

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing, Tuesday, April 6, 2010

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TOWN OF ORLEANS
TOWN CLERKS OFFICE

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PRESENT: Steve Phillips, Bob Royce, Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Harry Herrick, James Trainor, (Members); Jamie Balliett, (Associate Member); and Jennifer Wood, Conservation Administrator.

ABSENT: Adrienne Pfluger, (Member); and Jim O'Brien, (Associate Member).

The Meeting opened at 8:30 a.m.

NOTICES OF INTENT

Richard Thompson, 24 Priscilla Road by Ryder & Wilcox, Inc. The proposed construction of additions to an existing dwelling. Work will occur within 100' of 2 Freshwater Wetlands. Stephanie Sequin, from Ryder & Wilcox, and Richard Thompson, the Applicant, were present. Ms. Sequin said the lot is 40,000 square feet with a low area adjacent to the road, and an inland vegetated wetland on either side of the driveway. The existing 2 buildings were built in the 1960's, renovated in the mid-90's, and a Title 5 septic system was installed in 1996. Ms. Sequin said the main house is 50' from the edge of the wetland. The guest house is 29' from the edge of the isolated wetland on the north of the driveway. This proposal is for renovations and expansions to the guest house. Now the building is 2-stories with a dormer on the north. They are proposing to remove the siding and roofing and extend the dormer on the north the full length of the building, with a full dormer on the south side. There is no change in ridge height. Ms. Sequin said they are proposing a 3-story tower addition on the west side of the building. There is an existing poured foundation that was constructed in the mid-90s that they will utilize as the foundation of the tower. The tower will rise above the existing roof height. Ms. Sequin said the windows and doors will be replaced. On the north of the building, a deck will be built at the second-story level, 9' off the ground. There will be no vegetation alteration. The work limit is within a grassy area. Ms. Sequin said the only excavation will be for the deck construction on sonotubes that will be dug by hand. Mr. Thompson said he will be doing the work himself. Steve Phillips asked about the pipe emptying into the wetland? Ms. Sequin said as part of this proposal, they will finish up the work required to release the previous Certificate of Compliance. The pipe will be cut off and a dry well installed. Mr. Thompson said as part of the agreement for the sale of the property, \$12,000 was withheld to install dry wells. The Order can be conditioned for this work. Judith Bruce asked if the wetlands were vernal pools? Ms. Sequin said they were not listed on the Certified Vernal Pool List. Steve Phillips said the wetlands dry out. James Trainor asked if one of the buildings on the lot was a garage? Ms. Sequin said it is a dwelling now, with 3 bedrooms. Arnold Henson said he is concerned with increasing the coverage with the addition without some improvement. The wetland areas have invasive vines, and little buffer. Ms. Sequin said the lawn is not fertilized or irrigated. Mr. Thompson said the access to the house is now on the wetland side. He wants to eliminate that door and access the dwelling from the other side. He offered to plant within the driveway and lawn area near the wetland. Steve Phillips asked if raising the

height will affect abutters? Mr. Thompson said there will be no impact to the abutter's view of the water. Judith Bruce asked if they were planning to change the driveway? Mr. Thompson said yes, he wants to eliminate the second driveway to the guest house, and access the house from the north side. This change would need to be shown on the Site Plan. James Trainor asked what is the increase to the living area within the buffer zone? Ms. Sequin said she does not have the figures that include the second floor increase. If the tower addition is included, there will be a 25 to 50% increase in habitable floor area. Judith Bruce said this is new construction, and she would like to see an improvement in the wildlife habitat to offset the increase in structure. Arnold Henson said they need to show the new driveway on the Site Plan, they need a mitigation Planting Plan, and the Commissioners would like to review the calculations on the increase in square footage of living space. Judith Bruce asked if they needed approval for a new curb cut? Ms. Sequin said she would check.

MOTION: A motion to continue this Hearing to the Meeting on April 13, 2010 was made by Harry Herrick and seconded by Steve Phillips.

VOTE: Unanimous.

