

Present: Chair Paul Chamberlin, Vice Chair Jay Putnam, Carol Scott, Corinne Johnson, John Geiger, Associate Members Peter Donovan, Keith Hutchings and Dee Dee Holt, Conservation Agent Kristin Andres and Secretary Mary Fougere.

Absent: Commissioner Billie Bates

The Chair stated that Commissioner Barbara Waters has resigned because of her workload; she has sent a letter of resignation to the Selectmen.

39 Eliphamets Lane, Ross Dowd/Marnie Hrones: The hearing was re-opened for a Request for Determination of Applicability (RDA) for proposed construction of a screened porch and proposed shed attached to dwelling at 39 Eliphamet's Lane. No one was present to represent the applicant; Stephanie Sequin from Ryder & Wilcox had submitted a mitigation planting plan immediately prior to the meeting. The Commissioners reviewed the plan and questioned whether the mitigation for the 323 Sq ft of increased disturbance was adequate. It appeared to include the existing privet hedge plants. The fence along the property line would be re-located according to this plan.

The proposal is scheduled on ZBA agenda to April 9, 2009.

It was moved, seconded and voted for a Negative Determination with the following conditions:

- * The Applicant submit an "as-built" showing the existing fencing and the trash enclosure
- * Clarify the mitigation figures

39 Eliphamets Lane, Dowd/Hrones: The Zoning Board of Appeals (ZBA) had requested comment on the proposal at the above address. A comment was read into the record and approved by the Commission.

10 Cove Hill Circle, Sommer: The ZBA had requested comment on the proposal at the above address. A Comment letter was read into the record and the Commission voted to approve.

20(Lot 4) Kendrick Harvest Way, Eastward Homes Business Trust, SE 10- 2494: The hearing was re-opened for the proposed request to amend the existing Order under SE 10-2494 to include removal of invasive vines and other vegetation and proposed pruning of dead limbs from existing trees at 20 Kendrick Harvest Way. An On-Site meeting was held prior to the meeting at 3 PM. Seth Wilkinson of Wilkinson Ecological Design represented the applicant; he responded to questions that were voiced at the on-site.

The applicant is amenable to a "phased-in approach" to much of the work. Phase I would involve the removal of invasives and vines and pruning. Photographs would be taken in

Summer (probably August) once the trees have leafed in order to better determine the location of view windows. Follow-up will be in late fall.

The area that will be herbicidally treated for Japanese knotweed will be planted with approximately 50 shrubs to create a dense thicket including winterberry, viburnums and blueberry. This area will serve as a transition into the woodland areas.

Dave Chalker of Bartlett Tree Experts reviewed the proposal in the view corridors as numbered on the plan. A total of seventeen (17) trees are slated for removal; 6 trees for pruning and vine removal. The work in the view corridors are as follows:

- * View 1) One oak, 2 cherries & one pine removed
- * View 2) Two pines & one oak removed; two pines, one Cherry pruned
- * View 3) One pine & one oak removed; One pine pruned
- * View 4) Seven oaks & one Cherry removed; another Cherry pruned

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

20 Kendrick Harvest Way, Eastward, SE 10-2494: It was moved, seconded and voted to approve the work in a phased-in approach in areas shown on the Clark Engineering LLC plan dated March 20, 2009. **Additional Special Conditions were written.**

10 Sedge Lane, Scott Glass, SE 10-2533: The hearing was re-opened for an NOI for the proposed Shorefront protection at 10 Sedge Lane. William Riley, Esquire represented the applicant. He stated that Roy Okurowski of Coastal Engineering Company Inc had submitted a packet of tide data and a letter dated April 7, 2009 referring to the data. Mr Riley acknowledged that the data is the same as that supplied for the Nicholson and the data is retrieved from a tidal gauge at the Chatham Fish Pier in Chatham Harbor.

Ms Andres circulated a time line she prepared detailing the erosion control measures for this property in the past. She also questioned the validity of the tide data and wondered if it had been adjusted for atmospheric pressure, whether the Fish Pier data had been directly correlated with tides for this part of town and whether 4.75 ft is a valid figure for a new MHW determination.

Commissioner Geiger stated that although the tidal data is important and most people agree that tides are higher in some parts of town due to the new break in North Beach, he did not feel the performance standards for costal banks had been addressed. He referred to Part II-Regulations for Coastal Wetlands (3) Performance Standards (1) "prevent storm damage to buildings.." and stated that the top of the bank relative to the location of the flagpole does not appear to have changed for many years. There is no history of heavy erosion and the rate of erosion has never been provided by the applicant. He noted that Strong Island may offer protection to this area of beach, wave energy and wave action may increase further towards Jackknife Harbor. The applicant has not provided any

scientific evidence on the impact of wave energy, and it is not clear whether the tidal data transfers to wave energy data.

