

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

Strong Island, Jay Cashman: Mr. Cashman had asked to address the Commission in response to a violation involving the installation of gravel on the access roadway to his home on Strong Island. The violation occurred in the fall of 2009; at the time Mr. Cashman was notified by mail of the violation. In a letter to the Commission dated Mr. Cashman wrote that the gravel was removed. Subsequently, there was no need for further action by the Commission.

Mr. Cashman stressed that he has been offended by the actions of the Commission over the years and felt the need to state his concerns. Further, Mr. Cashman stated that there has been a pattern of activity by the Commission in which he has been treated unfairly and probably held to a higher standard than other homeowners. He alluded to the recent response to the housing of horses for the summer, the discussions regarding the installation of a pier on the island, mowing and the use of the Emergency road as a secondary access along the top of the coastal bank. He felt that the Commission has been subjective in their response to several events since 2003, there was no discussion of specific incidents and no facts were discussed.

The Commissioners assured Mr. Cashman that there was no intent to stop him from using the island per his agreement with the Conservation Foundation. Additionally, the Commission would like to be "on the same page" with Mr. Cashman regarding the allowable activities under the Wetlands Protection Act and the local bylaw. It appeared that Mr. Cashman was confused about the location and jurisdictional areas of the Commission on Strong Island and his understanding of "grandfathered" activities. Commissioner Chamberlin noted that Strong Island contains several wetlands areas, many of which have overlapping jurisdictional areas. The Commission has had several discussion with various representatives of Mr. Cashman, including Chip Nylén, Esq., Robert Cummings of EMS and Bill Riley, Esq.; all of them understood the areas of concern. The Wetlands Protection Act and the Chatham Wetlands Protection Bylaw protect these areas and further, activities in these areas must have a valid Order of Conditions in place in order for work to proceed. There is nothing in the regulations that allows "grandfathering" of activities

The Agent offered to meet with Mr. Cashman to address his specific concerns; Mr. Cashman stated that he was in favor of negotiation as well.

55 Linnell Lane, Robert/Pamela Kindler, SE 10-2621: The hearing was re-opened for a Notice of Intent (NOI) for the proposed reconstruction of pile supports for existing footbridge and walkway over coastal bank and salt marsh at

55 Linnell Lane. Matt Farrell of J M O'Reilly & Associates and William Riley, Esq represented the applicant. A file number had been received from the DEP; **it was moved, seconded and unanimously voted to close the hearing.**

55 Linnell Lane, Kindler, SE 10-2621: It was moved, seconded and unanimously voted to approve the J M O'Reilly Associates plan dated 2/10/10 for the footbridge work at 55 Linnell Lane. **An Order of Conditions was written.**

629, 631, 637, 641 & 593 Main Street, Town of Chatham, Department Health & Environment-applicant SE 10-2624: The hearing was re-opened for an NOI for the proposed improvements to Main Street Parking lot including the addition of parking spots and proposed improvements to remediate storm water run-off to Oyster Pond including a proposed rebuilt wetland and a series of grass strips/rain gardens at 593, 629,631, 637 & 641 Main St. No one represented the applicants; a file number had been received from the DEP. **It was moved, seconded and unanimously voted to close the hearing.**

629 Main St, Town of Chatham , SE 10-2624: It was moved and seconded approve the Stearns & Wheler set of plans (C-1 through C-7) dated July 8, 2009 revised February 10, 2010 for the renovations to Main Street parking areas. The vote was six in favor of the motion, one opposed. **An Order of Conditions was written.**

113 North Skyline Drive, The Davern Family Trust, Heather MacKenzie Davern & Donald John Davern, Trustees, SE 10-: The hearing was re-opened for an NOI for the proposed construction of a segment of elevated stairway at 113 North Skyline Drive. No one was present to represent the applicant; to date DEP has not issues a file number; **the hearing was continued to April 7, 2010.**

470 Shore Road, James/Elizabeth Eisenstein, 470 Shore Road Nominee Trust, SE 10-2625: The hearing was re-opened for an NOI for the proposed Vegetation Management & proposed continued annual pruning at 470 Shore Road. No one was present to represent the applicant; a file number had been received from DEP. **It was moved, seconded and unanimously voted to close the hearing.**

470 Shore Road, Eisenstein, SE 10-2625: It was moved, seconded and voted to approve the Ryder & Wilcox plan dated March 1, 2010 for the vegetation management. **An Order of Conditions was written.**

52 Oyster Bluff, Oyster Bluff Nominee Trust, SE 10-2620: The hearing was re-opened for an NOI for the proposed repair of a collapsed section of Coastal Bank at 52 Oyster Bluff. David Clark of Clark Engineering and Seth Wilkinson of Wilkinson Ecological Design represented the applicant. Although Mr. Wilkinson

did not have a prepared plan, he described the process that he would use to re-establish a plant community in the area of the collapse. A plant list will be provided. Some of the sediment is outwashes at the lower elevations so plants that can tolerate higher salinity levels will be used. The same plant community that was used at Nickerson –Deyst on the Oyster Pond, where salt marsh has been restored in one season, will be used. This beachfront is about the same elevation with a high interface area.