Rebuck/Peedin, 40 Gibson Road by Ryder & Wilcox, Inc. The proposed renovations to an existing dwelling; second-story dormers, new doors & windows; & a stone retaining wall. Work will occur within 100' of the Top of a Coastal Bank. Stephanie Sequin, from Ryder & Wilcox, requested a Continuance.

MOTION: A motion to continue this Hearing to the Meeting on May 18, 2010 was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous.

Brooks Thayer Tr., 10 Thayer Lane by Ryder & Wilcox, Inc. The proposed repairs to a boathouse, including a new foundation in the existing footprint. Work will occur on a Coastal Bank & within the Pleasant Bay ACEC. David Lyttle, from Ryder & Wilcox, and Todd Thayer, the Applicant, were present. Mr. Lyttle said the foundation underneath the boathouse has failed. They are proposing to replace the foundation within the existing footprint, with no increase in height. They are going to elevate the existing structure and install beams while they fix the foundation. They will come down the gravel drive to remove the failed block foundation and pour a new foundation. The limit of work will provide room to excavate around the failed block foundation. Mr. Lyttle said they removed the boat ramp 10 years ago. They must remove one large cherry tree next to the foundation and offered to plant another tree or trees. There will be new footings. The concrete apron will remain. Steve Phillips asked if the heater in the boathouse was above the flood line? Mr. Lyttle said yes, and they will review that because of the higher tides. Mr. Phillips said with the slope, hay bales may be necessary to keep the silt from the water. The Commissioners agreed. Mr. Lyttle said the first floor is above the flood zone. Judith Bruce asked about pilings? Mr.

Lyttle said FEMA doesn't require pilings. They may have to provide breakaway panel doors, but that recommendation will come from the Building Inspector. Ms. Bruce asked what is stored below the flood elevation? Mr. Lyttle said boats, no solvents. The Order will be conditioned on no storage of harmful materials below the flood elevation.

MOTION: A motion to approve this project, conditioned on no storage of harmful materials below the flood elevation, was made by Judith Bruce and seconded by Steve Phillips.

VOTE: Unanimous.

Thomas Campbell, 72 Gibson Road by Eastward Companies. The proposed installation of a gas line; replacing & expanding an existing porch, front walk, & rear patio. Work will occur within 100' of the Top of a Coastal Bank. Susan Ladue, from Eastward Companies, and Tom Campbell, the Applicant, were present. Ms. Ladue said the dwelling was built in 1977. There is invasive ivy on the bank. The gas line requires a variance that has been provided. There is an outside shower adjacent to the proposed patio. Ms. Ladue said there will be very little disturbance within the 50' buffer. A 370 square foot bluestone patio is proposed with the work done by hand. There will be gravel with a drain underneath the proposed shower with water directed to a dry well. Ms. Ladue said she has submitted a Site Plan detailing construction of the patio and removal of the ivy. Arnold Henson said this is an increase in structure within the 50' buffer. Ms. Ladue said they are going to replace the old brick patio, remove invasive species, and replant with natives. Ms. Laude said the proposed patio is 141 square feet and they are proposing to remove 170 square feet of ivy. Steve Phillips said he is concerned with mixing native plants into the invasive ivy. He also asked why the shower could not go off the garage instead of being free-standing? The shower is proposed for 8½' from the edge of the property line. Judith Bruce said this is not a big increase in coverage. She suggested they remove more ivy. Mr. Campbell said he would try to remove some. They do want to replant in that area. Arnold Henson said a more definitive Planting Plan is needed but the Order can be conditioned. Steve Phillips asked that the northeastern-corner downspout be connected to a dry well. Jenny Wood said most of this work is minor, most of the patio is there, and the garage is overgrown. They are not proposing to clear or open a new area. The only expansion is the brick patio. The Commission agreed that the ivy on the top of the bank should be removed. The planting area could be extended 10' down the bank for a wider area around the house without ivy. The new 10'-buffer would have to be maintained, and the Order will be conditioned. Steve Phillips asked that the ivy be removed from within the trees.