Commissioners Putnam and Scott agreed with Commissioner Geiger.

Further, The Chair reminded the board there were no cost estimates provided in the Alternatives Analysis comparing re-nourishment of fiber rolls with rock revetment installations.

Mr Riley disagreed and stated that generally higher tides create deeper water which in turn make stronger waves. This area is affected more by storms from the northwest. In response to Mr Geiger's reference to the performance standards, he stated that the performance standards never address "danger" to a building.

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

10 Sedge Lane, Glass, SE 10-2533: The Chair reviewed the history of the proposal:

- * The proposal was denied once before by the Commission
- * The applicant filed an appeal with DEP, however did not simultaneously file with the Superior Court
- * DEP made no decision on the application; no appeal was filed in Superior Court before the 60-day deadline, effectively the Commission's denial was upheld

This new applicant includes a change in the height of the proposed revetment. The new application is deficient due to the following:

- * There was no evidence of disturbance to the top of the coastal bank, the existing flagpole was discussed as a reference point; Although the toe of the bank is affected by wave action, the existing bank is heavily vegetated
- * The higher tide data has not been independently confirmed
- * The higher tide data was not shown to translate to higher wave energy
- * A letter from the town of Chatham's Coastal Resources Director, discouraging the approval of the proposal as presented
- * The Alternatives Analysis was inadequate; there was no cost comparison offered and there is no evidence that the applicant has tried and maintained other forms of shorefront protection

It was moved, seconded and unanimously voted to deny the proposal.

The Commission agreed that they would be willing to consider an application for fiber rolls and nourishment. Currently the applicant is doing nothing to maintain the bank and it appears to be functioning well as a coastal bank.

15 Lady Slipper Lane, Reed, SE 10-2538: It was moved, seconded and voted to approve the proposal as shown on the Ryder & Wilcox plan dated March 13, 2009. **An Order of Conditions was written.**

North Beach, Coppedge/Fuller, SE 10-2531: It was moved, seconded and voted to approve the work as presented in the "after the fact" filing as required under the Emergency Order, according to the Eldredge Surveying and Engineering LLC plan dated December 3, 2008 revised January 11, 2009. **An Order of Conditions was written.**

North Beach campowners: Commissioner Geiger questioned whether the Commission could send a letter to the camp owners requesting information on the future plans for the camps. He felt that by sending a letter, Emergency Requests requiring action from the Commission could be avoided. Discussion ensued.

4 Portview Rd, Piper Realty Trust, SE 10-2539: The ZBA had requested a comment on the proposed re-construction and expansion of a deck at 4 PortView Road. A draft letter was discussed; the letter will be finalized on April 22, 2009.

23 Oyster Pond Lane, Wilkins, SE 10-2532: The ZBA had requested comment on the re-construction and expansion of a boathouse at 23 Oyster Pond Lane. A draft of the comment letter was read into the record.

282 Stage Island Road, Wamsler, SE 10-: The ZBA had requested comment on the construction of elevated steps and a kayak rack at 282 Stage Island Road. Since the stairs and kayak rack had not been included in the original proposal before the ZBA, the Commissioners did not view that part of the property near the water or discuss the installation of the steps and rack during a public hearing.

The Commission agreed that an Amendment to the existing Order would be necessary.

Approval of Minutes: The minutes of March 18, 2009 & March 25, 2009 were approved as amended at the table.

17 Billings Rd, Hull, SE 10-2082: A Certificate of Compliance was signed for the completion of work under SE 10-2082.

83 Holway St, Kane, SE 10-2231 & SE 10-2231 Amended: A Certificate of Compliance was signed for the completion of work under SE 10-2231 & SE 10-2231 Amended.

112(Lot 8A) Woodcarver Knoll, Oyster River Trust, SE 10-510: A Certificate of Compliance was signed for the completion of the construction of a dwelling and utilities at 112 Woodcarver Knoll.

Ryders Cove: Coastal Resources Director requested a slight change in the location of the already-permitted town float system at Ryders Cove. The Commission approved the shift in location of the float(still in the dredge footprint) as a field change. No additional filing is required.

Adjournment: It was moved, seconded and voted to adjourn the meeting at 6:10 PM.

Respectfully submitted,
Mary Fougere, Secretary