr Riley erroneously stated that the construction of the berm along Rt 28 (Orleans Rd) did not go beyond the scope of work that was allowed by Ms Andres. The

Agent summarized the course of events, and the Commission agreed, stating that some work had been permitted under a request for Determination of Applicability using a landscape sketch plan prepared by Susan Ladue. Commissioner Chamberlin stated that the Commission did allow a limited amount of fill in the flood plain, but the amount of fill that was deposited in the flood plain would not have been approved. Mr Riley stated that most of the fill will be removed. Documents for Review:

- ◆ Site Plan prepared by Clark Engineering LLC, dated June 22, 2011
- ◆ Narrative dated June 30, 2011 prepared by William Marsh
- ◆ Email from Paula Liska, Zoning Enforcement Officer dated July 12, 2011
- ◆ All file documents submitted to date

The applicant has since hired David Clark of Clark Engineering LLC to prepare an "Existing Conditions" site plan; the Commissioners were in receipt of the plan. Ms Andres had asked the Director of Community Development, Kevin McDonald, for an opinion of the project under Chatham's Zoning Bylaw; Mr McDonald wrote that the filling in the Flood Plain constitutes a zoning violation in the Coastal Conservancy District (Flood Plain).

The Commissioners agreed that an on-site was necessary; **It was moved, seconded and unanimously voted to continue the discussion on the violation to July 27, 2011 at 4 PM. Ms Andres would arrange an on-site prior to the meeting.**

**26 Claflin Landing, CBI PC LLC** : General Manager Paul Zuest, David Michniewicz of Coastal Engineering Company Inc and Howard Wayne, Esquire represented Chatham Bars Inn regarding the Enforcement Order issued June 30, 2011 ordering the removal of the playground at PCI F13 Claflin Landing.

Mr Zuest stated that the applicant agrees with the Commission that the playground will need a Wetlands Permit and that he intends to file an Application for same. The cost of removing the playground as ordered and the possible re-construction of the structure once all permits are obtained is quite high. He asked that the Commission provide some relief from fines going forward by allowing CBI to keep the structure until such time as a wetlands permit has been obtained. He would accept the fines that have been accrued to date. Mr Wayne affirmed the request

Commissioner Geiger stated that the structure is in the Flood Plain and is not anchored. He would like to see the structure moved out of the flood plain; there are dunes to the east and a small wetland near the tennis courts. He noted that CBI has a large amount of property and thought that even though the applicant has moved it back on the lot, the structure is still in the flood plain.

Mr Michniewicz acknowledged that that the area where the structure is located is an A-zone, however the playground has been moved as far back landward as possible and there is little impact that will occur in a storm event. He noted that the applicant is ready to

submit an RDA filing immediately. Several Commissioners disagreed and noted that there have been flood waters well inside the flood plain from storm events in the past. Commissioner Chamberlin observed that when a project has been completed without benefit of a valid permit, the Commission readily accepts the after-the-fact application to permit the project because oftentimes, the Commission believes the project would be permissible. The problem with this violation and subsequent discussion regarding the filing of an application is that the Commission is not sure that this project is permissible under the local wetlands regulations and the zoning requirements.

Currently, if the structure is moved, the fines will stop until the application can be heard at a public hearing. The time period for an application to be heard and voted on is a minimum of three weeks. A lengthy discussion followed.

It was moved and seconded to levy the \$300 fine, reduce the fine going forward, until such time as the Commission has a chance to hear the application. **The vote was 5-in favor of the motion, 1 opposed.**

It was moved to reduce the fine to 100.00 /day for the 21 days until the application is heard at a public hearing. The motion failed for lack of a second.

**It was moved and seconded to levy a \$50.00 day fine until the application is heard at a public hearing. The vote was 5- in favor of the motion, 1 opposed.**

**Mr Michniewicz submitted an RDA application.**

**500 Shore Road, Linda Geary, SE 10-2666:** The hearing was re-opened for an Amendment Request to an Order of Conditions for additional bank stabilization to close gap to abutter's property to the north, 520 Shore Road. Don Monroe of Coastal Engineering Company Inc had submitted revised plans with a detail drawing of the fiber roll overlap areas.

**It was moved, seconded and unanimously voted to close the hearing and approve the revised plan, with the proviso that the work be completed in conjunction with the O'Leary project.**

**560 Fox Hill Road, Lawrence Lepard & Susan Foley Lepard, SE 10-2741:** The hearing was re-opened for an NOI for the proposed reconstruction of existing, licensed bulkhead, slope stabilization and reconstruction of existing beach access stairs at 560 Fox Hill Road. William Riley, Esquire represented the applicant. A Special Permit required; Scheduled on ZBA Agenda June 23(28), 2011.

**It was moved, seconded and unanimously voted to continue the application to a hearing night on August 3, 2011, not to the work session on July 27, 2011 as was requested by the applicant.**

**184 Mill Creek Road, Gillis, SE 10-2567:** David Clark of Clark Engineering LLC and Sam Streibert of Streibert Associates were present to address the concerns expressed by the Agent re: the extent of clearing under SE 10-2567.