MOTION: A motion to approve this project, conditioned on the submission of a revised Planting Plan showing a 10' buffer devoid of the invasive ivy, the northeastern downspout connected to a dry well, and the ivy removed from the trees, was made by Jamie Balliett and seconded by Harry Herrick.

VOTE: Unanimous.

Michael Schumaecker, 161 Monument Road by J.C. Ellis Design Co., Inc. The proposed construction of an addition. Work will occur within 100' of the Top of a Coastal Bank. Jason Ellis, from J.C. Ellis Design Company, said this addition is an extension to the master bathroom. There will be a shower/tub unit within a bump-out on a crawl space. The previous Order of Conditions for this addition expired in January.

MOTION: A motion to approve this project was made by James Trainor and seconded by Steve Phillips.

VOTE: Unanimous.

AMENDED ORDER

Kathi Whitaker, 77 Towhee Lane by Ryder & Wilcox, Inc. The Order is proposed to be amended to plant recently eroded areas & repair the stairway. Work will occur on a Coastal Bank. David Lyttle, from Ryder & Wilcox, Seth Wilkinson, from Wilkinson Ecological Design, and Max Makowsky, the brother-in-law of the Applicant, were present. Mr. Lyttle said Jeff Norgeot has braced the stairway that was damaged in the March storms. Mr. Lyttle said at the bottom of the bank, there is an area where waves come underneath the boat house and there has been failure to the armored stone revetment. The bank has slumped and needs repair. He suggested a Site Visit to show the Commission the damage and talk about ideas for repair. The stairway is safe to go down. The Commission agreed to make a Site Visit.

MOTION: A motion to continue this Hearing to the Meeting on April 20, 2010 was made by Judith Bruce and seconded by Harry Herrick.

VOTE: Unanimous.

CERTIFICATE OF COMPLIANCE

Jeff Karlson (2008), 11 Sage's Way. This is a request for a Certificate of Compliance for an Order for a single-family dwelling. An As-Built Plan was submitted showing: a concrete patio, and different shapes to the stone retaining walls.

MOTION: A motion to release this Certificate of Compliance was made by Judith Bruce and seconded by Steve Phillips.

VOTE: Unanimous.

ADMINISTRATIVE REVIEWS

Nancy Burkert, 7 Harbor View Lane. This is a request to remove 1 pitch pine that is falling over into Critchet Pond, a willow that is growing into a wetland field area, and grapevines off the pond shore shrubs.

MOTION: A motion to approve this Administrative Review was made by Bob Royce and seconded by Harry Herrick.

VOTE: Unanimous.

George Brescia, 15 Packet Landing. This request to remove 7 trees was held from March 9th to find out why they wanted to remove large oaks. One oak is leaning toward the house. Only a stump sprout at the base will be removed from each of the other two oaks.

MOTION: A motion to approve this Administrative Review was made by Jamie Balliett and seconded by Steve Phillips.

VOTE: Unanimous.

Kevin Cassidy, 44 Captain Linnell Road. This request to work on the vegetation in the buffer has been reduced from the March 9th proposal. The Applicant would like to keep the vegetation at the current height around 6', which would include pruning a clump of tupelo saplings down 3'. The Applicant wants to keep the brushy area at 6'.

MOTION: A motion to approve this Administrative Review was made by Jamie Balliett and seconded by Steve Phillips.

VOTE: Unanimous.

William Coe, 156 Beach Road. This is a request to remove bittersweet from a planted area.

MOTION: A motion to approve this Administrative Review was made by Judith Bruce and seconded by Steve Phillips.

VOTE: Unanimous.

Marcia Galazzi, Tom's Hollow Lane. This is a request to fill numerous pot holes by hand on Tom's Hollow Lane within the wetland buffers. There will be no grading and the work will be done by AMA Excavating.

MOTION: A motion to approve this Administrative Review was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous.