The biggest challenge here is keeping silt in place to enable plant root structure to develop. The existing sandy soil that fell will be used and a biodegradable mesh will be put down. Since loam usually contains a lot of weeds, there will be no additional loam brought in. The mesh has a life expectancy of 12-18months and is similar to what has been used around the Oyster Pond.

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

52 Oyster Bluff, Oyster Bluff Nom Trust, SE 10-2620: It was moved, seconded and voted to approve Clark Engineering LLC plan dated 2-10-10, revised 3-16-10 to show planting detail at 52 Oyster Bluff. A detailed NOI narrative had been submitted that will be incorporated into the Order. **An Order of Conditions was written.**

202 Eastward Road, 202 Eastward Road Nominee Trust, SE 10-2626: Re-opening of hearing for proposed maintenance of existing footpath; proposed maintenance of vegetation along top of coastal bank; proposed replacement of existing timber stairs; proposed installation of mechanical pool cover and proposed trenching to facilitate relocation of pool equipment location at 202 Eastward Road, Assessors Map 13M parcel C50. **It was moved, seconded and voted to close the hearing.**

325 Fox Hill Road, Eastward Ho! Country Club, SE 10-2534: The hearing was re-opened for an NOI for the proposed shorefront protection at 325 Fox Hill Road. Commissioner Scott was recused from the discussion. No one represented the applicant; Ms Andres noted that to date, there has only been a draft nourishment plan sent to the Commission. The draft has not been revised and it is necessary to arrange a Special Meeting date once the Commission receives all the information that has been requested. The Commissioners agreed that having a viable, detailed nourishment plan in place is "the key" to the success of the project. **The hearing was continued to April 7, 2010 in Order to verify that all the principals are available on April 12, 2010 Special Meeting Date.**

165 Taylor's Pond Rd, Bauer/Painter, SE 10-2617: It was moved, seconded and unanimously voted to approve the Coastal Engineering Company Inc plan

dated 1/20/10 revised 3/2/10 for the project at 165 Taylors Pond Road. **An Order of Conditions was written.**

231 Eastward Rd, Burcin, SE 10-2614: It was moved, seconded and unanimously voted to approve the Felco Inc plan dated 12/22/2009 revised 1/13/2010 and the Joyce K Williams Landscape Design dated December 19, 2009 for the renovation of a sunroom, new deck and planting at 231 Eastward Road. **An Order of Conditions was written.**

201 Old Harbor Rd, Magnus, SE 10-2613: It was moved, seconded and unanimously voted to approve the Sweetser Engineering plan dated Nov 6, 2009 revised March 5, 2010 for the demolition of an existing cottage & shed and the construction of a new cottage and shed at 201 Old Harbor Road. **An Order of Conditions was written,**

202 Eastward Rd, 202 Eastward Rd Nom Trust, SE 10-2626: It was moved, seconded and unanimously voted to approve the Clark Engineering LLC plan dated 2/16/10 for the project at 202 Eastward Road. It was noted that a new fence was installed in the footprint of the old fence. **An Order of Conditions was written.**

The Zoning Board of Appeals (ZBA) had requested comment on the following projects:

175 Balfour Lane, Stein, SE 10-2631: Commissioner Geiger abstained from the discussion

155 Mill Creek Road, Linnane, SE 10-2607:

227 Vineyard Ave, Turnblom, SE 10-2580 :

156 Morris Island Road, Marks/ Morrison, SE 10-2623

470 Shore Road, Eisenstein: Front porch approved under an Administrative Review.

39 Youngs Farm Lane, Lee, SE 10-:A comment letter was drafted; applicant has not been scheduled on ZBA agenda

Draft comment letters were read into the record; it was moved, seconded and voted to send the comment letters as written.

The following projects were approved under an Administrative Review:

356 Fox Hill Road, Butler: Tree removal // Vote was unanimous

116 Old Wharf Road, McCarthy: New garden area within 50-ft to the Flood Plain Contour, elevation 11.0 ft //Vote was five in favor of the project, one opposed.

39 Young's Farm Road, Lee: The installation of new deck boards over the existing deck boards // Vote was unanimous

83 Crosswind Farm Rd, Janet Eldredge: Removal of pine on top of dock// Vote was unanimous

41 Lady Slipper Lane, McNulty: Dead Tree removal

58 Old Salt Works Rd, Helides: Mr. Helides is still "negotiating" with the Agent regarding the amount of fill he can add to the coastal bank for to protect 4 trees that have exposed root structures on his coastal bank

MeadowView Rd, Oyster River Hills Association: Photographs circulated; applicant can remove damaged branch, but if tree is removed, another tree must be planted.

Strong Island, Cashman: Ms Andres is scheduled to meet with Mr. Riley to discuss the Order of Conditions issued for the construction of the dwelling on Strong Island. To date, there is no new plan, no new information.

Adjourn: It was moved, seconded and unanimously voted to adjourn the meeting at 6:50 PM.

Respectfully submitted,
Mary Fougere, Secretary