Mr Streibert provided the following documents:

- A revised Landscape Plan S2 dated July 13, 2011
- Site Section S3 dated July 12, 2011
- Aerial photograph of the site
- Mr Clark had provided a revised Site Plan dated July 6, 2011
- Reference made to all file documents under SE 10-2567

Initially the Commission was satisfied with the amount of clearing of naturalized vegetation on the west side of the new dwelling because the applicant had utilized a lower impact septic leaching area to minimize disturbance. Once construction began however, the Agent observed that the vegetation in the rear of the dwelling was cut and removed to allow the excavation for the foundation footings. The construction disturbance currently impacts the area for the PercRite installation. Mr Clark stated that some additional excavation will be necessary for the installation of the piping from the pump chamber.

Mr Streibert assured the Commission that native vegetation will be planted to restore the area. A planting list will be provided since the Commission felt that the proposed bearberry and grasses will not be adequate for restoration of the area. Once the retaining walls are in place, the disturbed western area will be loamed and seeded ; the GeoTech material will be installed in the Fall.

**183 Taylor's Pond Rd & Pcl T6A, Rochette & Common Area, SE 10-2727:** A draft Order of Conditions was reviewed. It was moved, seconded and voted to approve the Ryder & Wilcox , Inc plan dated 3/28/2011 revised 4/27/2011 for the installation of erosion control. The vote was 4-in favor of the motion with 1 opposed. **An Order of Conditions was signed.**

**34 Old Salt Works Rd, Larsen, SE 10-2744:** A draft Order of Conditions was reviewed. It was moved, seconded and unanimously voted to approve the Coastal Engineering Company Inc plan dated 6/2/11 for the Beach nourishment and planting project with on-going maintenance at 34 Old Salt Works Rd. **An Order of Conditions was signed.**

**10, 14 & 16 Love Lane, Bogardus, et al, SE 10-2748:** A draft Order of Conditions was reviewed. It was moved, seconded and unanimously voted to approve the Ryder & Wilcox plan dated 6/3/2011 for the Existing Vista Maintenance at the above address. **An Order of Conditions was signed.**

**SeaMist, Seashells Lane, etc, Magid, SE 10-2720:** A draft Order of Conditions was reviewed. It was moved, seconded and unanimously voted to approve the Coastal

Engineering Company Inc plan dated 3/1/11 revised 6/17/2011 for the Beach Nourishment plan at the above address. **An Order of Conditions was written.**

**500 Shore Road, Geary, SE 10-2666**: It was moved, seconded and unanimously voted to approve the Coastal Engineering Company Inc plan dated 7/19/2011 revised 7/6/2011. The Agent will write additional Special Conditions for the Amendment Request. **An Order of Conditions was signed.**

**156 Morris Island Road, Marks, SE 10-2623**: A Certificate of Compliance was signed for the completion of the project at 156 Morris Island Road.

**133 Cranberry Lane, Karbel, SE 10-** : A draft comment letter to the Zoning Aboard of Appeals was reviewed. It was moved, seconded and unanimously voted to approve the referral letter.

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**27 Morris Island Road, Nelson, SE 10-2735**: A draft comment letter to ZBA was reviewed. Unanimous approval for the referral letter as amended at the table.

**223 Stage Harbor Road, Oppenheim, SE 10-2742**: A draft comment letter to ZBA was reviewed. Unanimous approval for the referral letter as written.

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

- 58 Horseshoe Lane, Robb Morrison Tree Service: Tree removal. **Unanimous**
- Salt Marsh Way roadway, Peter McIntire & Sons: Repairs to roadway divots and installation of gravel. **Unanimous.**
- 204 Crow's Pond Road, Japowicz: Installation of split rail fencing to mark property line. **Unanimous.**
- 20 Jericho Lane, Est of Edwards: Removal of dead, topped pines only. Other work will require a filing. Unanimous.

**58 Holway St and Billings Road** : The Commission agreed to visit 58 Holway Street, proposed tree removal, and Billings Rd, proposed removal of a step on beach access stairs, prior to the next meeting to vote on the Administrative Review applications.

**82 Jericho Lane, Robert Dodds**: The Agent asked the Commission to re-visit the request to install a out-haul at 82 Jericho Lane. Photos of the site and the adjoining site were circulated. The photographs show substantial damage to marsh grasses in the area where a dinghy or other type of boat is anchored close to shore for easy access.

On the adjacent property where an outhaul has been installed so that the boat is anchored further away from shore, the shoreline grasses are healthy and well-established.

**It was moved, seconded and unanimously voted to allow the applicant to install an outhaul with the condition that Mr Dodds submit a photographic record of his site**

**and upon inspection after a year, the Agent observes that there is no further damage to shoreline grasses.**

**Adjourn:** It was moved, seconded and unanimously agreed to adjourn the meeting at 6:45 PM.

Respectfully submitted,  
Mary Fougere, Secretary