Joel Smith, 6 Skaket Circle. This is a request to prune the shrubs and trees on the side of the yard back off the lawn. There is only about 1 shrub between the lawn and the water on the west. The Applicant wants to remove all the plants in the driveway turn-around and replace them with ornamentals. This work would

include removing 2-4 dead trees that were not tagged. There are many native species in this center including highbush blueberry. It is within 50' to two freshwater wetlands and within land subject to coastal storm flowage, and mostly within the road layout. The Applicant is also requesting to replace the railroad ties. The work will be done by Norman White. The Conservation Administrator said this proposed work has not been detailed enough, and she would like to speak with the Owner and Landscaper on site. This Administrative Review will be placed on hold.

Orleans Conservation Trust, (OCT) Namskaket Marsh. This is a request to remove trash in the Namskaket Marsh starting along the OCT property along the bike trail. It will be a single-day project from 5-8 hours. They did this last year and hope to do it annually. Kris Ramsay, from the Orleans Conservation Trust, was present.

MOTION: A motion to approve this Administrative Review was made by Steve Phillips and seconded by Jamie Balliett.

VOTE: Unanimous.

Town of Orleans (Parks and Beaches Department), Nauset Beach. This is a request to fill in the holes in the off-road vehicle trail south of the Nauset Beach Parking lot for 800 yards. The work will include the use of a front end loader and a truck. Paul Fulcher, Superintendent of the Parks and Beaches Department, said there is water on the back trails. If he doesn't fill in the trails, people drive out of the trails and widen them. These trails are beyond the Pochet over-wash.

MOTION: A motion to approve this Administrative Review was made by Jamie Balliett and seconded by Judith Bruce.

VOTE: Unanimous.

John Palmisano, 18 Ewing Drive. This is a request to remove 3 poplars on the southwest of the property near the neighbor's driveway. Two of these trees are leaning toward the drive. The Applicant also wants to remove 2 trees that are on the ground on an abutting property. The Abutters called the Conservation Department giving permission for the removal of their 2 trees.

MOTION: A motion to approve this Administrative Review was made by Judith Bruce and seconded by Harry Herrick.

VOTE: Unanimous.

REVISED PLAN

Nauset Marine (2003), 235 Main Street. This is a request for a Revised Plan showing a new proposed dock configuration. The Harbormaster does not have any objection to the proposed configuration and the square footage will not be increased.

MOTION: A motion to approve this Revised Plan was made by Judith Bruce and seconded by Harry Herrick.

VOTE: Unanimous.

REQUEST FOR FUNDING FROM THE CONSERVATION FUND

This request is for \$1,500, for a share of the \$2,960 proposal for GIS Orthophotography of the Eastern Coastline. Parks and Beaches has committed \$1,000. Planning can contribute \$100-200. Other Departments will contribute the remainder.

MOTION: A motion to approve the release of funds from the Conservation Fund was made by Judith Bruce and seconded by Harry Herrick.

VOTE: Unanimous.

REQUEST FOR FUNDING FROM THE WETLANDS PROTECTION FUND

John Kelly, the Town Administrator, has requested to transfer \$10,000 from the Wetlands Protection Fund to the FY 2011 Town operating budget for costs associated with the Conservation Department and Commission.

MOTION: A motion to approve the release of funds from the Wetlands Protection Fund was made by Judith Bruce and seconded by Harry Herrick.

VOTE: Unanimous.

(Bob Royce left the Meeting at this time, 9:45 a.m.)

REQUEST FOR FUNDING FROM THE SEA CALL RENTAL FUND

This request is for \$3,242.00 to re-shingle and repair the roof of the garage. The Fund currently has \$7,760.00. The Supporters keep the house up, and will hire a Licensed Contractor. There are no large issues on the dwelling.

MOTION: A motion to approve the above funding request from the Sea Call Rental Fund was made by Judith Bruce and seconded by James Trainor.

VOTE: Unanimous.

CHAIRMAN'S BUSINESS

Approval of the Minutes from the Work Meeting on March 23, 2010.

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MOTION: A motion to approve the Minutes from the Work Meeting on March 23, 2010 was made by Jamie Balliett and seconded by Judith Bruce.

VOTE: 5-0-1 Approved (Arnold Henson abstained).

Respectfully submitted,

Leslie Derrick, Conservation Commission Secretary

Approved *Judith Bruce*

Dated *April 13, 2010*